Date: November 25, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR AN INSTREAM WATER RIGHT APPLICATION

OBJECTIONS TO THE PROPOSED INSTREAM WATER RIGHT TECHNICAL REVIEW REPORT, AS DESCRIBED BELOW, MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th St. NE, SALEM, OREGON 97310, ON OR BEFORE 5 PM: February 1, 1995.

1. APPLICATION FILE NUMBER - IS 70863

2. APPLICATION INFORMATION

Application name/address/phone:

Oregon Department of Fish and Wildlife
P.O. Box 59
Portland, Oregon 97207
503-229-5400

Date application received for filing and/or tentative date of priority: 11/ 8/1990

Source: PINE CR tributary to SNAKE R

County: BAKER

Purpose: MIGRATION, SPAWNING, EGG INCUBATION, FRY EMERGENCE AND JUVENILE REARING OF RAINBOW TROUT.

The amount of water (in cubic feet per second) requested by month:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	40.0	40.0	65.0	65.0	65.0	65.0	40.0	40.0	40.0	40.0	40.0	40.0
2nd½	40.0	50.0	65.0	65.0	65.0	50.0	40.0	40.0	40.0	40.0	40.0	40.0

To be maintained in:

PINE CREEK FROM FULLER CREEK AT RIVER MILE 27.0 (SESE, SECTION 15, TOWNSHIP 7S, RANGE 45E WM); TO LONG BRANCH AT RIVER MILE 13.5 (NESW, SECTION 7, TOWNSHIP 8S, RANGE 47E WM)

3. TECHNICAL REVIEW

The application is complete and free of defects.

The proposed use is not restricted or prohibited by statute.

The following supporting data has been submitted by the applicant:

(a) The Fish and Wildlife Resources of the Powder Basin and Their Water Requirements; August 1967.

(b) Determining Minimum Flow Requirements for Fish, ODFW Report January 20, 1984.

(c) Development and Application of Spawning Velocity and Depth Criteria for Oregon Salmonids, Alan K. Smith, Transactions of the American Fisheries Society, April 1973.

(d) Determining Stream Flows for Fish Life, Oregon State Game Commission Report, March 1972.

The source of water is not withdrawn from appropriation by order of the State Engineer or legislatively withdrawn by ORS 538.

An assessment with respect to conditions previously imposed on other instream water rights granted for the same source has been completed.

An assessment with respect to other Commission administrative rules, including but not limited to the applicable basin program has been completed.

An evaluation of the information received from the local government(s) regarding the compatibility of the proposed instream water use with land use plans and regulations has been completed.

The level of instream flow requested is based on the methods of determining instream flow needs that have been approved by administrative rule of the agency submitting this application.

The evaluation of the estimated average natural flow available from the proposed source during the time(s) and in the amounts requested in the application is described below. The recommended flows take into consideration planned uses and reasonably anticipated future demands for water from the source for agricultural and other uses as required by the standards for public interest review:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
1st½	40.0	40.0	65.0	65.0	65.0	65.0	40.0	40.0	40.0	40.0	40.0	40.0	
2nd½	40.0	50.0	65.0	65.0	65.0	50.0	40.0	40.0	40.0	40.0	40.0	40.0	REQUESTED
	90.5	163	271	361	512	472	101	58.2	52.8	52.9	62.3	96.3	AVE FLOW
1st½	40.0	40.0	65.0	65.0	65.0	65.0	40.0	40.0	40.0	40.0	40.0	40.0	ODFW MIN
2nd½	40.0	50.0	65.0	65.0	65.0	50.0	40.0	40.0	40.0	40.0	40.0	40.0	

4. REPORT CONCLUSIONS

The proposed water use, as conditioned, passed this technical review. The information contained in the application along with the supporting data submitted by the applicant indicate that the flow levels set out in this report are necessary to protect the public use.

The supporting data states that the recommended flows are necessary to meet the biological requirements for spawning and rearing of salmonids and resident game fish. Consideration of habitat type, stream depth and water velocity were considered by the applicant in development of the flow levels. (*See Determining Minimum Flow Requirements for Fish, ODFW Report January 20, 1984.*) The recommended flow volumes are necessary to ensure appropriate levels of dissolved oxygen, turbidity, pH and temperature.

Minimum stream flow recommendations (ODFW MIN) developed from the 1965 and 1966 study are intended to provide suitable environment during appropriate seasons to perpetuate minimum desirable conditions capable of maintianing trout populations. The recommended minimums are based primarily on the biological requirements of the fish present and follow sesonal stream discharge patterns to which the life cycles of salmonids have become adapted. *(See 1967 report)*

5. PROPOSED CERTIFICATE CONDITIONS

[The following proposed conditions will apply to water use and will appear on the face of the certificate.]

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	40.0	40.0	65.0	65.0	65.0	65.0	40.0	40.0	40.0	40.0	40.0	40.0
2nd½	40.0	50.0	65.0	65.0	65.0	50.0	40.0	40.0	40.0	40.0	40.0	40.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.

3. This instream right shall not have priority over rights to use water for human or livestock consumption.

4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.