

Date: November 23, 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, 3850 PORTLAND ROAD NE, SALEM, OREGON 97310, ON OR BEFORE 5 PM: February 1, 1995

- 1. APPLICATION FILE NUMBER -IS 73370
- 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: 5/ 5/1993

Source: M FK ROGUE R tributary to S FK ROGUE R

County: JACKSON

Proposed use: Providing required stream flows for cutthroat, rainbow, brook and brown 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 1/2	135.0	135.0	135.0	135.0	135.0	80.0	54.0	54.0	135.0	135.0	135.0	135.0
2nd 1/2	135.0	135.0	135.0	135.0	80.0	80.0	54.0	135.0	135.0	135.0	135.0	135.0

To be maintained in:

MIDDLE FORK ROGUE RIVER FROM BESSIE CREEK (SW1/4, SECTION 32, TOWNSHIP 32S, RANGE 4E WM); TO THE MOUTH (NW1/4, SECTION 9, TOWNSHIP 33S, RANGE 3E 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) Fish and Wildlife Resources of the Rogue Basin, Oregon, and Their Water Requirements; November 1970 and April 1972.
- (b) Determining Minimum Flow Requirements for Fish, ODFW Report January 20, 1984.
- (c) Developing 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The source of water is not withdrawn from appropriation by order of the State Engineer or legislatively withdrawn by ORS 538.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 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
1st%	135.0	135.0	135.0	135.0	135.0	80.0	54.0	54.0	135.0	135.0	135.0	135.0
2nd%	135.0	135.0	135.0	135.0	80.0	80.0	54.0	135.0	135.0	135.0	135.0	135.0
	322	341	345	394	458	411	270	229	216	222	251	304 AVE FLOW
	80	80	80	80	60	40	30	30/90	90	90	80	80 ODFW MIN



#### 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.

The listed flows are adequate for present fish populations; however, true optimum flows for either spawning or rearing were not determined for the 1963 Report. The flows described in the 1963 Report are believed to be below the average annual discharges for most streams, but recommended rearing flows will frequently exceed to some degree those existing naturally, particularly in the smaller and lower elevation streams. (See *Fish and Wildlife Resources of the Rogue Basin, Oregon, and Their Water Requirements; November 1970 and April 1972.*) Several times greater flow requirements are necessary to stimulate and maintain upstream migration of anadromous fish, including migratory freshwater trout. (See 1984 Report.)

Minimum stream flow recommendations developed from the 1969 survey are intended to provide enough suitable environment during appropriate seasons to perpetuate minimum desirable fish populations. Optimum flows would more nearly maximize production. The flow each location is that which should always arrive and depart from the designated point and do so without regulation which would cause portions of the stream to vary drastically from the recommended flows. The applicant has stated that as knowledge increases or environmental conditions change, it may be necessary to adjust the recommended flows either up or down to more properly fit the situations known to occur at that time. (See 1970 and 1972 Reports.)

#### 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	
135.0	135.0	135.0	135.0	135.0	80.0	54.0	135.0	135.0	135.0	135.0	135.0	304

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 domestic, livestock, water legally stored or water released from storage to satisfy a secondary water right. Domestic use does not include irrigation of lawns and gardens.
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.

