Oregon

Tina Kotek, Governor

Water Right Application Initial Review

September 27, 2024

OREGON DEPARTMENT OF FISH AND WILDLIFE
ATTN: SPENCER SAWASKE
4034 FAIRVIEW INDUSTRIAL DR SE
SALEM OR 97302

Reference: Application IS-89668

This document is to inform you of the preliminary analysis of the instream water right application and to describe your options. In determining whether an application may be approved, the Water Resources Department (Department) must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Department has made the following preliminary determinations:

Preliminary Determinations under Oregon Administrative Rule (OAR) 690-077-0029:

1. The application proposes the instream protection of water in Bear Creek, from river mile 1.0 to mouth river mile 0.0, tributary to Long Tom River, for the following public use: conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat (Oregon Revised Statute (ORS) 537.332(5)). The requested rate in cubic feet per second (CFS) by month (or half-month) is shown below.

    Amount of water requested for instream use (CFS):

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
8.0	8.0	8.0	8.0	8.0	3.0/1.0	0.5	0.5	0.5	0.5	6.0/8.0	8.0

2. The proposed use is not prohibited by law or rule except where otherwise noted below.

3. The proposed reach for this instream water right application is in the Long Tom River Subbasin of the Willamette Basin.

4. Instream use is allowed under the Willamette Basin Program (OAR 690-502-0090(1)(b)).

5. Water available for instream use is limited to the estimated average natural flow. OAR 690-077-0015(4).

6. An assessment of water availability at 50% exceedance probability, and the estimated average natural flow, for the proposed use was completed using the Department's Water Availability Reporting System. A copy of this assessment is in the application file. This review was completed consistent with OAR 690-077-0029(1)(b). The assessment established, during the period of use requested, the estimated average natural flow shown below.

Estimated Average Natural Flow (CFS):

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
96.0	109.0	85.1	44.9	21.9	4.36	1.74	0.995	1.7	3.17	16.2	72.3

7. The proposed use is not located within or above any state scenic waterway.

Summary of Preliminary Determinations

The instream protection of water in Bear Creek, from river mile 1.0 to mouth river mile 0.0, tributary to Long Tom River, for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat is allowable.

Amount allowable by month (or half-month) for instream use (CFS):

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
8.0	8.0	8.0	8.0	8.0	3.0/1.0	0.5	0.5	0.5	0.5	6.0/8.0	8.0

Public Comment & Further Review:

Public interest issues and/or public comments will be addressed as the Department prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

At this time, you must decide whether to proceed or to withdraw the application.

- To Proceed - If you choose to proceed with the application, you do not have to notify the Department. The application will be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.

- To Withdraw - You may withdraw the application. You must notify the Department **in writing** by sending a hard copy letter or an email to the assigned caseworker. The Department will not further process the application until the Stop Processing Deadline Date shown in the attached Application Fact Sheet. This 14-day window allows the applicant time to withdraw the application before the Department takes further action. The applicant still has the opportunity to request to withdraw the application after this deadline.

If a certificate is issued, it will likely include the following conditions:

1. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.

2. 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.

3. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

<u>For Further Information:</u>

Feel free to contact me at Adam.M.Frederick@water.oregon.gov or 971-707-8400 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0900. When corresponding by mail, please use this address: Adam Frederick, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

Adam Frederick

Adam Frederick
Water Right Application Specialist
Oregon Water Resources Department

Enclosures: Application Fact Sheet

IS-89668
Proposed to Approve

APPLICATION FACT SHEET

Application File Number: IS-89668

Applicant: OREGON DEPARTMENT OF FISH AND WILDLIFE

County: LANE

Watermaster: LANAYA BLAKELY, #2, NWR

Priority Date: AUGUST 14, 2024

Source: BEAR CREEK, FROM RIVER MILE 1.0 TO MOUTH RIVER MILE 0.0, TRIBUTARY TO LONG TOM RIVER

Purpose or Use: INSTREAM USE

Period of Use and Rate (CFS):

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
8.0	8.0	8.0	8.0	8.0	3.0/1.0	0.5	0.5	0.5	0.5	6.0/8.0	8.0

Basin Name & Number: WILLAMETTE, #2

WAB: LONG TOM R > WILLAMETTE R - AB MOUTH

PUBLIC NOTICE DATE: October 1, 2024

14 DAY STOP PROCESSING DEADLINE DATE: October 11, 2024

30 DAY COMMENT DEADLINE DATE: October 31, 2024