

Oregon Department of Fish and Wildlife

Water Right and Diversion Transfer Comment Form

(ODFW provides this review to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14424, Barry Delcurto

Date of review:04/05/2024

A. The Oregon Department of Fish and Wildlife (ODFW) does not believe this proposed transfer will injure any instream water rights.

B. Fish screen requirements pursuant to ORS 540.525 or 540.532:

Screen Future

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Comment: An artificial barrier was identified downstream via aerial imagery. Although there is not an immediate need for screening at this point of diversion, screening may become necessary in the future.

Jorden Smith (541)805-1990

East Region Hydropower and Water Rights Coordinator

Signature

Oregon Department of Fish and Wildlife

Additional Fish Screening and Passage Information for the Applicant

(To be completed by ODFW for WRD to provide to the applicant.)

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The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion

Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening.

Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.

ODFW staff name: Nathaniel Ashley

Address: PO BOX 515; W HWY 26 PATTERSON RD

City/State/Zip: John Day, OR 97845

Phone: (541)575-0561

This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Ethan Brandt

Address: 107 TWENTIETH ST

City/State/Zip: La Grande, OR 97850

Phone: (541)962-1829