

April 29, 1996

Director  
Oregon Department of Fish and Wildlife  
2501 SW First Ave  
PO Box 59  
Portland OR 97207

WATER  
RESOURCES  
DEPARTMENT

Reference: Instream water rights in the Klamath Basin,  
Files 70094, 70799, 70800, 70808, 70809, 70813-  
70815, 70817, 70819, 70820, 70830-70832

Dear Oregon Department of Fish and Wildlife:

This document, called an "Initial Review", is to inform you of the potential limitations to your proposed instream water right and to describe some of your options. Based on the information you have supplied, the Water Resources Department has made several determinations:

The referenced applications are complete and not defective.

The proposed use is not prohibited by law;

The instream use is allowed under ORS 542.620, the Klamath River Compact;

1. **Application 70094** **Priority date: 10/13/89**  
JOINT APPLICATION FROM ODFW AND OREGON PARKS AND RECREATION DEPT.  
KLAMATH R TRIB PACIFIC OCEAN  
KLAMATH COUNTY

KLAMATH R FM THE CONFLUENCE OF JC BOYLE POWERHOUSE TAILRACE &  
THE NATURAL CHANNEL AT R.M. 220.4 (NWNW, S 13, T40S, R6E WM);  
TO THE OREGON/CALIFORNIA BORDER R.M. 209.3 (NWNE, S13, T41S, R5E WM)

a. The amount of water requested for instream use:

Recreation

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500

Fish life and fish habitat

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
550	550	550	550	550	550	550	550	550	550	550	550

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2170	2290	2840	3390	3230	2780	1900	1330	1160	1260	1500	1800



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
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## c. Allowable water use

## Recreation

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1500	1500	1500	1500	1500	1500	1500	1330	1160	1260	1500	1500

## Fish life and fish habitat

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
550	550	550	550	550	550	550	550	550	550	550	550

## 2. Application 70799

Priority date: 10/26/90

S FK SPRAGUE R TRIB SPRAGUE R  
LAKE COUNTY

SOUTH FORK SPRAGUE RIVER FROM CAMP CREEK AT RIVER MILE 28.7 (SESW, SECTION 14, TOWNSHIP 36S, RANGE 16E WM); CREEK RIVER MILE 21.6 (NWSW, SECTION 10, TOWNSHIP 37S, RANGE 16E WM)

## a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
40	40	40	40	40	20	10	10	10	40	40	40

## b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
11.9	12.9	17.6	54.4	92	37.1	9.61	6.58	7.68	9.72	11.5	12.5

## c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
11.9	12.9	17.6	40	40	20	9.61	6.58	7.68	9.72	11.5	12.5

## 3. Application 70800

Priority date: 10/26/90

S FK SPRAGUE R TRIB SPRAGUE R  
LAKE COUNTY

SOUTH FORK SPRAGUE RIVER FROM THE HEADWATERS AT RIVER MILE 32.0 (NENE, SECTION 2, TOWNSHIP 36S, RANGE 16E WM); TO CAMP CREEK AT RIVER MILE 28.7 (SESW, SECTION 14, TOWNSHIP 36S, RANGE 16E WM)

## a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
6	6	10	10	10	7	4	4	4	10	6	6

## b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3.52	3.66	4.91	15.7	29.3	12.3	3.22	2.16	2.51	3.11	3.58	3.78

## c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3.52	3.66	4.91	10	10	7	3.22	2.16	2.51	3.11	3.58	3.78

4. Application 70808

Priority date: 10/26/90

DEMING CR TRIB S FK SPRAGUE R  
 KLAMATH COUNTY

DEMING CREEK FROM THE HEADWATERS (SECTION 1, TOWNSHIP 36S, RANGE 15E WM); TO ROCKY FLAT CREEK (DRAINING CAMPBELL RESERVOIR) (SENW, SECTION 24, TOWNSHIP 36S, RANGE 14E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10	10	10	10	10	5	1	1	5	10	10	10

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
7.72	10.1	18	66.4	75.2	18.4	3.18	2.34	2.89	4.05	5.92	7.48

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
7.72	10	10	10	10	5	1	1	2.89	4.05	5.92	7.48

5. Application 70809

Priority date: 10/26/90

FISHHOLE CR TRIB S FK SPRAGUE R  
 KLAMATH COUNTY

FISHHOLE CREEK FROM BRIGGS SPRINGS (NENW, SECTION 35, TOWNSHIP 38S, RANGE 15E WM); TO THE MOUTH AT RIVER MILE 0.0 (NWSE, SECTION 27, TOWNSHIP 36S, RANGE 14E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10	10	10	10	10	7	4	4	4	10	6	6

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
11.5	25.6	48.2	55.1	33.3	23.5	10.9	5.02	4.81	5.43	5.35	8.08

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10	10	10	10	10	7	4	4	4	5.43	5.35	6

## 6. Application 70813

Priority date: 10/26/90

UPPER KLAMATH L TRIB KLAMATH R  
KLAMATH COUNTY

LINK RIVER FROM LINK RIVER DAM (SECTION 30, TOWNSHIP 38S, RANGE 9E WM); TO LAKE EWAUNA AT RIVER MILE 0.0 (SECTION 32, TOWNSHIP 38S, RANGE 9E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
60	60	80	80	80	30	20	40	30	30	30	50

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2120	2210	2680	3210	3120	2740	1880	1310	1140	1240	1470	1760

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
60	60	80	80	80	30	20	40	30	30	30	50

## 7. Application 70814

Priority date: 10/26/90

LONG CR TRIB SYCAN R  
KLAMATH COUNTY

LONG CREEK FROM UNNAMED TRIBUTARY (SW1/4, SECTION 1, TOWNSHIP 33S, RANGE 15E WM); TO THE MOUTH AT RIVER MILE 0.0 (SENE, SECTION 36, TOWNSHIP 32S, RANGE 14E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3	3	6	6	6	3	1	1	1	6	3	3

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
4	4.83	8.5	28.5	58.4	21.1	3.83	2.28	2.45	2.89	3.59	4.22

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3	3	6	6	6	3	1	1	1	2.89	3	3

8. Application 70815

Priority date: 10/26/90

N FK SPRAGUE R TRIB SPRAGUE R  
LAKE COUNTY

NORTH FORK SPRAGUE RIVER FROM HEAD OF RIVER SPRING AT RIVER MILE 34.0 (SWSW, SECTION 15, TOWNSHIP 35S, RANGE 16E WM) TO SHEEPY CREEK AT RIVER MILE 17.5 (SENW, SECTION 15, TOWNSHIP 35S, RANGE 15E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
30	30	30	30	30	20	10	10	10	30	30	30

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
71.2	62.7	52.5	97.8	199	143	79	66.2	76.8	88.9	86.3	79.2

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
30	30	30	30	30	20	10	10	10	30	30	30

9. Application 70817

Priority date: 10/26/90

PARADISE CR TRIB SKULL CR  
KLAMATH COUNTY

PARADISE CREEK FROM HEADWATER SPRINGS (NENE, SECTION 21, TOWNSHIP 34S, RANGE 15E WM) TO THE MOUTH AT RIVER MILE 0.0 (SWNE, SECTION 22, TOWNSHIP 33S, RANGE 15E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3	3	6	6	6	3	1	1	1	6	3	3

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3.15	3.82	6.91	24.3	49.2	17	2.94	1.75	1.89	2.23	2.81	3.32

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3	3	6	6	6	3	1	1	1	2.23	2.81	3

10. Application 70819

Priority date: 10/26/90

SUN CR TRIB ANNIE CR  
KLAMATH COUNTY

SUN CREEK FROM CRATER LAKE NATIONAL PARK BOUNDARY (SENW, SECTION 17, TOWNSHIP 32S, RANGE 7.50E WM); TO THE MOUTH AT RIVER MILE 0.0 (SECTION 4, TOWNSHIP 33S, RANGE 7.50E WM)

a. The amount of water requested for instream use:

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

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10.3	9.49	9.86	14.9	26.6	32.8	27	16.9	13.4	16	12.7	13.8

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10	9.49	9.86	10	10	10	8	8	8/13.4	15	12.7/10	10

11. Application 70820

Priority date: 10/26/90

SYCAN R TRIB SPRAGUE R  
LAKE COUNTY

SYCAN RIVER FROM SOUTH FORK SYCAN RIVER AT RIVER MILE 68.2 (SECTION 35, TOWNSHIP 33S, RANGE 16E WM); TO PARADISE CREEK AT RIVER MILE 58.2 (SWNE, SECTION 22, TOWNSHIP 33S, RANGE 15E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
15	15	20	20	20	15	12	10	10	20	15	15

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10.5	12	18.2	50.9	116	54.8	13	7.42	7.95	8.99	10.2	11.3

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10.5	12	18.2	20	20	15	12	7.42	7.95	8.99	10.2	11.3

12. Application 70830

Priority date: 10/26/90

SEVENMILE CR TRIB UPPER KLAMATH L  
KLAMATH COUNTY

SEVENMILE CREEK FROM DRY CREEK AT RIVER MILE 17.9 (NWSW, SECTION 11, TOWNSHIP 33S, RANGE 6E WM); TO THE MOUTH AT RIVER MILE 0.0 (SWNE, SECTION 9, TOWNSHIP 35S, RANGE 7.50E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
15	15	15	15	15	12	10	10	8	15	15	15

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
90.3	93	97.3	102	106	105	71.1	59.9	64	73.2	88.7	90.5

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
15	15	15	15	15	12	10	10	8	15	15	15

13. Application 70831

Priority date: 10/26/90

ANNIE CR TRIB WOOD R  
KLAMATH COUNTY

ANNIE CREEK FROM EAST FORK ANNIE CREEK AT RIVER MILE 13.0 (SECTION 18, TOWNSHIP 31S, RANGE 6E WM); TO THE MOUTH AT RIVER MILE 0.0 (SESW, SECTION 10, TOWNSHIP 33S, RANGE 7.50E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
40	40	40	40	40	30	20	20	20	40	40	40

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
44.4	41.1	42.7	64.3	115	142	117	73	57.9	69.4	54.8	59.7

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
40	40	40	40	40	30	20	20	20	40	40	40

## 14. Application 70832

Priority date: 10/26/90

BROWNSWORTH CR TRIB S FK SPRAGUE R  
KLAMATH COUNTY

BROWNSWORTH CREEK FROM HAMMOND CREEK AT RIVER MILE 3.0 (NWNE, SECTION 31, TOWNSHIP 36S, RANGE 16E WM); TO THE MOUTH AT RIVER MILE 0.0 (SEW, SECTION 2, TOWNSHIP 37S, RANGE 15E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10	10	10	10	10	6	3	1	1	3	10	10

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
8.36	9.64	14.2	45.1	66.5	23.2	5.39	3.81	4.52	5.91	7.46	8.55

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
8.36	9.64	10	10	10	6	3	1	1	3	7.46	8.55

NOTE: Exceptions to the instream water right flows are likely to appear on the certificate if one is issued. The Department is working on the exact wording of the conditions. The conditions are likely to allow some amount of additional appropriations for human and livestock consumption.

Your applications can be moved to the next phase of the water rights application review process.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your applications as described below.

Withdrawal:

If you choose not to proceed, you may withdraw your application. To accomplish this you must notify the Department in writing by May 13, 1996. For your convenience you may use the enclosed "STOP PROCESSING" form.



To Proceed With Your Application:

If you choose to proceed with an application, you do not have to notify the Department. Your applications will automatically 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.

If you have any questions:

Feel free to call Michael Mattick at (503) 378-8455 ext. 276 or 1 (800) 624-3199 if you have any questions. Please have your application number(s) available if you call.

Sincerely,



Cindy Smith  
Initial Review Team

cc: Regional Manager, Watermaster, Water Availability  
Section  
enclosures: Stop Processing Form