

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: G 18298 Applicant's Name: Alan Insko, WELL SPRINGS RANCH PARTNERSHIP

- A) Will the proposed use occur in an area that may affect the essential habitat of a **SENSITIVE** fish species?
 NO YES Species: redband trout If YES, fill out **SECTION I** and the **RECOMMENDATION**.
- B) Will the proposed use occur in an area that may affect the essential habitat of a **THREATENED OR ENDANGERED** fish species?
 NO YES Species: summer steelhead, spring Chinook Status: Threatened Endangered
 If YES, fill out **SECTION II** and the **RECOMMENDATION**.

If your answer is **NO** to both questions, you may comment by completing the public interest review sheet on the back of this page.

SECTION I:

- 1) Will the proposed use result in a **NET LOSS** in the habitat of a **SENSITIVE SPECIES**? [690-33-330(2)(a)] NO YES
 ODFW recommends the following biologically necessary flows (identified in an instream water right(s) or other flow analysis) to support the biological needs of fish species.

Instream Water Right(s): IS70682

The proposed use **will impair** the identified biologically necessary flows for fish entirely or partially during the period of impact.

- 2) What stage or value is at risk (check all that apply): Spawning Incubation Rearing Passage Habitat Value
- 3) Can conditions be applied to mitigate the impact to the essential habitat of a **SENSITIVE** species?
 NO YES; recommend from Menu of Conditions and skip to Section II.
 ODFW supports WRD's Initial Review determination that appropriation for the proposed use is not allowable entirely or partially during the requested period and that it is unlikely that the application will be approved unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. Without mitigation, the proposed use will be detrimental to a sensitive fish species. If the applicant is interested in pursuing mitigation, the caseworker should contact the local ODFW Fish Biologist for a recommended Mitigation Obligation consistent with OAR 635-415, as required under OAR 690-33.
- 4) If conditions cannot be identified to offset impacts to the essential habitat of **SENSITIVE** species, would the proposed use harm the species?
 NO YES [690-33-330(4)] Please explain:

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated, what conditions do you recommend? (select from Menu of Conditions)

SECTION II:

- 1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program? NO YES [690-33-120(1)]
 Explain:

Based on ODFW's knowledge, the proposed use is **inconsistent** with the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program¹ due to impairment of biologically necessary flows or to impacts to ecological functions important to threatened and endangered fish

¹ The Columbia River Basin Fish and Wildlife Program (WRD's document number 94-2) states: "In determining whether a proposed diversion or transfer would be consistent with salmon and steelhead needs, consult with fish and wildlife agencies and Indian tribes to determine whether the proposed use would cause any reduction in the quantity or productivity of salmon and steelhead habitat" (7.8G.1). In addition, the document includes a recommendation to "halt further issuance of consumptive water rights unless a finding can be made, in consultation with fish agencies and tribes, that existing instream flows meet anadromous fish needs for all life-stages" (Recommendation No.: 7-2).

If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program? NO YES
(select from Menu of Conditions)

ODFW supports WRD's Initial Review determination that appropriation for the proposed use is not allowable entirely or partially during the requested period and that it is unlikely that the application will be approved unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. Without mitigation, the proposed use will be detrimental to threatened and endangered fish species. If the applicant is interested in pursuing mitigation, the caseworker should contact the local ODFW Fish Biologist for a recommended Mitigation Obligation consistent with OAR 635-415, as required under OAR 690-33.

RECOMMENDATION under OAR 690-033-0330 (2): Approval with conditions
 Approval without conditions
 Denial

ODFW Representative signature: 

Date: 5/22/19

WRD Contact: Caseworker: Elisabeth Graham Water Rights Division, 503-986-0900 / Fax 503-986-0901