



Oregon

Kate Brown, Governor

Water Resources Department

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June 14, 2018

Ed Bowles, Administrator
Fish Division
Department of Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, Oregon 97302

REFERENCE: Transfer Application file T-12837

Dear Ed:

The Water Resources Department has determined that approval of water right transfer T-12837 would result in injury to instream water right Certificate 72697 on Graves Creek, due to reduction of flow within the reach between the authorized POD and the upstream POD, unless the transfer were conditioned so as to avoid or mitigate for injury. The transfer proposes to move the point of diversion on Graves Creek approximately 560 feet upstream from the authorized diversion point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, T34S, R5W, WM to the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8, T35S, R5W, WM.

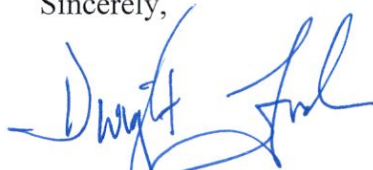
The Department's streamflow model predicts that natural flow in Graves Creek is insufficient to meet the requirements of the instream right. Based on potential impacts on the instream water right, we issued a draft Preliminary Determination on April 19, 2018, proposing to deny the transfer unless the Oregon Department of Fish and Wildlife (ODFW) recommends that the Water Resources Department consent to injury of the instream water right as per OAR 690-380-5050.

The applicant has requested that we pursue ODFW's recommendations on whether we should consent to the injury of the instream water right pursuant to ORS 540.530(c).

We hereby request a recommendation on whether we should consent to the injury to the instream water right that would result if water right transfer T-12837 were to be approved. We are enclosing a copy of the transfer application, our Preliminary Determination, and other supporting information to assist you in determining if the project would result in net benefits to the resource and in preparing a recommendation.

Please send your recommendation c/o Jessica Joye at the address above. Do not hesitate to contact me at 503-986-0814 or Jessica.L.Joye@oregon.gov, if you have questions or need additional information about this proposed transfer.

Sincerely,



Dwight French
Water Right Services Administrator

cc: Transfer Application file T-12837
Andreas and Carole Blech, transfer applicant
Steve Bruce, CWRE
Elizabeth Howard, Agent (via email)
Shonee Langford, Agent (via email)
Danette Faucera, Oregon Department of Fish and Wildlife
Peter Samarin, Oregon Department of Fish and Wildlife
Jake Johnstone, District 14 Watermaster (via email)
Confederated Tribes of Siletz, (via email)
Confederated Tribes of Grand Ronde, (via email)
Cow Creek band of Umpqua tribe of Indians, (via email)

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