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JAN 29 1992

IWR Application # 72187 Certificate # \_\_\_\_\_

WATER RESOURCES DEPT.  
SALES, OREGON

STATE OF OREGON

WATER RESOURCES DEPARTMENT

**Application for Instream Water Right  
by Oregon Department of Fish and Wildlife**

There is no fee required for this application.

Applicant: Randy Fisher for Oregon Department of Fish and  
Wildlife, PO Box 59, Portland, OR 97207

1. The name of the stream of the proposed instream water right is North Powder River, a tributary of Powder River.
2. The public use this instream water right is based on is providing required stream flows for rainbow and brook trout.
3. The amount of water (in cubic feet per second) needed by month for each category of public use is as follows:

USE(S): Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
8	8/ 15	25	25	25	25	15/ 10	8	8	8	8	8

4. The reach of the stream identified for an instream water right is from (upstream end) Antone Creek, river mile 12.9, within the NW quarter of Section 5, Township 7S, Range 38E W.M., in Baker County...

Downstream to Anthony Fork, river mile 10.1, within the NE quarter of the SE quarter of Section 28, Township 6S, Range 38E W.M., in Baker County.

5. The method used to determine the requested amounts was the Oregon Method.
6. When were the following state agencies notified of the intent to file for the instream water right?

Dept. of Environmental Quality	Date: January 8, 1992
ODFW (Fish, Wldlf, and Habitat)	Date: January 8, 1992
Parks and Recreation Division	Date: January 8, 1992

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7. If possible, include recommendations for measuring locations or methods:

Establish a gaging structure at or near the lower limit of the reach.

8. If possible, include recommendations for assisting the Water Resources Department (WRD) in measuring and monitoring procedures:

Local ODFW personnel will assist the watermaster in establishing a monitoring plan and program.

9. If possible, include other recommendations for methods or conditions necessary for managing the water right to protect the public uses [see OAR 690-77-020 (5)(c)]: None.

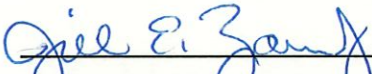
10. Remarks: The requested flows are the minimum required to maintain salmonid populations at their current levels. No provision is made at these flows for population restoration or enhancement.

An instream water right may be allowed for an instream beneficial use of water subject to existing water rights with an effective date prior to the filing date of this application.

This type of beneficial use is for the benefit of the public and a certificate issued confirming an instream water right shall be held in trust by the Water Resources Department for the people of the State of Oregon, pursuant to ORS 537.341.

Date: 1/22/92

Oregon Department of Fish and Wildlife

Signed: 

Assistant Director  
Habitat Conservation Div.

File: NPOWDER1.APP

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This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return them for:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In order to retain its priority, this application must be returned to the Water Resources Department with corrections on or before

\_\_\_\_\_, 19\_\_.

Date: \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
\_\_\_\_\_

This document was first received at the Water Resources Department in Salem, Oregon, on the 29<sup>th</sup> day of January, 1992, at 8:00 o'clock A M.

Water Resources Department  
3850 Portland Rd. NE  
Salem, OR 97310