



Oregon
Kate Brown, Governor

Water Resources Department

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July 19, 2018

Jennifer Wigal
Administrator, WQ Division
Oregon Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204-1390

REFERENCE: Transfer Application file T-12906

Dear Jennifer:

The Water Resources Department has determined that approval of water right transfer T-12906 would result in injury to instream water right Certificate 59788 on the John Day River, due to reduction of flow within the reach between the authorized POD and the proposed 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 the John Day River approximately 600 feet upstream from the authorized diversion point in the SE ¼ of the SE ¼ of Section 9, T13S, R33W, WM to the NE ¼ of the SE ¼ of Section 9, T13S, R33W, WM.

The Department's streamflow model predicts that natural flow in the John Day River appear to be insufficient during the months of August and September 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) and the Department of Environmental Quality (DEQ) 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 and DEQ's recommendation 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-12906 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-12906
Elmwood Ranch Inc, c/o Russel Ricco, Transfer applicant
Eric Julsrud, District 4 Watermaster (via email)
Kyle Sullivan, Agent (via email)
Levi R. Voigt, CWRE (via email)
Andy Schaedel, Oregon DEQ NW Region – WQ
Greg Geist, Oregon DEQ
Joni Hammond, Easter Region DEQ
Burns Paiute Tribe
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon