



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem OR 97301-1266
 503-986-0900
 www.oregon.gov/owrd

Application for Instream Water Right Certificate

SECTION 1: ORGANIZATION INFORMATION AND SIGNATURE


Organization Information

NAME OREGON DEPT. OF FISH AND WILDLIFE		PHONE 503-947-6000	FAX 503-947-6202
ADDRESS 4034 FAIRVIEW INDUSTRIAL DR. SE			CELL
CITY SALEM	STATE OR	ZIP 97302	E-MAIL *

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME SPENCER SAWASKE / OREGON DEPT. OF FISH AND WILDLIFE		PHONE 971-375-7440	FAX
ADDRESS 4034 FAIRVIEW INDUSTRIAL DR. SE			CELL
CITY SALEM	STATE OR	ZIP 97302	E-MAIL * SPENCER.R.SAWASKE@ODFW.OREGON.GOV

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Note that paper copies of the Final Order documents will also be mailed.)

 _____ Applicant Signature	Spencer Sawaske, Acting Water Program Manager _____ Print Name and Title	07/09/24 _____ Date
Applicant Signature	Print Name and Title	Date

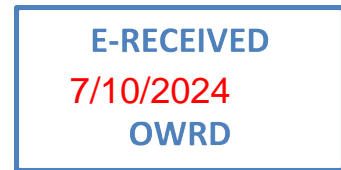
SECTION 2: NOTIFICATION TO DEQ, ODFW, AND PARKS

Please indicate the date you notified other state agencies of your intent to file an instream water right application.

Oregon Department of Environmental Quality was notified on: 2/26/24

Oregon Department of Fish and Wildlife was notified on: na

Oregon Parks and Recreation Department was notified on: 2/26/24



SECTION 3: NOTIFICATION TO AFFECTED LOCAL GOVERNMENTS

Please provide copies of letters of your intent to file an instream water right application to each affected local government within whose jurisdiction the instream use is proposed. Affected local government means any city, county or metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land-use planning functions under [ORS 197.190](#).

SECTION 4: SOURCE AND REACH

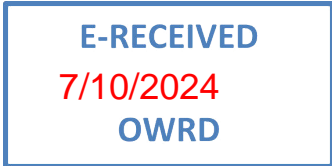
Stream or lake name: East Fork McKay Creek

Tributary to: Mckay Creek

If the source is a stream, indicate the reach delineated by river mile (the upstream point to the downstream point) of the proposed instream water right: East Fork McKay Creek, tributary to Mckay Creek, beginning at river mile 4.4 (NENW, S9, T2N, R2W, WM) in Washington County (45.675167, -122.941112) and continuing downstream to the mouth river mile 0.0 (NWSW, S18, T2N, R2W, WM) in Washington County (45.65619, -122.989643).

If the source is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume and page, or decree name). _____

If the source is stored water and you do not, or will not, own the reservoir(s), please enclose a copy of your written agreement with the owner of the reservoir to release flows identified in this application.



SECTION 5: PUBLIC USES AND AMOUNTS

ODFW Administrative Rule 635-400-0015(7) & (8) require ODFW to request flows that meet the following standard:

(7) An instream flow requirement shall be specified as a quantity of water or water surface elevation as determined by the methodologies in this section and dependent upon other habitat factors, fish or wildlife species plans, basin or subbasin plans, management objectives or other commission policies for the waterway.

(8)(a) The instream flow requirement for any specified period shall be no less than the highest instream flow or water surface elevation required by any of the fish or wildlife species of management interest during that period

The public uses to be served by the requested instream water right are: For the conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat.

The monthly (or half-monthly) flows in cubic feet-per-second (CFS) or acre-feet (AF) or by lake elevation (LE) necessary to support the public uses are:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
18	18	18	18	15.5	6.7/5	2	2	2	3.8	18	18	<input checked="" type="checkbox"/> CFS <input type="checkbox"/> AF <input type="checkbox"/> LE

If this is a multi-agency request, please indicate the monthly (or half-monthly) flows in cubic feet-per-second (cfs) or acre-feet (af) or by lake elevation (le) that are necessary to support the public uses for each category of public use.

USE	J	F	M	A	M	J	J	A	S	O	N	D	
													<input type="checkbox"/> CFS <input type="checkbox"/> AF

rules and Commission policies; 2) the presence of fish and wildlife species that are considered endangered, threatened, sensitive or otherwise important; 3) the need to conserve, maintain or enhance fish or wildlife habitats or functions, including but not limited to, passage, spawning, incubation, rearing, and wintering habitats that maintain or improve the species.

OAR 635-400-0025- Responsibilities to WRD

ODFW will coordinate with OWRD for instream water rights monitoring as necessary for priority reaches. Specifically, ODFW will coordinate with OWRD to develop monitoring plans for instream water rights, revise or create a Memorandum of Understanding between the ODFW and OWRD to include issues related to instream water rights, such as measuring, monitoring and enforcement of instream water rights.

OAR 635-400-0030- Internal Process for Instream Water Right Application

Instream water rights application initiation, consultation, review, processing, submittal, and record keeping was consistent with ODFW rules. Specifically, the application was initiated and processed by the proper ODFW staff, and ODFW shall also abide by the review requirements and make any required corrections requested by OWRD.

References:

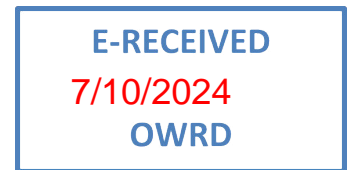
Hutchison, J., & Aney, W. (1964). The fish and wildlife resources of the Lower Willamette Basin, Oregon, and their water use requirements: A report with recommendations to the Oregon State Water Resources Board. Oregon State Game Commission.

Oregon State Game Commission. (1963). The fish and wildlife resources of the Middle Willamette Basin, Oregon, and their water use requirements.

Thompson, K.E., 1972. Determining stream flows for fish life. Pages 31-50 plus appendices in Proceedings of the Instream Flow Requirement Workshop, March 15-16, 1972, Portland, Oregon. Pacific Northwest River Basins Commission.

SECTION 7: REMARKS

Use this space to clarify any information you have provided in the application. Copies of letters to local governments and the Basin Investigation Reports are not attached to each application individually; rather, they are provided separately (hard copy and electronically).



SECTION 8: MAP

- Please provide a basin map that identifies the reach of the stream or the lake.
 - Attached at end of the application.

YOU ARE ENCOURAGED TO PROVIDE THIS INFORMATION:

A means and location for measuring the instream water right: Please see section 6

The strategy and responsibility for monitoring flows for the instream right: Please see section 6

Any provisions needed for managing the water right to protect the public uses: Please see section 6

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- Other: _____

E-RECEIVED
7/10/2024
OWRD