

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 70870
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: E PINE CR tributary to PINE CR

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
1st $\frac{1}{2}$	6.0	6.0	16.0	16.0	16.0	16.0	6.0	6.0	6.0	6.0	6.0	6.0
2nd $\frac{1}{2}$	6.0	10.0	16.0	16.0	16.0	10.0	6.0	6.0	6.0	6.0	6.0	6.0

To be maintained in:

EAST PINE CREEK FROM BEECHER CREEK AT RIVER MILE 10.3 (SE1/4, SECTION 16, TOWNSHIP 7S, RANGE 46E WM); TO THE MOUTH AT RIVER MILE 0.0 (SWNW, SECTION 18, TOWNSHIP 8S, RANGE 47E WM)

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 maintaining trout populations. The recommended minimums are based primarily on the biological requirements of the fish present and follow seasonal 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	6.0	6.0	16.0	16.0	16.0	16.0	6.0	6.0	6.0	6.0	6.0	6.0
2nd½	6.0	10.0	16.0	16.0	16.0	10.0	6.0	6.0	6.0	6.0	6.0	6.0

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 domestic, livestock or municipal uses or waters to be legally stored or legally released from storage.
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.