

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Form 1 - Upper Columbia

Jim Bailey

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

Date: 4/1/2008 Please return to WRD before **ASAP**.

Application #: G-16446

Applicant's Name: Was: La Grande Farms / Now ROVEY FARMS; BYRON ROVEY

Source: WELL 12 IN CATHERINE CREEK BASIN

A) Will the proposed use occur in an area that may affect the essential habitat of a **SENSITIVE** fish species? Redband
☐ NO ☒ YES 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: Spring Chinook, Summer steelhead _____
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)]

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 (if no go to 4) ☒ YES [690-33-330(3)]

Which conditions are recommended? Possible mitigation if applicant purchased water from somewhere else (an existing
water right). (select from Menu of Conditions)

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)] If YES, please explain: There is no water available in Catherine Creek during
period requested.

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)

b51a No surface water available from March 1 -Nov 30 _____

SECTION II:

1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program? ☒ NO ☐ YES [690-33-120(1)]
Explain: No water available in Catherine Creek. Doesn't meet instream water right requirement

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

Period of use only Dec., Jan., Feb. b51a _____

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

ODFW Representative signature: _____ Nadine Craft Date: 4/14/08

WRD Contact: Caseworker: Kerry Kavanagh, Water Rights Division

503-986-0816/ Fax: 503-986-0901 / e-mail: Kerry.L.KAVANAGH@wrdd.state.or.us

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Current as of November 2, 2006

ODFW PUBLIC INTEREST REVIEW SHEET

Application #: G-16446 Applicant's Name: ROVEY FARMS; BYRON ROVEY

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

☐ NO (Sign form and return)

☐ YES Species: _____

Other: _____

What stage or value is at risk (check all that apply): ☐ Spawning, ☐ Incubation ☐ Rearing ☐ Passage ☐ Habitat Value

2) Will the proposed use result in a loss of habitat? ☐ NO ☐ YES

3) Can conditions be applied to mitigate the impact to the loss of habitat? ☐ NO ☐ YES

Which conditions are recommended? (select from Menu of Conditions) _____

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species? ☐ NO ☐ YES

If YES, 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)

6) Your recommendation: _____ Approval with conditions

_____ Approval without conditions

_____ Denial

ODFW Representative signature: _____ Date: _____

WRD Contact: Caseworker: Kerry Kavanagh, Water Rights Division

503-986-0816/ Fax: 503-986-0901 / e-mail: Kerry.L.KAVANAGH@wrdd.state.or.us

The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a shway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

- shself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- shapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- shdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635-415-030 adopted November 13, 1991, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass device provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- shmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- 52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- 5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- 51a** The period of use has been limited to _____ through _____.
- 57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- 58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.
- title call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- iparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635-415-030 adopted November 13, 1991, shall be followed.
- 'q** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- nce** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- lv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.