



IWR  
Application No. 70354  
Permit No. ....

5-11-90

Name OR Dept. of Fish & Wildlife

Address PO Box 59, Portland, OR 97207

Assigned .....

Address .....

Beginning construction .....

Completion of construction .....

Extended to .....

Complete application of water .....

Extended to .....

NUMBER 06012

Check 1000 Mo \_\_\_\_\_ Cash \_\_\_\_\_

---

- Surface Application
- Reservoir Application
- Ground Water Application
- Transfer Application
- PFO Request
- Research
- Hydroelectric Fees
- Copying
- Assignment
- Extension of Time
- Protest
- Other

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **131821** 158 12TH ST. N.E. INVOICE # \_\_\_\_\_  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

RECEIVED FROM: Crook County Soil APPLICATION 70354  
BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
TRANSFER \_\_\_\_\_

CASH:  CHECK: # 24-12 OTHER: (IDENTIFY)   
TOTAL REC'D \$ 10.00

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
OTHER:	(IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

**03-00-0 WRD OPERATING ACCT**

840.001	MISCELLANEOUS	\$
850.200	COPY FEES	\$
860.109	RESEARCH FEES	\$
860.109	MISC REVENUE: (IDENTIFY) <u>PFO 427-7-06230001</u>	\$ <u>10.00</u>
520.000	OTHER (P-6) (IDENTIFY)	\$

**WATER RIGHTS:**

EXAM FEE	RECORD FEE
842.001 SURFACE WATER	842.002 \$
842.003 GROUND WATER	842.004 \$
842.005 TRANSFER	842.006 \$

**WELL CONSTRUCTION**

EXAM FEE	LICENSE FEE
842.022 WELL DRILL CONSTRUCTOR	842.023 \$
LANDOWNER'S PERMIT	842.024 \$

OTHER (IDENTIFY) \_\_\_\_\_

**06-00-0 WELL CONST. START FEE**

842.013 WELL CONST START FEE	\$	CARD #
MONITORING WELLS	\$	CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**45-00-0 LOTTERY PROCEEDS**

864.000 LOTTERY PROCEEDS	\$
--------------------------	----

**07-00-0 HYDRO ACTIVITY**

LIC NUMBER	
842.011 POWER LICENSE FEE (FW/WRD)	\$
842.115 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

RECEIPT # **131821** DATED: 1-25-96 BY: Flissner  
Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **131821** 158 12TH ST. N.E. INVOICE # \_\_\_\_\_  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

RECEIVED FROM: Crook County Soil APPLICATION 70354  
BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
TRANSFER \_\_\_\_\_

CASH:  CHECK: # 24-12 OTHER: (IDENTIFY)   
TOTAL REC'D \$ 10.00

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
OTHER:	(IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

**03-00-0 WRD OPERATING ACCT**

840.001	MISCELLANEOUS	\$
850.200	COPY FEES	\$
860.109	RESEARCH FEES	\$
860.109	MISC REVENUE: (IDENTIFY) <u>PFO 427-7-06230001</u>	\$ <u>10.00</u>
520.000	OTHER (P-6) (IDENTIFY)	\$

**WATER RIGHTS:**

EXAM FEE	RECORD FEE
842.001 SURFACE WATER	842.002 \$
842.003 GROUND WATER	842.004 \$
842.005 TRANSFER	842.006 \$

**WELL CONSTRUCTION**

EXAM FEE	LICENSE FEE
842.022 WELL DRILL CONSTRUCTOR	842.023 \$
LANDOWNER'S PERMIT	842.024 \$

OTHER (IDENTIFY) \_\_\_\_\_

**06-00-0 WELL CONST. START FEE**

842.013 WELL CONST START FEE	\$	CARD #
MONITORING WELLS	\$	CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**45-00-0 LOTTERY PROCEEDS**

864.000 LOTTERY PROCEEDS	\$
--------------------------	----

**07-00-0 HYDRO ACTIVITY**

LIC NUMBER	
842.011 POWER LICENSE FEE (FW/WRD)	\$
842.115 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

RECEIPT # **131821** DATED: 1-25-96 BY: Flissner  
Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **7493**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Cohoco Irrigation Dist APPLICATION FS 70354  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER \_\_\_\_\_

CASH:  CHECK: # 2412 OTHER: (IDENTIFY) \_\_\_\_\_  
 TOTAL REC'D \$ 200.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

**0427 WRD OPERATING ACCT**

MISCELLANEOUS	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC165 DEPOSIT LIAB. (IDENTIFY)	\$

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

0223 OTHER (IDENTIFY) Permit PCA 77235 \$ 200.00

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
-----------------------	----

**0467 HYDRO ACTIVITY**

HYDRO ACTIVITY	LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **7493**

DATED: 10-11-96 BY: C. Rich

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **7493**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Cohoco Irrigation Dist APPLICATION FS 70354  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER \_\_\_\_\_

CASH:  CHECK: # 2412 OTHER: (IDENTIFY) \_\_\_\_\_  
 TOTAL REC'D \$ 200.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

**0427 WRD OPERATING ACCT**

MISCELLANEOUS	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC165 DEPOSIT LIAB. (IDENTIFY)	\$

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

0223 OTHER (IDENTIFY) Permit PCA 77235 \$ 200.00

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
-----------------------	----

**0467 HYDRO ACTIVITY**

HYDRO ACTIVITY	LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **7493**

DATED: 10-11-96 BY: C. Rich

## MCCARTY Patricia E

---

**From:** Filippi, David <david.filippi@stoel.com>  
**Sent:** Wednesday, December 16, 2015 12:02 PM  
**To:** Patricia McCarty (patricia.e.mccarty@state.or.us)  
**Cc:** Mike Kasberger (mikeoid@crestviewcable.com); Russell Rhoden (ochocoid@crestviewcable.com)  
**Subject:** OID protest of IS water right application IS-70354

Hello Patricia,

I left you a voice mail message a little while ago. I'm responding on behalf of OID to the letter you sent Mike Kasberger, dated Dec. 2, 2015. Your letter requested a meeting in early 2016. We would propose to meet in Salem in January, and potential dates that would work for OID include Jan. 11, 12 (afternoon), 14, and 21. Please let us know if any of these dates might work for you. In addition, it would be helpful to discuss who from the Department would attend the meeting.

Thank you.

David.

**David E. Filippi**

Stoel Rives LLP | 900 SW Fifth Ave., Suite 2600 | Portland, OR 97204

Direct: (503) 294-9529 | Fax: (503) 220-2480 | [defilippi@stoel.com](mailto:defilippi@stoel.com) | [www.stoel.com](http://www.stoel.com)



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

December 2, 2015

*file copy*

Mike Kasberger, Manager  
Ochoco Irrigation District  
1001 NW Deer St.  
Prineville, OR 97754

Re: Protest to ODFW Instream Water Right Application IS-70354

Dear Mr. Kasberger:

The Oregon Department of Fish and Wildlife filed numerous applications for instream water rights in 1990 on various streams around Oregon. Your organization protested Application #70354 on the Crooked River. Water Resources is working to resolve the protests where possible, and where resolution is not possible, preparing the application for referral to contested case hearing. OWRD would like to arrange a meeting to discuss the application, the protest and possible next steps for the parties. We are hoping to arrange a meeting in early 2016.

Please contact me at the number or email address below and let me know whether your organization still has an interest in pursuing the protest in light of developments since 1990. For your convenience, I have enclosed a copy of the application file for your review.

Sincerely,

Patricia McCarty  
Protest Program Coordinator  
Water Right Services Division  
Phone: 503-986-0820  
Email: [patricia.e.mccarty@ wrd.state.or.us](mailto:patricia.e.mccarty@ wrd.state.or.us)

Enc: IS-70354 file copy





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

December 26, 2008

Mike Kasberger  
Ochoco Irrigation District  
1001 N. Deer St.  
Prineville, OR 97754

Re: Protest to ODFW Instream Water Right Application

Dear Mr. Kasberger,

The Oregon Department of Fish and Wildlife filed numerous applications for instream water rights in 1996 on various streams around Oregon. Ochoco Irrigation District protested Application # 70354 on the Crooked River.

Water Resources is working to resolve the protests where possible, and where resolution is not possible, preparing the application for referral to contested case hearing. Please contact me and let me know whether your District still has any interest in pursuing the protest in light of developments since 1996.

Sincerely,

Patricia McCarty  
Protest Program Coordinator  
Water Rights Division  
Phone: 503-986-0820

no record  
of response

**Oregon Water Resources Department  
Water Rights/Adjudication Section**

Water Right Application Number: IS 70354

**Proposed Final Order**

**Summary of Recommendation:** The Department recommends that the attached draft certificate be issued with conditions.

**Application History**

On 5/11/90, the Oregon Department of Fish and Wildlife submitted an application to the Department for the following instream water right certificate.

Source: CROOKED RIVER TRIBUTARY TO DESCHUTES RIVER

County: Crook

Purpose: Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

The amount of water (in cubic feet per second) requested by month:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	75.0	75.0	255.0	255.0	255.0	150.0	75.0	75.0	75.0	75.0	75.0	75.0
2nd½	75.0	150.0	255.0	255.0	255.0	150.0	75.0	75.0	75.0	75.0	75.0	75.0

To be maintained in:

BOWMAN DAM RIVER MILE 71.0 (SWNW, SECTION 11, T17S, R16E); TO LAKE BILLY CHINOOK RIVER MILE 6.0 (NWNE, SECTION 33, T12S, R12E)

The Department mailed the applicant notice of its Initial Review on December 12, 1995. Public notice of the application was provide in the Department's weekly public notice on December 27, 1996. Comments were received for 30 days.

The following supporting data was submitted by the applicant:

- (a) Fish and Wildlife Resources of the Deschutes Basin, Oregon, and Their Water Requirements; (an unpublished report).
- (b) Determining Minimum Flow Requirements for Fish, ODFW Report January 20, 1984.
- (c) Developing and Application of Spawning Velocity and Depth Criteria for Oregon Salmonids, Alan K. Smith, Transactions of the American Fisheries Society, April 1973.

- (e) A letter dated April 5, 1996, stating that the flows requested in this application are the minimum amount necessary to restore, protect and enhance populations and habitats of native wildlife species at self-sustaining levels

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the proposed rate of use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

An assessment with respect to conditions previously imposed on other instream water rights granted for the same source has been completed.

An evaluation of the information received from the local government(s) regarding the compatibility of the proposed instream water use with land use plans and regulations has been completed.

The level of instream flow requested is based on the methods of determining instream flow needs that have been approved by administrative rule of the agency submitting this application.

### Findings of Fact

The basin Basin Program allows the proposed use.

Senior water rights exist on this source or on downstream waters.

The source of water is within or above a State Scenic Waterway.

The source of water is not withdrawn from appropriation by order of the State Engineer or legislatively withdrawn by ORS 538.

The estimated average natural flow for the lower end of the requested reach is as follows (in cubic feet per second):

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
303	641	1100	1320	805	391	112	55.8	64	75.6	97.2	192

### Conclusions of Law

Under the provisions of ORS 537.153, the Department must

presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complied with rules of the Water Resources Commission.

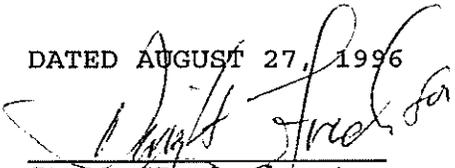
- the flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.
- the stream flows listed below represent the minimum flows necessary to support the public use.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	75.0	75.0	255.0	255.0	255.0	150.0	75.0	55.8	64.0	75.0	75.0	75.0
2nd½	75.0	150.0	255.0	255.0	255.0	150.0	75.0	55.8	64.0	75.0	75.0	75.0

#### Recommendation

The Department recommends that the attached draft certificate be issued with conditions.

DATED AUGUST 27, 1996

  
 Steven P. Applegate  
 Administrator  
 Water Rights and Adjudications Division

#### Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest *must* be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- Proof of service of the protest upon the applicant.

Your protest must be received in the Water Resources Department no later than October 11, 1996.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled *only* if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

The proposed use requested in this application is allowed in the basin Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

The proposed instream flows do not fully appropriate this source of water year round. Water is available for additional storage.

Water is not available for the proposed use at the amount requested year round because the unappropriated water available is less than the amounts requested during some months.

For these reasons, the presumption set forth in ORS 537.153, as discussed above, has not been established. The application therefore has been processed without the statutory presumption.

"When instream water rights are set at levels which exceed current unappropriated water available the water right not only protects remaining supplies from future appropriation but establishes a management objective for achieving the amounts of instream flows necessary to support the identified public uses." OAR 690-77-015(2).

"The amount of appropriation for out-of-stream purposes shall not be a factor in determining the amount of an instream water right." "The amount allowed during any time period for the water right shall not exceed the estimated average natural flow ..." (excerpted from OAR 690-77-015 (3) and (4)).

Because the proposed use exceeds the available water, it can not be presumed to be in the public interest. However, under the direction of OAR 690-77-015 (2) (3) and (4), the proposed use is in the public interest up to the limits of the estimated average natural flow.

Oregon law allows certain uses of water to take precedence over other uses in certain circumstances. When proposed uses of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses and for livestock consumption over any other use (excerpted from ORS 536.310 (12)).

The Department therefore concludes that

- the proposed use, as limited in the draft certificate, will not result in injury to other water rights,
- the proposed use, as limited in the draft certificate, will not impair or be detrimental to the public interest as provided in ORS 537.170.
- the proposed use, as limited in the draft certificate, will include the following conditions: for purposes of water distribution, this instream right shall not have priority over human or livestock consumption.

DRAFT  
STATE OF OREGON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: CROOKED RIVER TRIBUTARY TO DESCHUTES RIVER

County: Crook

Purpose: Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

BOWMAN DAM RIVER MILE 71.0 (SWNW, SECTION 11, T17S, R16E); TO LAKE BILLY CHINOOK RIVER MILE 6.0 (NWNE, SECTION 33, T12S, R12E)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 5/11/90.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	75.0	75.0	255.0	255.0	255.0	150.0	75.0	55.8	64.0	75.0	75.0	75.0
2nd½	75.0	150.0	255.0	255.0	255.0	150.0	75.0	55.8	64.0	75.0	75.0	75.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. 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.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director affixed this \_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Water Resources Director

Recorded in State Record of Water Right Certificate number \_\_\_\_\_.

IS 70354

# PROTEST TO PROPOSED FINAL ORDER

Any person may protest the Proposed Final Order. Applicants are not required to pay a fee, but non-applicant protestants must include a \$200 fee as part of their protests. The protest must be submitted to the Water Resources Department; 158 12th St., NE; Salem, OR 97310, and must include the following:

Application No. 1S 70354 Applicant's Name ODF&W  
Protestant's Name OCHOLO IRRIGATION DISTRICT  
Address 1001 N. DEER STREET  
City PRINEVILLE State OREGON Zip Code 97754

Describe your interest in the proposed final order. If you claim to represent the public interest, include a precise statement of the public interest that you represent. IRRIGATION DISTRICT

DELIVERS IRRIGATION WATER TO SEVERAL HUNDRED USERS FROM THE CROOKED RIVER, STORED WATER IN PRINEVILLE RESERVOIR - THERE ARE MANY DIVERSIONS TO AREA IRRIGATORS FROM THIS REACH OF THE CROOKED RIVER.

Describe in detail how the proposed final order will impair or be detrimental to your interest. SHOULD THE RIVER BE REGULATED FOR THESE FLOWS, THE AVAILABILITY OF WATER TO STORE WATER FOR IRRIGATION IN PRINEVILLE RESERVOIR WOULD BE SERIOUSLY JEOPARDIZED. WE ONLY RECEIVE FULL ALLOCATION IN STORAGE IF THE RESERVOIR SPILLS. THIS WOULD REDUCE IRRIGATION WATER FOR CROPS.

Describe in detail how the proposed final order is deficient or in error, and how to correct it. THE METHODOLOGY FOR THE FLOWS IS FLAWED AND ERNF IS TOO HIGH. IN CONSULT WITH THE WATER USERS ABOVE THE RESERVOIR WE ARE GATHERING MORE SPECIFIC HYDROLOGIC DATA TO FURTHER REFINE THE ERNF.

Cite any legal authority that supports your protest. ORL 690-776-020, OAR 690-77-015, ORS 537.336, ORS 537.332, ORS 537.343

I certify that to the best of my knowledge the information I have provided in this protest is accurate, true, and correct.

Protestant's Signature Hugh Moon Date OCT 10, 1996

**For Applicants only:** If you file or another person files a protest and you request a hearing, the Department must hold a contested case hearing.

I am the applicant, and I

request a contested case hearing.

do not request a contested case hearing.

OCT 11 1996

(This proof of service, by regular mail is required for all protests by parties other than the applicant. The applicant is not required to submit a proof of service to the Water Resources Department of a protest against a Proposed Final Order.)

PROOF OF SERVICE

I, HUGH MOORE, being first duly sworn, depose and say that on OCTOBER 10, 1996, I mailed a copy of the attached protest against a proposed final order on application number 15-70354 to the applicant by regular mail. A copy of the protest was placed in an envelope addressed to:

O.D. F. & W  
Name  
P.O. BOX 59  
Street Address  
PORTLAND OR 97207  
City State Zip Code

and deposited in the United States mail with sufficient postage.

10-10-96  
Date

Hugh Moore  
Signature

Subscribed to and sworn before me this 10<sup>th</sup> day of October, 1996.



Julie L. Nash  
Notary Public for Oregon  
My commission expires 1-18-2000.

RECEIVED  
OCT 11 1996  
WATER RESOURCES DEPT  
SALEM, OREGON

IWR Application # 70354 Certificate # \_\_\_\_\_

STATE OF OREGON

WATER RESOURCES DEPARTMENT

Application for Instream Water Right  
by a State Agency

RECEIVED

MAY 11 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

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 Crooked River, a tributary of Deschutes River.
- 2. The public uses this instream water right is based upon include providing minimum stream flows for wild rainbow trout for migration, spawning, and juvenile rearing.
- 3. The amount of water needed by month for each category of public use is as follows:

USE(S): Migration, spawning, and juvenile rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<u>75</u>	<u>75/</u> <u>150</u>	<u>255</u>	<u>255</u>	<u>255</u>	<u>150</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>

- 4. The reach of the stream identified for an instream water right is from (upstream end) Bowman Dam, river mile ~71, within the SW quarter of the NW quarter of Section 11, Township 17S, Range 16E W.M., in Crook County...

Downstream to Lake Billy Chinook, river mile ~6, within the NW quarter of the NE quarter of Section 33, Township 12S, Range 12E W.M., in Crook County.

- 5. The method used to determine the requested amounts was direct measurement and 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: <u>April 25, 1990</u>
ODFW (Fish, Wldlf, and Habitat Div's)	Date: <u>April 25, 1990</u>
Parks and Recreation Division	Date: <u>April 25, 1990</u>

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

IWR Application # 70354 Certificate # \_\_\_\_\_

Establish a gaging structure near the downstream limit of reach, perhaps near the town of Prineville.

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

ODFW will assist the watermaster in establishing and implementing a monitoring 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)]: Since critical flows have been identified in both winter and summer, flows need to be monitored year round.

10. Remarks: Managed for wild fish. Receives heavy angler use. Upper 18 miles of reach is designated as "recreation" under the Wild and Scenic Rivers Act.

**THIS APPLICATION MUST BE ACCOMPANIED BY A BASIN MAP WITH THE APPLICABLE LAKE OR STREAM REACH IDENTIFIED.**

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: 5/9/90 Signed: Nancy M. MacHugh

Oregon Department of Fish and Wildlife

Assistant Director  
Habitat Conservation Div.

File: CROOKED1.APP

RECEIVED  
MAY 11 1990  
WATER RESOURCES DEPT.  
SALEM, OREGON

IWR Application # 70354 Certificate # \_\_\_\_\_

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 for before

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

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

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

This document was first received at the Water Resources Department in Salem, Oregon, on the 11<sup>th</sup> day of May, 1990, at 8:00 o'clock A. M.

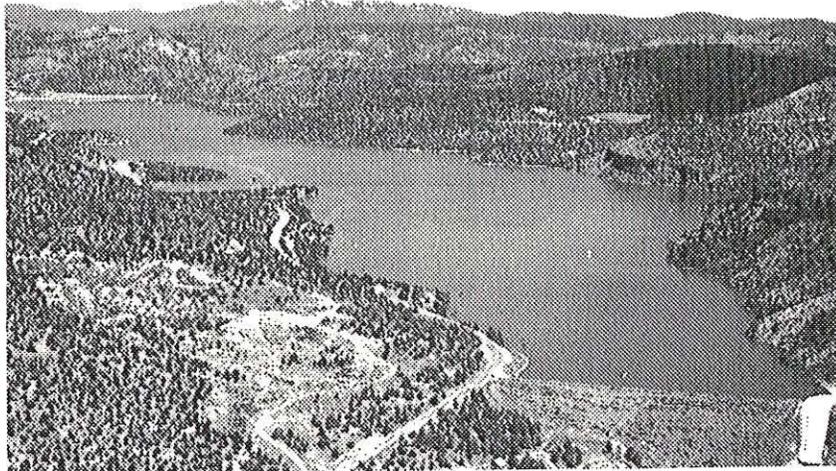
Water Resources Department  
3850 Portland Rd NE  
Salem, OR 97310

RECEIVED  
MAY 11 1990  
WATER RESOURCES DEPT.  
SALEM, OREGON

Please Copy for  
Each File

Thanks you  
9/18/96

## OCHOCO IRRIGATION DISTRICT



RECEIVED

SEP 13 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

1001 N. Deer Street • Prineville, Oregon 97754  
Phone (503) 447-6449 FAX (503) 447-3978

Oregon Water Resources Department  
Commerce Building  
158 12th St. NE  
Salem, OR 97310

Re: IS 70353, 70354, 70355, 70356, 70357, 70585, 70586, 70594, 70595,  
70597, 70598, 70601, 70604, 70608, 70609, 70611, 70613

Ochoco Irrigation District is concerned about Oregon Department of Fish and Wildlife's applications for instream water rights in Crook County. The above application numbers have requests for excessive instream flows. The computer model flows do not reflect the actual flows.

An example, IS 70353 is excessive. In July and August the river gage on the eastern (upstream) end of Prineville Reservoir records 10.0 cfs or less. This should be the amount of the instream water right as the agriculture rights are senior and should be retained as such.

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # IS 70354

WATERMASTER # KYLE GORMAN

REGIONAL MANAGER: ~~BOB MAIN~~

ODF&W - County: Crook

DEQ

PARKS

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: \_\_\_\_\_ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;  
(CHECK ONLY IF APPLICABLE) \_\_\_\_\_ NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER;

WATER FOR LIFE (TODD HEIDGERKEN)

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

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

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

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

CASEWORKER : CINDY SMITH

December 12, 1995

WATER  
RESOURCES  
DEPARTMENT

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

Reference: Instream water rights in the Deschutes Basin,  
Files 70087, 70247, 70339, 70353-70358, 70587,  
70591, 70594-70598, 70605, 70606, 70611,  
70695, 70698, 70752-70754, 70757, 70760, 71795,  
71797, 73197

Dear Oregon Department of Fish and Wildlife:

This document, called and "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 OAR 505, the Deschutes River Basin Program;

1. Application 70087

DESCHUTES R tributary to COLUMBIA R

DESCHUTES RIVER FM PELTON REGULATION DAM AT RIVER MILE 100.1 (SESW, SECTION 1, T10S, R12E WM); TO THE CONFLUENCE WITH COLUMBIA R AT RIVER MILE 0.0 (SWSW, SECTION 24, T2N, R15E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3000.0	3000.0	3500.0	3500.0	3500.0	3500.0	3500.0	3500.0	3500.0	3000.0	3000.0	3000.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
5840.0	7050.0	7500.0	8230.0	7450.0	6570.0	5160.0	4750.0	4770.0	4910.0	5030.0	470.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3000.0	3000.0	3500.0	3500.0	3500.0	3500.0	3500.0	3500.0	3500.0	3000.0	3000.0	3000.0



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

Rick Kruger  
 Oregon Department of Fish and Wildlife  
 December 12, 1995  
 page two

**2. Application 70247**

TROUT CR tributary to DESCHUTES R

TROUT CREEK AT CONFLUENCE WITH ANTELOPE CREEK RM 13.3  
 (SWSE, SECTION 34, T8S, R15E) AT MOUTH OF TROUT CREEK RM 0.0 (NWNW, SECTION  
 5, T9S, R14E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	25.0	67.0	73.0	73.0	73.0	67.0	67.0	25.0	25.0	25.0	25.0	25.0
2nd½	25.0	73.0	73.0	73.0	73.0	67.0	25.0	25.0	25.0	25.0	25.0	25.0

b. The amount of water available in the appropriate reach is at a %50  
 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
72.2	177.0	205.0	210.0	118.0	33.5	6.19	1.94	1.94	2.83	9.67	38.4

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	25.0	67.0	73.0	73.0	73.0	33.5	6.19	1.94	1.94	2.83	9.67	25.0
2nd½	25.0	73.0	73.0	73.0	73.0	33.5	6.19	1.94	1.94	2.83	9.67	25.0

**3. Application 70339**

TROUT CR tributary to DESCHUTES R

TROUT CREEK AT MOUTH OF CLOVER CREEK AT RIVER MILE 35.4  
 (SWSE, SECTION 28, T10S, R17E); TO THE MOUTH OF ANTELOPE CREEK  
 RM 13.3 (SWSE, SECTION 34, T8S, R15E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	25.0	67.0	73.0	73.0	73.0	67.0	67.0	25.0	25.0	25.0	25.0	25.0
2nd½	25.0	73.0	73.0	73.0	73.0	67.0	25.0	25.0	25.0	25.0	25.0	25.0

b. The amount of water available in the appropriate reach is at a %50  
 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
28.3	72.9	86.5	88.3	54.5	16.4	2.98	0.93	0.93	1.30	4.09	15.8

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	25.0	67.0	73.0	73.0	54.5	16.4	2.98	0.93	0.93	1.30	4.09	15.8
2nd½	25.0	72.9	73.0	73.0	54.5	16.4	2.98	0.93	0.93	1.30	4.09	15.8

Rick Kruger  
 Oregon Department of Fish and Wildlife  
 December 12, 1995  
 page three

**4. Application 70353**

CROOKED R tributary to DESCHUTES R

CROOKED RIVER AT MOUTH OF N FK CROOKED RIVER RM 114.0 (NENE, SECTION 7, T16S, R21E); TO PRINEVILLE RESERVOIR RM 90.0 (SESE, SECTION 13, T16S, R17E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	50.0	50.0	113.0	113.0	113.0	75.0	50.0	50.0	50.0	50.0	50.0	50.0
2nd½	50.0	75.0	113.0	113.0	113.0	75.0	50.0	50.0	50.0	50.0	50.0	50.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
192.0	392.0	741.0	960.0	622.0	321.0	93.2	47.8	55.7	66.3	80.6	134.0

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	50.0	50.0	113.0	113.0	113.0	75.0	50.0	47.8	50.0	50.0	50.0	50.0
2nd½	50.0	75.0	113.0	113.0	113.0	75.0	50.0	47.8	50.0	50.0	50.0	50.0

**5. Application 70354**

CROOKED R tributary to DESCHUTES R

CROOKED RIVER FROM BOWMAN DAM RIVER MILE 71.0 (SNNW, SECTION 11, T17S, R16E); TO LAKE BILLY CHINOOK RIVER MILE 6.0 (NWNW, SECTION 33, T12S, R12E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	75.0	75.0	255.0	255.0	255.0	150.0	75.0	75.0	75.0	75.0	75.0	75.0
2nd½	75.0	150.0	255.0	255.0	255.0	150.0	75.0	75.0	75.0	75.0	75.0	75.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
303.00	641.00	1100.0	1320.0	805.0	391.0	112.0	55.8	64.0	75.6	97.2	192.0

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	75.0	75.0	255.0	255.0	255.0	150.0	75.0	55.8	64.0	75.0	75.0	75.0
2nd½	75.0	150.0	255.0	255.0	255.0	150.0	75.0	55.8	64.0	75.0	75.0	75.0

Rick Kruger  
 Oregon Department of Fish and Wildlife  
 December 12, 1995  
 page four

#### 6. Application 70355

N FK CROOKED R tributary to CROOKED R

N FK CROOKED RIVER AT MOUTH OF GRAY CREEK RIVER MILE 44.0 (SWSW, SECTION 8, T15S, R21E); TO MOUTH OF INDIAN CREEK RIVER MILE 35.5 (SWNE, SECTION 22, T14S, R21E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	5.0	5.0	16.0	16.0	16.0	12.0	5.0	5.0	5.0	5.0	5.0	5.0
2nd½	5.0	12.0	16.0	16.0	16.0	12.0	5.0	5.0	5.0	5.0	5.0	5.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
7.12	19.2	39.4	84.7	56.1	13.2	3.51	1.81	2.15	2.6	3.39	7.01

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	5.0	5.0	16.0	16.0	16.0	12.0	3.51	1.81	2.15	2.6	3.9	5.0
2nd½	5.0	12.0	16.0	16.0	16.0	12.0	3.51	1.81	2.15	2.6	3.9	5.0

#### 7. Application 70356

N FK CROOKED R tributary to CROOKED R

N FK CROOKED RIVER AT MOUTH OF INDIAN CREEK RIVER MILE 35.5 (SWNE, SECTION 22, T14S, R22E); TO MOUTH OF DEEP CREEK RIVER MILE 26.0 (NESW, SECTION 27, T14S, R22E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	20.0	20.0	75.0	75.0	75.0	55.0	20.0	20.0	20.0	20.0	20.0	20.0
2nd½	20.0	55.0	75.0	75.0	75.0	55.0	20.0	20.0	20.0	20.0	20.0	20.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
36.3	67.7	148.0	308.0	234.0	118.0	27.9	13.4	13.9	10.3	9.78	19.6

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	20.0	20.0	75.0	75.0	75.0	55.0	20.0	13.4	13.9	10.3	9.78	19.6
2nd½	20.0	55.0	75.0	75.0	75.0	55.0	20.0	13.4	13.9	10.3	9.78	19.6



Rick Kruger  
 Oregon Department of Fish and Wildlife  
 December 12, 1995  
 page six

10. Application 70587

PETERSON CR tributary to N FK CROOKED R

PETERSON CREEK FROM MCCARTHY SPRINGS (SENW, SECTION 15, T13S, R22E); TO THE MOUTH RIVER MILE 0.0 (SENE, SECTION 22, T14S, R21E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	6.0	6.0	10.0	10.0	10.0	4.0	4.0	4.0	10.0	6.0	6.0	6.0
2nd½	6.0	6.0	10.0	10.0	10.0	4.0	4.0	6.0	10.0	6.0	6.0	6.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2.68	4.52	10.1	20.8	16.4	9.45	2.2	1.05	1.07	0.71	0.6	1.19

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2.68	4.52	10.0	10.0	10.0	4.0	2.2	1.05	1.07	0.71	0.6	1.19

11. Application 70591

WILLOW CR tributary to DESCHUTES R

WILLOW CREEK FROM COON CREEK (SENW, SECTION 27, T12S, R15E); TO THE MOUTH RIVER MILE 0.0 (SOWN, SECTION 30, T10S, R13E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	5.0	5.0	13.0	13.0	13.0	8.0	5.0	5.0	5.0	5.0	5.0	5.0
2nd½	5.0	8.0	13.0	13.0	13.0	8.0	5.0	5.0	5.0	5.0	5.0	5.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
4.01	10.6	23.3	23.4	16.0	8.78	2.54	1.16	1.19	1.01	0.92	2.38

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	4.01	5.0	13.0	13.0	13.0	8.0	2.54	1.16	1.19	1.01	0.92	2.38
2nd½	4.01	8.0	13.0	13.0	13.0	8.0	2.54	1.16	1.19	1.01	0.92	2.38

Rick Kruger  
 Oregon Department of Fish and Wildlife  
 December 12, 1995  
 page seven

## 12. Application 70594

MCKAY CR tributary to CROOKED R

MCKAY CREEK FROM LITTLE MCKAY CREEK (NWSE, SECTION 5, T13S, R17E); TO ALLEN CREEK (SENE, SECTION 28, T13S, R16E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	21.0	21.0	37.0	37.0	37.0	31.0	21.0	21.0	21.0	21.0	21.0	21.0
2nd½	21.0	31.0	37.0	37.0	37.0	31.0	21.0	21.0	21.0	21.0	21.0	21.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
5.64	14.6	17.3	17.6	10.9	3.27	0.59	0.19	0.19	0.26	0.82	3.16

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
5.64	14.6	17.3	17.6	10.9	3.27	0.59	0.19	0.19	0.26	0.82	3.16

## 13. Application 70595

MCKAY CR tributary to CROOKED R

MCKAY CREEK FROM ALLEN CREEK (SENE, SECTION 28, T13S, R16E); TO THE MOUTH RIVER MILE 0.0 (NESW, SECTION 27, T14S, R15E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	26.0	26.0	50.0	50.0	50.0	39.0	26.0	26.0	26.0	26.0	26.0	26.0
2nd½	26.0	39.0	50.0	50.0	50.0	39.0	26.0	26.0	26.0	26.0	26.0	26.0

b. The amount of water available in the appropriate reach is at a %50 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
11.0	28.4	33.7	34.4	21.2	6.37	1.16	0.36	0.36	0.51	1.59	6.16

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	11.0	26.0	33.7	34.4	21.2	6.37	1.16	0.36	0.36	0.51	1.59	6.16
2nd½	11.0	28.4	33.7	34.4	21.2	6.37	1.16	0.36	0.36	0.51	1.59	6.16

Rick Kruger  
Oregon Department of Fish and Wildlife  
December 12, 1995  
page eight

#### 14. Application 70596

ALLEN CR tributary to MCKAY CR

ALLEN CREEK FROM FALL CREEK (SWNE, SECTION 3, T13S, R16E);  
TO THE MOUTH RIVER MILE 0.0 (SENE, SECTION 28, T13S, R16E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st%	13.0	13.0	32.0	32.0	32.0	19.0	13.0	13.0	13.0	13.0	13.0	13.0
2nd%	13.0	19.0	32.0	32.0	32.0	19.0	13.0	13.0	13.0	13.0	13.0	13.0

b. The amount of water available in the appropriate reach is at a %50  
exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3.05	7.86	9.33	9.53	5.88	1.77	0.32	0.10	0.10	0.14	0.44	1.71

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
3.05	7.86	9.33	9.53	5.88	1.77	0.32	0.10	0.10	0.14	0.44	1.71

#### 15. Application 70597

LITTLE MCKAY CR tributary to MCKAY CR

LITTLE MCKAY CREEK FROM HUNT SPRINGS (NESW, SECTION 24, T17S,  
R12E); TO THE MOUTH RIVER MILE 0.0 (NWSE, SECTION 5, T13S,  
17E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st%	9.0	9.0	29.0	29.0	29.0	14.0	9.0	9.0	9.0	9.0	9.0	9.0
2nd%	9.0	14.0	29.0	29.0	29.0	14.0	9.0	9.0	9.0	9.0	9.0	9.0

b. The amount of water available in the appropriate reach is at a %50  
exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1.60	4.14	4.91	5.01	3.09	0.93	0.17	0.05	0.05	0.07	0.23	0.90

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st%	1.60	4.14	4.91	5.01	3.09	0.93	0.17	0.05	0.05	0.07	0.23	0.90
2nd%	1.60	4.14	4.91	5.01	3.09	0.93	0.17	0.05	0.05	0.07	0.23	0.90

Rick Kruger  
Oregon Department of Fish and Wildlife  
December 12, 1995  
page nine

### 16. Application 70598

JOHNSON CR tributary to N FK CROOKED R

JOHNSON CREEK FROM POLIE CREEK (NESW, SECTION 13, T14S, R20E);  
TO THE MOUTH RIVER MILE 0.0 (SWNE, SECTION 22, T14S, R21E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	6.0	6.0	10.0	10.0	10.0	6.0	4.0	4.0	4.0	10.0	6.0	6.0
2nd½	6.0	6.0	10.0	10.0	10.0	6.0	4.0	4.0	6.0	10.0	6.0	6.0

b. The amount of water available in the appropriate reach is at a %50  
exceedence level is:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	20.5	34.6	77.2	160.0	126.0	72.5	16.9	8.05	8.18	5.46	4.64	9.14

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	6.0	6.0	10.0	10.0	10.0	6.0	4.0	4.0	4.0	5.46	4.64	6.0
2nd½	6.0	6.0	10.0	10.0	10.0	6.0	4.0	4.0	6.0	5.46	4.64	6.0

### 17. Application 70605

BEAVER CR tributary to CROOKED R

BEAVER CREEK FROM WOLF CREEK RIVER MILE 10.9 (SENW, SECTION 18  
T16S, R24E); TO THE MOUTH RIVER MILE 0.0 (NENW, SECTION 14,  
T17S, R22E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	34.0	34.0	84.0	84.0	84.0	84.0	50.0	34.0	34.0	34.0	34.0	34.0
2nd½	34.0	50.0	84.0	84.0	84.0	84.0	50.0	34.0	34.0	34.0	34.0	34.0

b. The amount of water available in the appropriate reach is at a %50  
exceedence level is:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	53.4	116.0	257.0	255.0	150.0	80.4	25.3	11.5	12.2	13.3	14.1	32.8

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	34.0	34.0	84.0	84.0	84.0	80.4	25.3	11.5	12.2	13.3	14.1	32.8
2nd½	34.0	50.0	84.0	84.0	84.0	80.4	25.3	11.5	12.2	13.3	14.1	32.8

Rick Kruger  
 Oregon Department of Fish and Wildlife  
 December 12, 1995  
 page ten

### 18. Application 70606

BEAR CR tributary to CROOKED R

BEAR CREEK FROM LITTLE BEAR CREEK RIVER MILE 9.0 (NWNW,  
 SECTION 21, T18S, R17E); TO THE MOUTH RIVER MILE 0.0 (SENE,  
 SECTION 24, T17S, R16E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	10.0	10.0	25.0	25.0	25.0	18.0	10.0	10.0	10.0	10.0	10.0	10.0
2nd½	10.0	15.0	25.0	25.0	25.0	18.0	10.0	10.0	10.0	10.0	10.0	10.0

b. The amount of water available in the appropriate reach is at a %50  
 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
4.11	8.94	20.5	20.0	11.8	6.33	1.98	0.88	0.91	0.94	0.94	2.44

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
4.11	8.94	20.5	20.0	11.8	6.33	1.98	0.88	0.91	0.94	0.94	2.44

### 19. Application 70611

OCHOCO CR tributary to CROOKED R

OCHOCO CREEK FROM OCHOCO RESERVOIR RIVER MILE 10.7 (SWNW,  
 SECTION 5, T15S, R17E); TO THE MOUTH RIVER MILE 0.0 (NESE,  
 SECTION 26, T14S, R15E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	23.0	23.0	45.0	45.0	45.0	35.0	23.0	23.0	23.0	23.0	23.0	23.0
2nd½	23.0	35.0	45.0	45.0	45.0	35.0	23.0	23.0	23.0	23.0	23.0	23.0

b. The amount of water available in the appropriate reach is at a %50  
 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
43.7	102.0	186.0	183.0	109.0	51.1	14.7	6.27	6.5	6.89	8.62	25.4

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	23.0	23.0	45.0	45.0	45.0	35.0	14.7	6.27	6.5	6.89	8.62	23.0
2nd½	23.0	35.0	45.0	45.0	45.0	35.0	14.7	6.27	6.5	6.89	8.62	23.0

Rick Kruger  
Oregon Department of Fish and Wildlife  
December 12, 1995  
page eleven

## 20. Application 70695

DESCHUTES R tributary to COLUMBIA R

DESCHUTES RIVER FROM NORTH CANAL DAM RIVER MILE 165  
(SECTION 29, T17S, R12E); TO ROUND BUTTE RESERVOIR RIVER  
MILE 119.5 (NENE, SECTION 29, T12S, R12E)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0

b. The amount of water available in the appropriate reach is at a %50  
exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1380.0	1460.0	1470.0	1640.0	1720.0	1840.0	1390.0	1320.0	1340.0	1380.0	1330.0	1370.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0	250.0

## 21. Application 70698

METOLIUS R tributary to DESCHUTES R

METOLIUS RIVER FROM CANYON CREEK RIVER MILE 35.6 (SENW,  
SECTION 27, T12S, R9E); TO LAKE BILLY CHINOOK RIVER MILE  
12 (SWSE, SECTION 18, T11S, R11E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	200.0	200.0	335.0	335.0	335.0	200.0	200.0	200.0	335.0	335.0	335.0	335.0
2nd½	200.0	200.0	335.0	335.0	335.0	200.0	200.0	335.0	335.0	335.0	335.0	335.0

b. The amount of water available in the appropriate reach is at a %50  
exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1480.0	1570.0	1550.0	1590.0	1600.0	1650.0	1510.0	1430.0	1390.0	1370.0	1410.0	1450.0

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	200.0	200.0	335.0	335.0	335.0	200.0	200.0	200.0	335.0	335.0	335.0	335.0
2nd½	200.0	200.0	335.0	335.0	335.0	200.0	200.0	335.0	335.0	335.0	335.0	335.0



Rick Kruger  
Oregon Department of Fish and Wildlife  
December 12, 1995  
page thirteen

#### 24. Application 70754

SQUAW CR tributary to DESCHUTES R

SQUAW CREEK FROM S FK SQUAW CREEK RIVER MILE 35.0  
(NWNW, SECTION 32, T16S, R9E); TO INDIAN FORD CREEK  
RIVER MILE 19.5 (SESW, SECTION 3, T13S, R12E)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	30.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	50.0	30.0	30.0
2nd½	30.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	30.0	50.0	30.0	30.0

b. The amount of water available in the appropriate reach is at a %50  
exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
64.9	61.8	61.0	65.7	121.0	213.0	167.0	103.0	75.6	61.2	65.6	67.2

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	30.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	50.0	30.0	30.0
2nd½	30.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	30.0	50.0	30.0	30.0

#### 25. Application 70757

LITTLE DESCHUTES R tributary to DESCHUTES R

LITTLE DESCHUTES RIVER FROM CRESCENT CREEK RIVER MILE  
57.5 (NWNW, SECTION 4, T24S, R9E); TO THE MOUTH RIVER  
MILE 0.0 (NWSE, SECTION 7, T20S, R11E)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
200.0	200.0	240.0	240.0	240.0	200.0	135.0	135.0	135.0	135.0	240.0	240.0

b. The amount of water available in the appropriate reach is at a %50  
exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
204.0	244.0	236.0	331.0	388.0	311.0	126.0	74.5	92.2	116.0	164.0	196.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
200.0	200.0	236.0	240.0	240.0	200.0	126.0	74.5	92.2	116.0	164.0	196.0

Rick Kruger  
 Oregon Department of Fish and Wildlife  
 December 12, 1995  
 page fourteen

## 26. Application 70760

INDIAN FORD CR tributary to SQUAW CR

INDIAN FORD CREEK FROM HEADWATERS (SPRINGS) (SWSW,  
 SECTION 15, T14S, R9E); TO THE MOUTH RIVER MILE  
 0.0 (SESW, SECTION 3, T15S, R10E)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
6.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	10.0	6.0	6.0

b. The amount of water available in the appropriate reach is at a %50  
 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
9.1	10.1	9.26	9.95	11.9	8.82	6.0	5.34	5.16	5.4	6.41	8.31

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
6.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.4	6.0	6.0

## 27. Application 70795

BUCK HOL tributary to DESCHUTES R

BUCKHOLLOW CREEK FROM MACKEN CANYON CREEK (NW1/4, SECTION 20,  
 TOWNSHIP 5S, RANGE 17E WM); TO THE MOUTH AT RIVER MILE 0.0  
 (SENW, SECTION 35, TOWNSHIP 3S, RANGE 14E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
35.0	60.0	60.0	60.0	60.0	35.0	25.0	25.0	25.0	25.0	25.0	25.0

b. The amount of water available in the appropriate reach is at a %50  
 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
25.1	52.0	54.8	56.8	19.5	3.02	0.7	0.23	0.23	0.46	2.55	11.4

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
25.1	52.0	54.8	56.8	19.5	3.02	0.7	0.23	0.23	0.46	2.55	11.4

Rick Kruger  
 Oregon Department of Fish and Wildlife  
 December 12, 1995  
 page fifteen

## 28. Application 71797

ANTELOPE CR tributary to TROUT CR

ANTELOPE CREEK FROM GRUB HOLLOW CREEK (SE1/4, SECTION 32,  
 TOWNSHIP 7S, RANGE 17E WM); TO THE MOUTH AT RIVER MILE 0.0  
 (SES, SECTION 34, TOWNSHIP 8S, RANGE 15E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
30.0	50.0	50.0	50.0	50.0	30.0	20.0	20.0	20.0	20.0	20.0	20.0

b. The amount of water available in the appropriate reach is at a %50  
 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
13.7	35.2	41.8	42.7	26.3	7.91	1.44	0.45	0.45	0.63	1.98	7.64

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
13.7	35.2	41.8	42.7	26.3	7.91	1.44	0.45	0.45	0.63	1.98	7.64

## 29. Application 73197

DEEP CR tributary to N FK CROOKED R

DEEP CREEK FROM HAPPY CAMP CREEK (NW1/4, SECTION 5, TOWNSHIP  
 14S, RANGE 22E WM); TO THE MOUTH AT RIVER MILE 0.0 (SE1/4,  
 SECTION 26, TOWNSHIP 14S, RANGE 22E WM)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	31.0	31.0	113.0	113.0	113.0	60.0	31.0	31.0	31.0	31.0	31.0	31.0
2nd½	31.0	60.0	113.0	113.0	113.0	60.0	31.0	31.0	31.0	31.0	31.0	31.0

b. The amount of water available in the appropriate reach is at a %50  
 exceedence level is:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
21.4	39.8	86.8	181.0	137.0	69.2	16.4	7.86	8.15	6.04	5.75	11.5

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	21.4	31.0	86.8	113.0	113.0	60.0	16.4	7.86	8.15	6.04	5.75	11.5
2nd½	21.4	39.8	86.6	113.0	113.0	60.0	16.4	7.86	8.15	6.04	5.75	11.5

Rick Kruger  
Oregon Department of Fish and Wildlife  
December 12, 1995  
page sixteen

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 **December 27, 1995**. 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

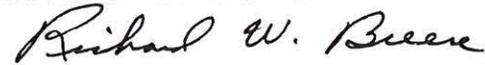
Comments (please type or print):

September 23, 1996

Basin #	Application #	Basin #	Application #
5	IS 70353	5	IS 70596
5	IS 70354	5	IS 70597
5	IS 70355	5	IS 70605
5	IS 70356	5	IS 70606
5	IS 70357	5	IS 70611
5	IS 70358	5	IS 73197
5	IS 70587	5	IS 73198
5	IS 70594	5	IS 73199
5	IS 70595		

The Crook County Soil & Water Conservation District has the following concerns regarding the Water Right Applications listed above. These areas are semi-arid, having a limited amount of precipitation, and most streams are already fully or over allocated. After the traditional Spring runoff the stream flows turn from little to sometimes nothing by mid to late Summer. As stated in earlier comments we request that Historical records be reviewed and studied to be sure that there is water to be allocated, and that existing water rights be protected.

RICHARD W. BREESE



CHAIR: Crook County SWCD

TRANSMISSION VERIFICATION REPORT

TIME : 04/13/2011 16:09  
NAME : WRD 1ST FL  
FAX : 5039860901  
TEL : 5039860901  
SER.# : BROJ5J339815

DATE, TIME : 04/13 16:08  
FAX NO./NAME : 915413824078  
DURATION : 00:01:39  
PAGE(S) : 03  
RESULT : OK  
MODE : STANDARD

# OREGON WATER RESOURCES DEPARTMENT



State of Oregon  
Water Resources Department  
725 Summer St NE, Ste A  
Salem, OR 97301-1266  
Phone #: (503) 986-0900  
Fax#: (503) 986-0901  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

*DESC RWR  
CONSIDER  
BEND*

## FAX TRANSMITTAL

TO: BRETT GOLDEN FAX NUMBER: 541-382-4078

DATE: Wed 4-13-2011 PAGES: \_\_\_\_\_, INCLUDING COVER SHEET

FROM: Herb PHONE: (503) 986-0 \_\_\_\_\_

COMMENTS: 2 PAGE APPLICATION per

Town REQUEST (TIME RECEIVE DATE)  
18 WR 70354 (SHOWS MAY 11 1990)

- WATER RIGHTS**
- Water Rights Information
  - Adjudications
  - Hydroelectric
  - Certifications / Final Proofs
  - Hearings / Contested Cases

- TECHNICAL SERVICES**
- Hydrographics
  - Ground Water
  - Information Services
  - GIS/Mapping
  - Dam Safety
  - Enforcement
  - Water Use Reporting

- FIELD SERVICES** *Herb*
- Regional Liaison
  - Transfers
  - Hydrographics
- NORTHWEST REGION**
- District 16 Watermaster

## Herb Mosgar

---

**From:** Brett Golden [brett@deschutesriver.org]  
**Sent:** Wednesday, April 13, 2011 12:47 PM  
**To:** Herb Mosgar  
**Subject:** RE: Deschutes/Crooked ISWR Applications  
Herb,

I'm a Program Manager here at the Deschutes River Conservancy in Bend. We're working with several irrigation districts to outline a suite of projects that will meet ODFW's flow targets in the Crooked and Deschutes Rivers.

I'm trying to track down copies of the ISWR applications for the Crooked (IS70354) and Deschutes (IS70695) Rivers. Kyle Gorman suggested that you might have access to them. Is there any way I could get paper or digital copies of those two applications?

Thanks,

Brett

Brett Golden  
Planning, Monitoring, and Evaluation Program Manager  
Deschutes River Conservancy  
700 NW Hill St  
Bend, OR 97701  
(541) 382 - 4077, x14 (office)  
(541) 420 - 5998 (mobile)  
brett@deschutesriver.org

541-382-4078

# OREGON WATER RESOURCES DEPARTMENT



State of Oregon  
 Water Resources Department  
 725 Summer St NE, Ste A  
 Salem, OR 97301-1266  
 Phone #: (503) 986-0900  
 Fax#: (503) 986-0901  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

*DESC RWR  
 CONSIDER  
 BEND*

## FAX TRANSMITTAL

TO: BRETT GOLDEN FAX NUMBER: 541-382-4078

DATE: Wed 4-13-2011 PAGES: \_\_\_\_\_, INCLUDING COVER SHEET

FROM: Herb PHONE: (503) 986-0 \_\_\_\_\_

COMMENTS: 2 PAGE APPLICATION per  
Tour REQUEST (THE RECEIVE DATE)  
IS WR 70354 (SHOWS MAY 11 1990)

- WATER RIGHTS**
- Water Rights information
  - Adjudications
  - Hydroelectric
  - Certifications / Final Proofs
  - Hearings / Contested Cases

FAX: (503) 986-0901

- TECHNICAL SERVICES**
- Hydrographics
  - Ground Water
  - Information Services
  - GIS/Mapping
  - Dam Safety
  - Enforcement
  - Water Use Reporting

FAX: (503) 986-0902

- FIELD SERVICES** *Herb*
- Regional Liaisons
  - Transfers
  - Hydrographics

- NORTHWEST REGION**
- District 16 Watermaster

- DIRECTOR'S OFFICE**
- Water Resources Commission
  - Legislation and Rules
  - Public Information

- ADMINISTRATIVE SERVICES**
- Fiscal / Accounting
  - Human Resources / Personnel
  - Water Development Loan Fund
  - Support Services

FAX: (503) 986-0903 or  
 503-986-0904

## Herb Mosgar

---

**From:** Brett Golden [brett@deschutesriver.org]  
**Sent:** Wednesday, April 13, 2011 12:47 PM  
**To:** Herb Mosgar  
**Subject:** RE: Deschutes/Crooked ISWR Applications

Herb,

I'm a Program Manager here at the Deschutes River Conservancy in Bend. We're working with several irrigation districts to outline a suite of projects that will meet ODFW's flow targets in the Crooked and Deschutes Rivers.

I'm trying to track down copies of the ISWR applications for the Crooked (IS70354) and Deschutes (IS70695) Rivers. Kyle Gorman suggested that you might have access to them. Is there any way I could get paper or digital copies of those two applications?

Thanks,

Brett

Brett Golden  
Planning, Monitoring, and Evaluation Program Manager  
Deschutes River Conservancy  
700 NW Hill St  
Bend, OR 97701  
(541) 382 - 4077, x14 (office)  
(541) 420 - 5998 (mobile)  
brett@deschutesriver.org

INTEROFFICE MEMORANDUM  
Water Rights Section

TO: ~~Dick Bailey~~

FROM: Dwight French, x268 *DF*

DATE: March 26, 1997

RE: Water Availability for ISWR applications/files

You asked about the file copies of Estimated Average Natural Flow (EANF) for ISWR applications.

There is not a printout in each file similar to what you would generally see in an out of stream application file. The EANF information is in either the Technical Review (TR) or Initial Review (IR) as well as the Proposed Final Order (PFO).

During the processing of the ISWR applications, Rick Cooper and/or Ken Stahr would provide us with a electronic copy of the water availability information for a particular group of ISWR applications. We would then cut and paste that information directly into the TR or IR. When preparing the PFO, we would cut and paste from the TR or IR directly into the PFO.

In summary, our EANF numbers are in the TR or IR and the PFO for each particular ISWR application file.

cc: Mike Mattick

*All Protested ISWR Files*

Basin	App Num
-------	---------

2  
OK 71556 A

Total for Basin 2 : 1

OREGON DEPARTMENT OF FISH & WILDLIFE

8  
9

18  
74

2

1  
3

9

19

2  
12  
12

4

OK 71793 W

OREGON DEPARTMENT OF FISH & WILDLIFE

OK 71798 W

OREGON DEPARTMENT OF FISH & WILDLIFE

| 72076 W

OREGON DEPARTMENT OF FISH & WILDLIFE

| 72077 W

OREGON DEPARTMENT OF FISH & WILDLIFE

| 72078 W

OREGON DEPARTMENT OF FISH & WILDLIFE

| 72079 W

OREGON DEPARTMENT OF FISH & WILDLIFE

| 72080 W

OREGON DEPARTMENT OF FISH & WILDLIFE

| 72081 W

OREGON DEPARTMENT OF FISH & WILDLIFE

Total for Basin 4 : 8

5

OK 70353 A

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70354 A

OREGON DEPARTMENT OF FISH & WILDLIFE

OK 70357 A

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70358 S

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70358 S

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70358 A

OREGON DEPARTMENT OF FISH & WILDLIFE

OK 70605 A

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70606 S

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70606 A

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70612 A

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70695 A

OREGON DEPARTMENT OF FISH & WILDLIFE

| 70695 A

OREGON DEPARTMENT OF FISH & WILDLIFE

| 73199 A

OREGON DEPARTMENT OF FISH & WILDLIFE

Total for Basin 5 : 13

6

*Checked out to Dwight*

| 69949 A

OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS

| 69949 S

OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS

| 69951 S

OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS

| 69951 A

OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS

| 69958 S

OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS

| 69958 A

OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS

| 69958 S

OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS

| 69959 S

OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS

Basin                      App Num

6

	69959	S	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
	69959	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
	69961	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
	69961	S	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
	69961	S	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
	69963	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
	69963	S	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
	69963	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
OK	70251	A	OREGON DEPARTMENT OF FISH & WILDLIFE
OK	70589	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70640	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70640	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70641	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70641	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70642	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70642	S	OREGON DEPARTMENT OF FISH & WILDLIFE
OK	70645	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70645	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70646	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70646	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70651	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70651	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70652	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70652	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70653	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70653	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70654	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70654	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70655	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70655	A	OREGON DEPARTMENT OF FISH & WILDLIFE

Total for Basin 6 :        38

9

	70863	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70864	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70870	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72163	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72168	S	OREGON DEPARTMENT OF FISH & WILDLIFE

**Instream Applications with Protests**  
**4/2/97**

Basin	App Num		
<b>9</b>			
	72168	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72169	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72169	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	72170	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72173	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72181	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72186	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72187	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72188	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72191	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72194	A	OREGON DEPARTMENT OF FISH & WILDLIFE
<b>Total for Basin</b>	<b>9 :</b>	<b>16</b>	
<b>10</b>			
	71450	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71455	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	71455	A	OREGON DEPARTMENT OF FISH & WILDLIFE
<b>Total for Basin</b>	<b>10 :</b>	<b>3</b>	
<b>11</b>			
	<i>Dwight Done Right!</i> 70028	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
<b>Total for Basin</b>	<b>11 :</b>	<b>1</b>	
<b>12</b>			
	71467	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71468	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71472	A	OREGON DEPARTMENT OF FISH & WILDLIFE
<b>Total for Basin</b>	<b>12 :</b>	<b>3</b>	
<b>13</b>			
	70486	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70487	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70656	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70657	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70658	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70659	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70662	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70663	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70664	A	OREGON DEPARTMENT OF FISH & WILDLIFE
<b>Total for Basin</b>	<b>13 :</b>	<b>9</b>	

Instream Applications with Protests

4/2/97

Basin

App Num

14

*DwF*

70094	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
70094	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
70094	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
70798	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70798	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70799	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70799	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70800	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70800	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70801	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70801	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70802	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70802	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70804	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70804	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70807	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70807	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70807	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70808	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70808	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70809	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70809	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70809	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70812	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70812	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70812	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70812	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70813	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70813	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70813	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70813	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70813	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70815	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70815	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70816	A	OREGON DEPARTMENT OF FISH & WILDLIFE
70816	S	OREGON DEPARTMENT OF FISH & WILDLIFE
70821	A	OREGON DEPARTMENT OF FISH & WILDLIFE

Instream Applications with Protests  
4/2/97

Basin	App Num		
<b>14</b>			
	70824	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70826	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70829	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70829	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70829	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70829	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70830	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70830	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70830	S	OREGON DEPARTMENT OF FISH & WILDLIFE
<b>Total for Basin 14 :</b>	<b>46</b>		
<b>15</b>			
	70982	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70993	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70998	W	OREGON DEPARTMENT OF FISH & WILDLIFE
	71008	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71201	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71614	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71622	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	72843	A	OREGON DEPARTMENT OF FISH & WILDLIFE
<b>Total for Basin 15 :</b>	<b>8</b>		
<b>16</b>			
	71172	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71173	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71174	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71181	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71182	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71183	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71184	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71185	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71190	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71192	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71193	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	73350	A	OREGON DEPARTMENT OF FISH & WILDLIFE
<b>Total for Basin 16 :</b>	<b>12</b>		
<b>17</b>			
	70228	A	OREGON DEPARTMENT OF FISH & WILDLIFE

**Instream Applications with Protests**

4/2/97

<b>Basin</b>	<b>App Num</b>		
<b>17</b>			
	70229	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70230	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70348	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70348	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70448	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	70448	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70574	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70877	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70891	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70895	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70895	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	70915	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71697	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	80446	A	OREGON DEPARTMENT OF FISH & WILDLIFE

**Total for Basin 17 : 15**

**173**

JSWR

RECEIVED

OCT 15 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

P.O. Box 1906  
Sisters, OR 97759  
(541)595-2921  
October 10, 1996

Water Rights Section, WRD  
158 12th St.N.E.  
Salem OR 97310

Dear Water Rights Reviewer:

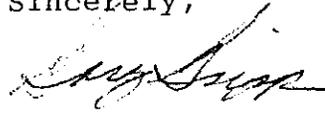
When we came into this country we brought Europe with us. We were not equipped, culturally, to accept the land for what it was--interlocking ecosystems evolved to perfect dynamic equilibrium, alive with natural beauty. Now that it's almost lost to us, a handful of specialists (fish biologists, river ecologists), and a few generalists (who have the gift of seeing whole) begin to appreciate what we had here, before we cut, gouged, plowed, dammed, diverted, "harvested," overgrazed, and generally pillaged to the point, almost, of breakdown. Almost too late, we now have the opportunity to listen to those scientists and other voices of understanding, to preserve some remnant of integrity to our natural systems and cycles by legally protecting instream flows in the creeks and rivers of Oregon.

I would like to see instream water rights guaranteed for every stream and river in Oregon. I like to see wholeness and robust good health, generally. But let me here name specific flows, all part of Deschutes River system, for your particular consideration: Willow Cr., 70591; Trout Cr., 70339; N. Fork Crooked R., 70355 & 70357; Crooked River, 70353 & 70354; Brown's Cr., 73325; Unnamed spring, 73329; White R., 79644. Also, the Deschutes River itself, 70087, 70764 & 71194, plus these secondary tributaries: Crescent Cr., 70765; Abbot Cr., 70766; Three Cr., 73330; Link Cr., 73331. I would like to see these rights issued at the flow levels requested, without any exceptions for future human consumption or livestock use.

If we think of the Earth as an organism much like ourselves, dependent upon a functioning circulatory system to provide life-sustaining nutrition to its interdependent parts, like blood to our own lungs, fingers, and brain, then we see our stake in keeping the system functional. When the system breaks down, so do we. So it is with the intricate water system of our state. If we destroy its natural functions (the distribution of nutrients, aquatic habitat, nature's own flood control) and impair its natural purity, we will be destroying what is, ultimately, our own life support system. And by the time the majority of our citizens has figured this out, and come to understand their own deepest self-interest, the damage will be beyond remedy. That is why it is so important that you base your decision on instream

water rights upon scientific understanding and long-term sustainability rather than short-term political expediency and the economic interests of the few. Oregon's rivers need water; they need the state's legal guarantee of minimum instream flows. Thank you for your good work.

Sincerely,



Gary Gripp

RECEIVED

JAN 25 1996

SALEM, OREGON

# OREGON WATER RESOURCES DEPARTMENT



Commerce Building  
158 12th Street NE  
Salem OR 97310-0210

January 9, 1995

## PUBLIC NOTICE COMMENT FORM

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number  
(e.g. "Permit Application G-12345" or "Transfer T-1234"):

IS-70354  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mail me a  
Copy of the Order (payment enclosed)\*

Your Name, Address, and Phone Number:

Crook County Soil & Water  
\_\_\_\_\_  
Conservation District  
\_\_\_\_\_  
350 North Dunham  
\_\_\_\_\_  
Prineville, Oregon 97754  
\_\_\_\_\_

Phone: 541-447-4214

\* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

Comments (please type or print):

IS-70354

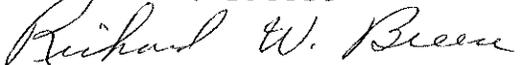
CROOK

5/11/1990

Crooked River From Bowman Dam River Mile 71.0 (SNNW, Section 11, T17S, R16E); To Lake Billy Chinook River Mile 6.0 (NWNW, Section 33, T12S, R12E)

The Crook County SWCD Board has the following comment concerning the above Water Right Application listed above. This area is semi-arid with very limited precipitation. Traditionally we have a Spring runoff and then by mid to late Summer the flows are little or none. Most streams are already fully or over allocated. Before any further allocations are made, Historical records need to be reviewed and studied to be sure that there is water to be allocated. Also we recommend that existing water rights be protected.

Richard W. Breese



CHAIR: Crook County SWCD

IWR Application # 70354 Certificate # \_\_\_\_\_

STATE OF OREGON

WATER RESOURCES DEPARTMENT

Application for Instream Water Right  
by a State Agency

There is no fee required for this application.

RECEIVED  
MAY 10 1990  
WATER RESOURCES DIV.  
Salem, OREGON

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 Crooked River, a tributary of Deschutes River.
2. The public uses this instream water right is based upon include providing minimum stream flows for wild rainbow trout for migration, spawning, and juvenile rearing.
3. The amount of water needed by month for each category of public use is as follows:

USE(S): Migration, spawning, and juvenile rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<u>75</u>	<u>75/</u>	<u>255</u>	<u>255</u>	<u>255</u>	<u>150</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>
	<u>150</u>										

4. The reach of the stream identified for an instream water right is from (upstream end) Bowman Dam, river mile ~71, within the SW quarter of the NW quarter of Section 11, Township 17S, Range 16E W.M., in Crook County...

Downstream to Lake Billy Chinook, river mile ~6, within the NW quarter of the NE quarter of Section 33, Township 12S, Range 12E W.M., in Crook County.

5. The method used to determine the requested amounts was direct measurement and 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: <u>April 25, 1990</u>
ODFW (Fish, Wldlf, and Habitat Div's)	Date: <u>April 25, 1990</u>
Parks and Recreation Division	Date: <u>April 25, 1990</u>

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

IWR Application # 70354 Certificate # \_\_\_\_\_

Establish a gaging structure near the downstream limit of reach, perhaps near the town of Prineville.

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

ODFW will assist the watermaster in establishing and implementing a monitoring 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)]: Since critical flows have been identified in both winter and summer, flows need to be monitored year round.

10. Remarks: Managed for wild fish. Receives heavy angler use. Upper 18 miles of reach is designated as "recreation" under the Wild and Scenic Rivers Act.

**THIS APPLICATION MUST BE ACCOMPANIED BY A BASIN MAP WITH THE APPLICABLE LAKE OR STREAM REACH IDENTIFIED.**

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: 5/9/90

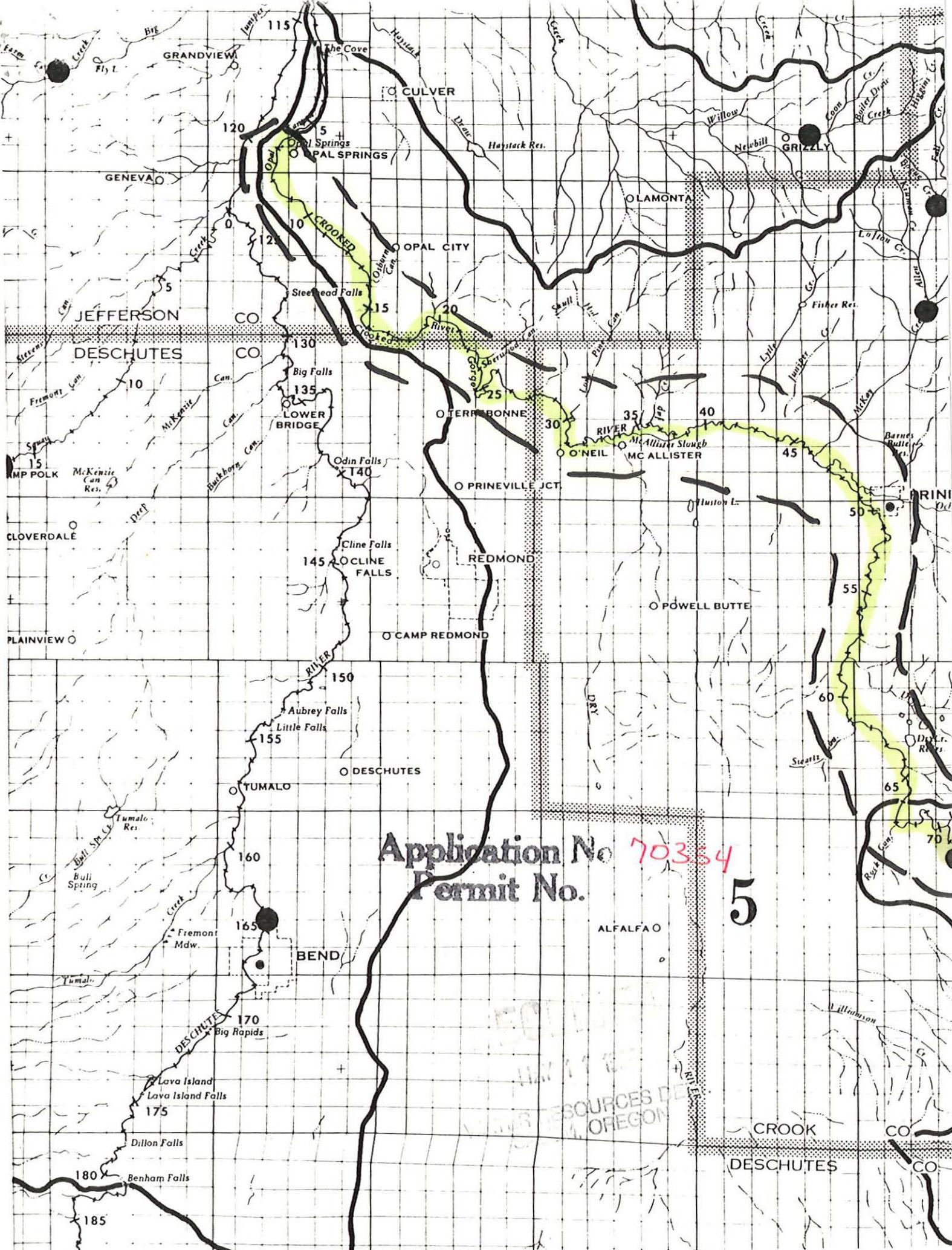
Signed: Nancy M. MacHugh

Oregon Department of Fish and Wildlife

Assistant Director  
Habitat Conservation Div.

File: CROOKED1.APP

WATER RESOURCES DEPARTMENT  
SALEM, OREGON



Application No 70354  
Permit No. 5

RESOURCES DEPARTMENT  
OREGON

APPLICATION PROCESSING OUTLINE

Basin: \_\_\_\_\_  
 Sub-basin: \_\_\_\_\_  
 Fees paid: Examination fee: \_\_\_\_\_  
 Recording fees: \_\_\_\_\_  
 Total: \_\_\_\_\_

Application No. \_\_\_\_\_  
 Permit No. \_\_\_\_\_

70354

RATE AND DUTY \_\_\_\_\_ for irrigation

1. Check for minimum information (OAR 690-11-020)

yes	no	
----	----	Name and mailing address of the applicant.
----	----	Source of the water.
----	----	Quantity of water to be appropriated.
----	----	Location of point of diversion to 1/4 1/4 Section.
----	----	Nature and place of use.
----	----	Name and mailing address of all legal owners of the properties involved.
----	----	Signature of the applicant
----	----	Examination fees.

If minimum information not supplied, excepting legal owner information, then return to applicant with letter explaining deficiencies.

yes	no	
----	----	Water Resources Commission classification limits or restrictions -- If yes, note: _____
----	----	State Engineer's withdrawals -- If yes, note: _____
----	----	Legislative withdrawals -- If yes, note: _____
----	----	If policy statement is unclear check with Resources Management Division.
----	----	Scenic Waterway: _____
----	----	on _____ up-stream _____ w/in 1/4 mile
----	----	Notify Parks and Recreation Department
----	----	Out-of-basin diversion
----	----	Need to route to Geology Section due to:
----	----	well within one mile of a stream
----	----	well within restricted surface water area
----	----	wells with request for greater than 5 cfs
----	----	well is for heating &/or cooling
----	----	well constructed by land owner
----	----	well is artesian
----	----	artificial ground water recharge project
----	----	ground water area under study
----	----	Within Irrigation District: _____
----	----	Notify _____ Need excerpt from District
----	----	Legal description of property
----	----	Ownership statement
----	----	Other parties to Notify: _____
----	----	Water Resources Commission review if:
----	----	Request for greater than 5 cfs
----	----	Dam height greater than 10 feet
----	----	Storage of more than 9.2 acre-feet
----	----	Out-of-basin diversion
----	----	within or above a scenic waterway
----	----	conditional uses under basin programs
----	----	requests for larger rate or duty than allowed
----	----	ground water recharge project
----	----	other substantial public interest issues
----	----	requests for review by an agency or person
X	----	Watermaster <del>comment form</del> sent with copy of <del>draft</del> permit <i>application and map</i>
----	----	Watermaster comments received _____
----	----	Hydrographic section comments requested _____
----	----	Hydrographic section comments received _____
X	----	O.D.F.W. sent copy of application <del>and map</del> (except groundwater) requesting comment _____
----	----	O.D.F.W. comments received _____
----	----	Report from D.E.G. received _____
X	----	Publish application information in weekly public notice.
----	----	Notify other owners of development
----	----	PROTESTED
----	----	filed _____
----	----	resolved _____