



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

70798

RECEIPT #

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

INVOICE # **132484**

RECEIVED FROM: Bruce Riger APPLICATION

BY: \_\_\_\_\_ PERMIT

TRANSFER

CASH:  CHECK: # 24-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1000

**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**

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$ <u>1000</u>
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

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

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	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	\$
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**07-00-0 HYDRO ACTIVITY**

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

RECEIPT # **132484** DATED: 2-22-96 BY: FLD L

Distribution--White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

RECEIPT # **7345**

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

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

RECEIVED FROM: Daniel G. Brown

APPLICATION	70798
PERMIT	
TRANSFER	

BY: \_\_\_\_\_

CASH:  CHECK: # 96455 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 200.

**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**

PCA 77235

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

**WATER RIGHTS:**

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

0223 OTHER (IDENTIFY) Protest \$200.

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
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**0467 HYDRO ACTIVITY**

0233 POWER LICENSE FEE (FWWRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **7345**

DATED: 10-9-96 BY: D. Bushnell

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

INTEROFFICE MEMORANDUM  
Water Rights Section

TO: ~~ERIC BENTLEY~~

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*

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

Basin	App Num
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2

OK 71556 A

OREGON DEPARTMENT OF FISH & WILDLIFE

Total for Basin 2 : 1

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

8  
9  
18  
74  
2  
1  
3  
9  
19  
2  
12  
12

Basin	App Num
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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> 70020	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
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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**

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **7292**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
376-8455 / 376-8130 (FAX)

INVOICE # 70812, 70829

RECEIVED FROM: Fort Klamath Critical  
BY: Habitat Landowners

APPLICATION	<u>IS 70813</u>
PERMIT	
TRANSFER	

CASH:  CHECK: #  24-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 450<sup>00</sup>

**0417 WRD MISC CASH ACCT**

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

**RECEIVED  
OVER THE COUNTER**

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
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**0427 WRD OPERATING ACCT**

0407	MISCELLANEOUS	<u>IS 70831, 70807, 70798</u>	\$
0410	COPY & TAPE FEES	<u>70810, 70830, 70819</u>	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC165	DEPOSIT LIAB. (IDENTIFY)		\$
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
<b>WELL CONSTRUCTION</b>			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0206 \$
	LANDOWNER'S PERMIT	\$	0219 \$
			0220 \$
<u>0234</u>	OTHER (IDENTIFY)	<u>Request for Standing</u>	\$ <u>450<sup>00</sup></u>

**0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

**0539 LOTTERY PROCEEDS**

1302	LOTTERY PROCEEDS	\$
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**0467 HYDRO ACTIVITY**

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

RECEIPT # **7292**

DATED: 10-8-96

BY: J. M. [Signature]

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Bull Copy-Fiscal

# REQUEST FOR STANDING

RECEIVED

OCT 8 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Application Number IS 70798

Applicant's Name ODFW

Name, address and telephone number of the party requesting standing;

Fort Klamath Critical Habitat Landowners.  
Name

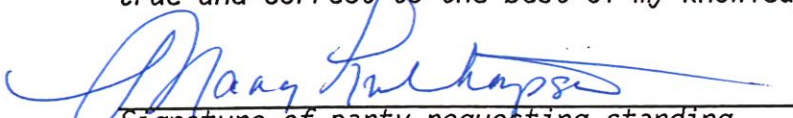
P.O. Box 503  
Address

Fort Klamath OR 97626  
City State Zip Code

541 381-2235  
Telephone Number

I have included and submit with this Request, all reasonably ascertainable issues and all reasonably available arguments supporting my position.

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

  
Signature of party requesting standing

10/8/96  
Date

### Instructions:

Any person may request standing for purposes of later participation in any contested case proceeding on the proposed final order. The fee required at the time of submitting this request is \$50.00. You will be notified if a contested case hearing is scheduled. In order to be a party in the contested case proceeding, an additional fee of \$150.00 would need to be submitted at that time. This Request must be submitted to the Water Resources Department, 158 12th Street NE, Salem, Oregon 97310, prior to the close of the period for receiving protests. Failure to raise a reasonably ascertainable issue in this Request or in a hearing or failure to provide sufficient specificity to afford the Department an opportunity to respond to any issue precludes judicial review based on that issue.

Water Resources Department Staff Use only	
Fees	Receipt Number
Entered into data base	Staff Reviewer
Received within filing period	Date

LS

FORT KLAMATH CRITICAL HABITAT LANDOWNERS  
P.O. BOX 503  
FORT KLAMATH, OREGON 97626

October 8, 1996

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

Dear Sirs:

We, the undersigned Fort Klamath Critical Habitat Landowners (FKCHL) hereby request standing for the purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order of the following instream water right applications:

<u>Stream</u>	<u>Application Number</u>
Annie Creek	IS 70831
Crooked Creek	IS 70807
Cherry Creek	IS 70798
Fort Creek	IS 70810
Sevenmile Creek	IS 70830
Sun Creek	IS 70819
Upper Klamath Lake	IS 70813
Klamath River	IS 70812
Wood River	IS 70829

In accordance with the requirements of OAR 690-310-160(3)(a-e) we submit the following:

- (a) Mary Lou Thompson  
Fort Klamath Critical Habitat Landowners  
P.O. Box 503  
Fort Klamath, OR 97626  
(541) 381-2235
- (b) Fort Klamath Critical Habitat Landowners  
P.O. Box 503  
Fort Klamath, OR 97626  
(541) 381-2235
- (c) The Fort Klamath Critical Habitat Landowners supports the proposed final order as issued.
- (d) As landowners in the areas where instream water rights have been requested, we would be harmed if the conditions or parameters set out in the proposed final orders are modified. It is our position that there is not currently any

excess water for appropriation. Therefore, any increases in the amount of appropriation could be detrimental. In addition, OAR 690-77-015 (2) establishes a management objective for achieving the amounts of instream flows necessary to support the identified public uses. There is not a clear plan as to how this objective is to be met, and each stream will be different. Any modifications to the proposed final orders could be detrimental to our interests.

(e) Enclosed is a \$50 fee for each instream water right application listed on this request for standing in accordance with ORS 536.050 (1)(p).

Thank you for your attention to our request.

- |  |  |
|--|--|
| <u>Tulare Farms</u><br>32200 Modoc Pt Rd.<br>Chiloqui OR                                       | <u>Harris &amp; Wood Ranches</u><br>Ft. Klamath, OR<br>K. DeLamater  |
| <u>McAuliffe Ranches</u><br>Box 555<br>Ft. Klamath<br>J.P. McAuliffe                           | <u>Mapine Kizer</u>  |
| <u>Joe McAuliffe Co</u><br>by Andrew Mc Huff<br>Andrew & Susan Mc Huff                         | <u>M.J. Laird &amp; Sonforth</u><br>Wm. S. Brader<br>5305 Walton Dr.<br>Klamath Falls, OR 97603  |
| <u>Jeffrey H. Minton</u><br>P.O. Box 571 Ft. Klamath<br>Mathis Ranches                         | <u>Clay Charley</u><br>553 Glass Ln.<br>White City OR 97502<br>Charley Livestock Co.<br>Neil & Beverly Ligfalds<br>27431 Rocky Pt Rd.<br>Klamath Falls, OR 97601 |
| <u>Double K Ranch</u><br>Kameth & Jutte MD<br>1696 COVER POINT RD<br>97601<br>KLAMATH FALLS OR | <u>Ekani H. Kerns</u><br>PO Box 482<br>Ft. Klamath Or 97626  |
| <u>Lee &amp; Edward Tomzaker</u><br>P.O. Box 528<br>Ft. Klamath, OR                            |  |
| <u>Dorelby Nicholson</u><br>Box 4578<br>Fort Klamath, Or. 97626                                |  |

Roger Wilkerson

Box 455

Fort Klamath, OR

Elaine Nicholson

Box 455

Ft. Klamath Ore

Jack Owens Ranch

John D Owens

P.O. 557  
Fort Klamath Or.

Juliana Fuqua  
109 Mary An Monso, Office Bldg.

32200 Madra Rd

Chiloquin OR 97624

BAK & DENNY KICKARDS

Neil & Doreen Kickards

27431 Rocky Pt. Rd.  
Klamath Falls, 97601

Dorothy Nicholson

P.O. 458

Fort Klamath, Or. 97626

Edwin H. Kerns

P.O. Box 482

Ft Klamath Or 97626

Anita Nicholson

P.O. Box 465

Fort Klamath Or 97626

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OCT - 9 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

October 1, 1996                      PROTEST TO                      PROPOSED FINAL ORDER

In the Matter of Surface Water Application IS 70798 in the Name of Oregon Fish and Wildlife Department for Water Use in Klamath County Oregon.

Protestant M.J. Gail (Brown) Danforth and others later listed submit this protest against the PROPOSED FINAL ORDER for Application IS 70798.

Protestant address is P.O. Box 425, Fort Klamath, Oregon, (541-381-2227) and residence is the affected property listed within this protest. Further, the protestants are the owners of property and adversely affected water rights and uses.

First and most important is the fact that the applicant has seriously failed to arrive at realistic and factual numbers concerning instream flow rates, and has therefore used inaccurate numbers. The amount of water requested in cubic feet per second shows a flow of water in all months of the year. In actual observation by members of this family for almost one hundred years, it is well known that seldom if ever does the creek even run all year. Most of the time the existing water rights exceed the stream flow.

Although the application acknowledges that it is requesting in excess of available water, it fails to acknowledge that flows in excess of existing water rights are already used to the benefit of wildlife and natural habitat elsewhere than into Fourmile Creek.

On site awareness and study would show that the creek has different flow patterns over the course of the year. Spring runoff naturally flows through what is known as the south Fork of Cherry Creek. Such flow, affects surface water rights held by the protestant on Chub Creek. Furthermore, to draw off such natural flows would cause irreparable harm to numerous springs that directly influence wildlife. Such flagrantly excessive demands on the water would possibly allow the state to redirect normal runoff that also affects naturally occurring springs that supply Crystal Creek. Crystal creek is known as a important spawning area as well as a water source and drainage to the marsh regions of upper western Klamath Lake. All this points out that the ODFW failed to fully research the impact of such an attempt to re-arrange nature and disturb adjacent landowners.

The OWRD has therefore erred in concluding that this application will not result in injury to other water rights. The OWRD further has failed to show that such action will not adversely affect other public interests.

**RECEIVED**

OCT -9 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

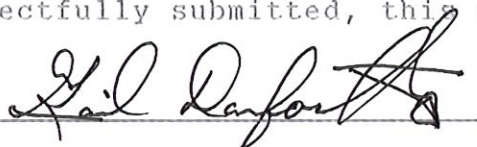
Although we support the attempt to better the migration and general conditions of fish habitat, we cannot allow this to take precedence over existing wildlife habitat, and existing water rights affecting livestock.

We therefore submit that this water right be denied until further review and contested findings be studied. The flow levels are far excessive beyond any reasonable hope, even without other senior rights considered, and are not necessary to support the public interests indicated. The applicant fails to consider natural flow directions and actually is requesting flow be directed along a route not always naturally occurring. Research shows that Cherry Creek did not always flow towards Fourmile until man's recent intervention. To insist that excess flows travel this route is to further remove water that benefits other rights and wildlife.

Based on these points the Proposed Final Order should deny the application.

Respectfully submitted, this 1st day of October 1996

By



Gail Danforth

Other protestants include: Grant and Lois Brown  
Dave and Gina Danforth  
Theodore and Debra Paddock  
Chris and Becky Brown  
Dan and Elouise Brown  
Vern and Barb Keffer

I hereby certify that on October 8, 1996 I served a true and accurate copy of the foregoing PROTEST to the PROPOSED FINAL ORDER on the applicant by mailing a copy by first class mail, post paid, and mailed at Klamath Falls, Oregon addressed to

Oregon Department of Fish and Wildlife  
2501 First Avenue  
P.O. BOX 59  
Portland, Oregon 97207

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

Water Right Application Number: IS 70798

**Proposed Final Order**

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

**Application History**

On 10/26/90, the Oregon Department of Fish and Wildlife submitted an application to the Department for the following instream water right certificate.

Source: CHERRY CR tributary to FOURMILE CR

County: Klamath

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
10.0	10.0	15.0	15.0	15.0	10.0	5.0	3.0	3.0	15.0	10.0	10.0

To be maintained in:

CHERRY CREEK FROM THE HEADWATERS AT RIVER MILE 0.0 (TOWNSHIP 34S, RANGE 5E WM); TO THE MOUTH AT RIVER MILE 0.0 (NWSW, SECTION 13, TOWNSHIP 34S, RANGE 6E WM)

The Department mailed the applicant notice of its Initial Review on January 23, 1996. Public notice of the application was provide in the Department's weekly public notice on February 6, 1996. Comments were received for 30 days.

The following supporting data was submitted by the applicant:

- (a) Fish and Wildlife Resources of the Klamath Basin, Oregon, and Their Water Requirements; April, 1970.
- (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.
- (d) Determining Stream Flows for Fish Life, Oregon State Game Commission Report, March 1972.

- (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
27.9	34.2	28.9	33.4	49.5	28.2	12.5	10.0	9.3	10.1	13.9	21.9

### 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 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.

- 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
10.0	10.0	15.0	15.0	15.0	10.0	5.0	3.0	3.0	10.1	10.0	10.0

### 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.

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: CHERRY CR tributary to FOURMILE CR

County: Klamath

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

To be maintained in:

CHERRY CREEK FROM THE HEADWATERS AT RIVER MILE 0.0  
(TOWNSHIP 34S, RANGE 5E WM); TO THE MOUTH AT RIVER  
MILE 0.0 (NWSW, SECTION 13, TOWNSHIP 34S, RANGE 6E WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 10/26/90.

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
10.0	10.0	15.0	15.0	15.0	10.0	5.0	3.0	3.0	10.1	10.0	10.0

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 70798

April 23, 1996

Bud Ullman  
Box 957  
Chiloquin, Oregon 97624

REFERENCE: Request for instream water right PFOs and FOS

Dear Mr. Ullman,

On February 22, 1996, we received your request for copies of proposed final orders and final orders for instream water right applications 70798, 70801 through 70807, 70810 through 70812, 70816, 70818, and 70821 through 70829, along with a check for \$10.

I am sorry to inform you that \$10 is not enough money. The 1995 Legislature established the fee to receive these documents at \$10 for each application (Senate Bill 674, section 1). Your letter referenced 22 applications, we have applied the \$10 to the first application referenced (70798). The PFO and FO will be sent to you when they are available. If you would like to receive these documents for the other listed applications, please submit an additional \$210.

If you want the \$10 applied to a different file, or if I can be of further assistance, please call me at 1-8-624-3199 extension 276.

Sincerely,



MICHAEL J. MATTICK  
Water Rights Specialist

MJM:



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

70798

# OREGON WATER RESOURCES DEPARTMENT



RECEIVED  
FEB 22 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

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

## PUBLIC NOTICE COMMENT FORM

February 6, 1995

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-70798, 70801 thru 807, 8

70810 thru 812, 70816 ~~thru~~, 70818, 5

70821 thru 829  $\frac{9}{22}$

Mail me the Order  
(payment enclosed)\*

### Your Name, Address, and Phone Number:

Bud Ullman

Box 957

Chiloquin OR 97624

1220  
- 100  
210

\* 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):

January 23, 1996

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

Reference: Instream water rights in the Klamath Basin,  
Files 70798, 70801 - 70807, 70810 - 70812, 70816,  
70818, 70821 - 70829

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 Basin Compact;

1. Application 70798

Priority date: 10/26/90

CHERRY CR tributary to FOURMILE CR

CHERRY CREEK FROM THE HEADWATERS AT RIVER MILE 0.0  
(TOWNSHIP 34S, RANGE 5E WM); TO THE MOUTH AT RIVER  
MILE 0.0 (NWSW, SECTION 13, TOWNSHIP 34S, RANGE 6E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10.0	10.0	15.0	15.0	15.0	10.0	5.0	3.0	3.0	15.0	10.0	10.0



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

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
27.9	34.2	28.9	33.4	49.5	28.2	12.5	10.0	9.3	10.1	13.9	21.9

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10.0	10.0	15.0	15.0	15.0	10.0	5.0	3.0	3.0	10.1	10.0	10.0

2. Application 70801

Priority date: 10/26/90

S FK SPRAGUE R tributary to SPRAGUE R

SOUTH FORK SPRAGUE RIVER FROM WHITWORTH CREEK AT RIVER MILE 21.6 (NWSW, SECTION 10, TOWNSHIP 37S, RANGE 16E WM); TO ISH TISH CREEK AT RIVER MILE 12.2 (NESW, SECTION 9, 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
45.0	45.0	45.0	45.0	45.0	30.0	15.0	15.0	15.0	15.0	45.0	45.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
36.0	47.5	67.8	103.0	125.0	69.8	33.4	23.9	26.7	31.0	32.3	34.7

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
36.0	45.05	45.0	45.0	45.0	30.0	15.0	15.0	15.0	15.0	32.3	34.7

3. Application 70802

Priority date: 10/26/90

S FK SPRAGUE R tributary to SPRAGUE R

SOUTH FORK SPRAGUE RIVER FROM ISH TISH CREEK AT RIVER MILE 12.2 (NESW, SECTION 9, TOWNSHIP 37S, RANGE 15E WM); TO THE MOUTH AT RIVER MILE 0.0 (SWNE, SECTION 24, TOWNSHIP 36S, RANGE 13E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
50.0	50.0	50.0	50.0	50.0	40.0	20.0	15.0	15.0	50.0	50.0	50.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
103.0	136.0	194.0	296.0	357.0	200.0	95.5	68.3	76.3	88.6	92.3	99.3

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
50.0	50.0	50.0	50.0	50.0	40.0	20.0	15.0	15.0	50.0	50.0	50.0

## 4. Application 70803

Priority date: 10/26/90

SPENCER CR tributary to KLAMATH R

SPENCER CREEK FROM TUNNEL CREEK AT RIVER MILE 12.0  
(NWSW, SECTION 18, TOWNSHIP 38S, RANGE 6E WM); TO THE  
MOUTH AT RIVER MILE 0.0 (NWNW, SECTION 29, TOWNSHIP 39S,  
RANGE 7E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
16.0	16.0	20.0	20.0	20.0	20.0	20.0	12.0	12.0	12.0	12.0	16.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
23.8	30.5	43.4	60.5	57.3	35.5	20.6	15.8	17.2	19.9	21.0	23.4

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
16.0	16.0	20.0	20.0	20.0	20.0	20.0	12.0	12.0	12.0	12.0	16.0

## 5. Application 70804

Priority date: 10/26/90

SPRAGUE R tributary to WILLIAMSON R

SPRAGUE RIVER FROM SOUTH FORK SPRAGUE RIVER AT RIVER  
MILE 84.0 (SWNE, SECTION 24, TOWNSHIP 36S, RANGE 13E  
WM); TO THE SYCAN RIVER AT RIVER MILE 70.5 (SWSW  
SECTION 10, TOWNSHIP 36S, RANGE 12E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
100.0	100.0	100.0	100.0	100.0	80.0	60.0	60.0	60.0	60.0	100.0	100.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
201.0	266.0	375.0	564.0	675.0	382.0	184.0	131.0	147.0	172.0	179.0	194.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
100.0	100.0	100.0	100.0	100.0	80.0	60.0	60.0	60.0	60.0	100.0	100.0

6. Application 70805

Priority date: 10/26/90

SPRAGUE R tributary to WILLIAMSON R

SPRAGUE RIVER FROM SYCAN RIVER AT RIVER MILE 70.5 (SWSW, SECTION 10, TOWNSHIP 36S, RANGE 12E WM); TO ROAD CROSSING AT LONE PINE AT RIVER MILE 32.9 (NWSW, SECTION 11, TOWNSHIP 35S, RANGE 9E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
120.0	120.0	120.0	120.0	120.0	100.0	80.0	80.0	80.0	80.0	120.0	120.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
316.0	437.0	672.0	1040.0	1030.0	569.0	275.0	194.0	215.0	258.0	278.0	307.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
120.0	120.0	120.0	120.0	120.0	100.0	80.0	80.0	80.0	80.0	120.0	120.0

7. Application 70806

Priority date: 10/26/90

SPRAGUE R tributary to WILLIAMSON R

SPRAGUE RIVER FROM ROAD CROSSING AT LONE PINE AT RIVER MILE 32.9 (NWSW, SECTION 11, TOWNSHIP 35S, RANGE 9E WM); TO THE MOUTH AT RIVER MILE 0.0 (NWNW, SECTION 3 TOWNSHIP 35S, RANGE 7E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
150.0	150.0	150.0	150.0	150.0	120.0	100.0	100.0	100.0	100.0	150.0	150.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
417.0	547.0	798.0	1160.0	1120.0	660.0	347.0	260.0	287.0	343.0	366.0	411.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
150.0	150.0	150.0	150.0	150.0	120.0	100.0	100.0	100.0	100.0	150.0	150.0

## 8. Application 70807

Priority date: 10/26/90

CROOKED CR tributary to WOOD R

CROOKED CREEK FROM HATCHERY SPRINGS (SESW, SECTION 1,  
TOWNSHIP 34S, RANGE 7.50E WM); TO THE MOUTH AT RIVER  
MILE 0.0 (SECTION 13, TOWNSHIP 34S, 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
15.0	15.0	25.0	25.0	15.0	15.0	15.0	15.0	15.0	25.0	15.0	15.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
84.7	85.0	93.0	93.2	83.1	82.5	77.2	79.5	80.1	92.4	90.4	89.6

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
15.0	15.0	25.0	25.0	15.0	15.0	15.0	15.0	15.0	25.0	15.0	15.0

## 9. Application 70810

Priority date: 10/26/90

FORT CR tributary to WOOD R

FORT CREEK FROM THE HEADWATERS (SPRINGS) AT RIVER MILE  
3.5 (NWNE, SECTION 23, TOWNSHIP 33S, RANGE 7.50E WM); TO  
THE MOUTH AT RIVER MILE 0.0 (NE1/4, SECTION 34,  
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
20.0	20.0	30.0	30.0	30.0	20.0	20.0	20.0	20.0	30.0	20.0	20.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
83.2	82.2	82.4	84.3	85.0	85.6	85.2	86.1	86.4	85.2	83.9	82.9

c. Allowable water use

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



12. Application 70816

Priority date: 10/26/90

N FK SPRAGUE R tributary to SPRAGUE R

NORTH FORK SPRAGUE RIVER FROM SHEEPY CREEK AT RIVER MILE 17.5 (SENW, SECTION 15, TOWNSHIP 35S, RANGE 15E WM); TO THE MOUTH AT RIVER MILE 0.0 (SWNE, SECTION 24, TOWNSHIP 36S, RANGE 13E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
50.0	50.0	50.0	50.0	50.0	40.0	20.0	15.0	15.0	50.0	50.0	50.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
82.1	108.0	154.0	236.0	284.0	159.0	76.1	54.4	60.8	70.6	73.5	79.1

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
50.0	50.0	50.0	50.0	50.0	40.0	20.0	15.0	15.0	50.0	50.0	50.0

13. Application 70818

Priority date: 10/26/90

N FK SPRAGUE R tributary to SPRAGUE R

NORTH FORK SPRAGUE RIVER FROM SHEEPY CREEK AT RIVER MILE 17.5 (SENW, SECTION 15, TOWNSHIP 35S, RANGE 15E WM); TO THE MOUTH AT RIVER MILE 0.0 (SWNE, SECTION 24, TOWNSHIP 36S, RANGE 13E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
50.0	50.0	50.0	50.0	50.0	40.0	20.0	15.0	15.0	50.0	50.0	50.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
308.0	350.0	308.0	317.0	298.0	270.0	277.0	296.0	300.0	315.0	342.0	329.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
50.0	50.0	50.0	50.0	50.0	40.0	20.0	15.0	15.0	50.0	50.0	50.0

## 14. Application 70821

Priority date: 10/26/90

SYCAN R tributary to SPRAGUE R

SYCAN RIVER FROM PARADISE CREEK AT RIVER MILE 58.2 (SWNE, SECTION 22, TOWNSHIP 33S, RANGE 15E WM); TO AN UNNAMED TRIBUTARY AT RIVER MILE 36.8 (SWNE, SECTION 10, TOWNSHIP 33S, RANGE 13E WM)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	15.0	15.0	20.0	20.0	20.0	15.0	10.0	5.0	5.0	20.0	15.0	15.0
2nd½	15.0	15.0	20.0	20.0	10.0	15.0	10.0	5.0	5.0	20.0	15.0	15.0

b. The estimated average natural flow:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	41.4	68.4	135.0	239.0	202.0	85.5	38.6	27.9	27.6	30.5	40.2	44.1

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	15.0	15.0	20.0	20.0	20.0	15.0	10.0	5.0	5.0	20.0	15.0	15.0
2nd½	15.0	15.0	20.0	20.0	10.0	15.0	10.0	5.0	5.0	20.0	15.0	15.0

## 15. Application 70822

Priority date: 10/26/90

SYCAN R tributary to SPRAGUE R

SYCAN RIVER FROM AN UNNAMED TRIBUTARY AT RIVER MILE 36.8 (SWNE, SECTION 10, TOWNSHIP 33S, RANGE 13E WM); TO TORRENT SPRING CREEK AT RIVER MILE 23.0 (SENE, SECTION 33, TOWNSHIP 33S, RANGE 12E WM)

a. The amount of water requested for instream use:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	35.0	35.0	35.0	35.0	35.0	30.0	20.0	15.0	15.0	15.0	35.0	35.0

b. The estimated average natural flow:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	43.2	74.2	164.0	326.0	252.0	99.3	43.3	30.7	29.7	32.4	43.2	46.5

c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	35.0	35.0	35.0	35.0	35.0	30.0	20.0	15.0	15.0	15.0	35.0	35.0

## 16. Application 70823

Priority date: 10/26/90

SYCAN R tributary to SPRAGUE R

SYCAN RIVER FROM TORRENT SPRING CREEK AT RIVER MILE  
23.0 (SE1/4, SECTION 33, TOWNSHIP 33S, RANGE 12E WM);  
TO THE MOUTH AT RIVER MILE 0.0 (NWSW, SECTION 10,  
TOWNSHIP 36S, RANGE 12E WM)

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

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
50.0	50.0	50.0	50.0	50.0	40.0	30.0	20.0	20.0	20.0	50.0	50.0

## b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
45.2	79.1	185.0	386.0	287.0	110.0	47.1	33.0	31.6	34.3	45.8	48.7

## c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
45.2	50.0	50.0	50.0	50.0	40.0	30.0	20.0	20.0	20.0	45.8	48.7

## 17. Application 70824

Priority date: 10/26/90

WILLIAMSON R tributary to UPPER KLAMATH L

WILLIAMSON RIVER FROM HAED OR RIVER SPRING AT RIVER MILE  
85.5 (SE1/4, SECTION 4, TOWNSHIP 33S, RANGE 11E WM); TO  
ROCKY FORD AT RIVER MILE 69.5 (SWSW, SECTION 7, TOWNSHIP  
31S, RANGE 11E WM)

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

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	30.0	40.0	50.0	50.0	50.0	40.0	30.0	30.0	30.0	50.0	30.0	30.0
2nd½	40.0	40.0	50.0	50.0	50.0	40.0	30.0	30.0	30.0	50.0	30.0	30.0

## b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
61.0	64.3	70.1	80.5	78.7	73.2	58.8	48.6	54.7	59.8	61.0	62.8

## c. Allowable water use

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st½	30.0	40.0	50.0	50.0	50.0	40.0	30.0	30.0	30.0	50.0	30.0	30.0
2nd½	40.0	40.0	50.0	50.0	50.0	40.0	30.0	30.0	30.0	50.0	30.0	30.0

18. Application 70825

Priority date: 10/26/90

WILLIAMSON R tributary to UPPER KLAMATH L

WILLIAMSON RIVER FROM USGS GAGE 11493500 AT RIVER MILE 27.0 (NWSW, SECTION 1, TOWNSHIP 33S, RANGE 7E WM); TO SPRING CREEK AT RIVER MILE 16.5 (SENE, SECTION 9, TOWNSHIP 34S, RANGE 7E WM)

a. The amount of water requested for instream use:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
60.0	60.0	60.0	60.0	60.0	40.0	25.0	25.0	20.0	20.0	60.0	60.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
228.0	339.0	468.0	501.0	332.0	216.0	100.0	55.6	53.7	42.3	128.0	244.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
60.0	60.0	60.0	60.0	60.0	40.0	25.0	25.0	20.0	20.0	60.0	60.0

19. Application 70826

Priority date: 10/26/90

WILLIAMSON R tributary to UPPER KLAMATH L

WILLIAMSON RIVER FROM SPRAGUE RIVER AT RIVER MILE 11.0 (NWNW, SECTION 3, TOWNSHIP 35S, RANGE 7E WM); TO THE MOUTH AT RIVER MILE 0.0 (NESE, SECTION 11, TOWNSHIP 36S, 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
300.0	300.0	300.0	300.0	300.0	250.0	200.0	200.0	200.0	200.0	300.0	300.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
963.0	1250.0	1590.0	1990.0	1760.0	1160.0	731.0	616.0	646.0	708.0	844.0	993.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
300.0	300.0	300.0	300.0	300.0	250.0	200.0	200.0	200.0	200.0	300.0	300.0

## 20. Application 70827

Priority date: 10/26/90

WILLIAMSON R tributary to UPPER KLAMATH L

WILLIAMSON RIVER FROM SPRING CREEK AT RIVER MILE 16.5  
(SENE, SECTION 9, TOWNSHIP 34S, RANGE 7E WM); TO SPRAGUE  
RIVER AT RIVER MILE 11.0 (NWNW, SECTION 3, TOWNSHIP 35S,  
RANGE 7E WM)

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

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
300.0	300.0	300.0	250.0	200.0	200.0	200.0	200.0	200.0	200.0	300.0	300.0

## b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
540.0	693.0	782.0	823.0	633.0	490.0	380.0	353.0	356.0	360.0	473.0	576.0

## c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
300.0	300.0	300.0	250.0	200.0	200.0	200.0	200.0	200.0	200.0	300.0	300.0

## 21. Application 70828

Priority date: 10/26/90

WILLIAMSON R tributary to UPPER KLAMATH L

WILLIAMSON RIVER FROM ROCKY FORD AT RIVER MILE 69.5  
(SWSW, SECTION 7, TOWNSHIP 31S, RANGE 11E WM); TO USGS  
GAGE 11493500 AT RIVER MILE 27.0 (NWSW, SECTION 1,  
TOWNSHIP 33S, RANGE 7E WM)

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

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
20.0	30.0	40.0	40.0	40.0	30.0	20.0	20.0	15.0	15.0	15.0	15.0

## b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
210.0	319.0	447.0	480.0	313.0	198.0	85.0	41.8	39.0	25.6	112.0	226.0

## c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
20.0	30.0	40.0	40.0	40.0	30.0	20.0	20.0	15.0	15.0	15.0	15.0

22. Application 70829

Priority date: 10/26/90

WOOD R tributary to UPPER KLAMATH L

WOOD RIVER FROM WOOD RIVER SPRING AT RIVER MILE 17.0  
(NE1/4, SECTION 3, TOWNSHIP 33S, RANGE 7.50E WM); TO  
THE MOUTH AT RIVER MILE 0.0 (NE1/4, SECTION 25, TOWNSHIP  
34S, 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
80.0	80.0	80.0	80.0	80.0	60.0	60.0	60.0	60.0	60.0	80.0	80.0

b. The estimated average natural flow:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
347.0	335.0	336.0	376.0	439.0	471.0	442.0	398.0	383.0	390.0	365.0	362.0

c. Allowable water use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
80.0	80.0	80.0	80.0	80.0	60.0	60.0	60.0	60.0	60.0	80.0	80.0

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 **February 6, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

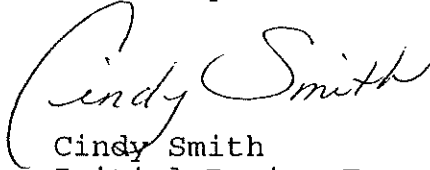
To Proceed With Your Application:

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

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # IS 70798

WATERMASTER # DEL SPARKS

REGIONAL MANAGER: BOB MAIN

ODF&W - County: Klamath

DEO

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:

BUD ULLMAN, BOX 957, CHILOQUIN, OR 97624

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

CASEWORKER : CINDY SMITH

HOLZMAN'S  
LAZY MOUNTAIN PLACE  
P.O. BOX 743  
CAMP SHERMAN, OREGON 97730



10/28/92

RECEIVED

NOV 2 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr Michael Mattick  
Water Resources Dept  
3850 Portland Rd NE  
Salem Ore 97310

Re: One Fish & Wildlife in Streams  
water right applications

70751 Lake Creek

70799 upper Metolius

70798 Lower Metolius

Dear Mr Mattick,

I would like to receive a copy of your Technical Review & be advised of any other information that you might have including hearings for the above 3 applications.

Thank you for the above information & again thank you very much for taking so much time to explain the situation ~~about~~ to me.

Very truly yours,

Irwin Holzman

Please forward all info to me

Irwin Holzman

Box 42205

Portland Ore 97242

233-4481 (ofc)

# WaterWatch

O F O R E G O N

December 3, 1990

Mike Mattick  
Water Resources Department  
3850 Portland Road NE  
Salem, Oregon 97310

Re: ODFW request for Instream Water Right, Klamath, Cherry Creek,  
Permit number 70798.

Dear Mr. Mattick,

We write in support of the Oregon Department of Fish and Wildlife's request for the above referenced Instream Water Right. Establishment of an Instream Water Right for maintenance of fish life in this creek is needed to ensure protection of this public use.

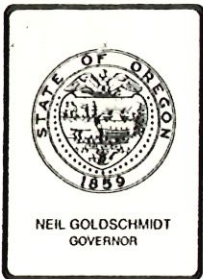
Please notify us of any protest, petition, or request for review received on this water right application. If we do not hear from the Department prior to action on this permit we will assume nothing has been received by the Department.

Thank you for consideration of this letter. Call if you have any questions.

Sincerely,



Audrey Simmons  
President



## Department of Fish and Wildlife

2501 SW FIRST AVENUE, PO BOX 59, PORTLAND, OREGON 97207 PHONE (503) 229-5400

RECEIVED

OCT 26 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

### MEMORANDUM

Date: October 22, 1990  
To: Interested Parties  
From: Al Mirati, Instream Water Right Coordinator  
Subject: Instream Water Rights Applications

OAR 690-77-020 requires Oregon Department of Fish and Wildlife to notify affected local governments of our intent to apply for instream water rights. Attached is a list of streams on which applications will be submitted to Water Resources Department within the next few days. If you have questions or concerns on any of the listed applications, contact:

Jake Szramek  
Water Resources Dept.  
3850 Portland Rd., NE  
Salem, Or 97310

Please hold your questions or comments until after October 29th. This will give WRD an opportunity to receive and review the applications prior to your contact.

Application No. 70798  
Permit No.

STREAM.	FROM	TO
KLAMATH RIVER > PACIFIC OCEAN	KENO DAM	JC BOYLE RES
LINK R > KLAMATH R	LINK RIVER DAM	LAKE EWAUNA
SEVENMILE CR > AGENCY LK	DRY CR	MOUTH
ANNIE CR > WOOD R	E FK ANNIE CR	MOUTH
WILLIAMSON R > UPPER KLAMATH LK	GAGE 11493500	SPRING CR
WILLIAMSON R > UPPER LKAMATH LK	SPRAGUE R	MOUTH
WILLIAMSON R > UPPER KLAMATH LK	SPRING CR	SPRAGUE R
WILLIAMSON R > UPPER KLAMATH LK	ROCKY FORD	GAGE 11493500
WOOD R > AGENCY LK	WOOD RIVER SP	MOUTH
LONG CR > SYCAN R	UNNAMED TRIB	MOUTH
S FK SPRAGUE R > SPRAGUE R	ISH TISH CR	MOUTH
SPENCER CR > KLAMATH R	TUNNEL CR	MOUTH
SPRAGUE R > WILLIAMSON R	S FK SPRAGUE R	SYCAN R
SYCAN R > SPRAGUE R	S FK SYCAN R	PARADISE CR
SYCAN R > SPRAGUE R	PARADISE CR	UNNAMED TRIB
SYCAN R > SPRAGUE R	UNNAMED TRIB	TORRENT SPR CR
SYCAN R > SPRAGUE R	TORRENT SPR CR	MOUTH
WILLIAMSON R > UPPER KLAMATH KL	BOTTLE CR	ROCKY FORD
SPRAGUE R > WILLIAMSON R	SYCAN R	LONE PINE
SPRAGUE R > WILLIAMSON R	LONE PINE	MOUTH
SPRING CR > WILLIAMSON R	SPRING CR SPRS	MOUTH
SUN CR > ANNIE CR	CRATER LK N PRK	MOUTH
N FK SPRAGUE R > SPRAGUE R	HEAD OF RIV SP	SHEEPY CR
N FK SPRAGUE R > SPRAGUE R	SHEEPY CR	MOUTH
PARADISE CR > SYCAN R	HEADWATERS	MOUTH
S FK SPRAGUE R > SPRAGUE R	CAMP CR	WHITWORTH CR
S FK SPRAGUE R > SPRAGUE R	HEADWATERS	CAMP CR
S FK SPRAGUE R > SPRAGUE R	WHITWORTH CR	ISH TISH CR
BROWNSWORTH CR > S FK SPRAGUE R	HAMMOND CR	MOUTH
CHERRY CR > FOURMILE CR	HEADWATERS	MOUTH
CROOKED CR > WOOD R	HATCHERY SPS	MOUTH
DEMING CR > S FK SPRAGUE R	HEADWATERS	ROCKY FLAT CR
FISHHOLE CR > S FK SPRAGUE R	BRIGGS SP	MOUTH
FORT CR > WOOD R	HEADWTERS	MOUTH
JENNY CR > KLAMATH R	JOHNSON CR	KEENE CR

IWR Application # 70798 Certificate # \_\_\_\_\_

STATE OF OREGON

WATER RESOURCES DEPARTMENT

**RECEIVED**

**Application for Instream Water Right  
by a State Agency**

**OCT 26 1990**

There is no fee required for this application.

WATER RESOURCES DEPT.  
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 Cherry Creek, a tributary of Fourmile Creek (Upper Klamath Lake).
2. The public uses this instream water right is based upon include providing required stream flows for bull, rainbow, and brook trout for migration, spawning, egg incubation, fry emergence, and juvenile and adult rearing.
3. The amount of water (in cubic feet per second) needed by month for each category of public use is as follows:

USE(S): Migration, spawning, egg incubation, fry emergence, and juvenile and adult rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10	10	15	15	15	10	5	3	3	15	10	10

4. The reach of the stream identified for an instream water right is from (upstream end) the headwaters, Township 34S, Range 5E W.M., in Klamath County...

Downstream to the mouth,, river mile 0, within the NW quarter of the SW quarter of Section 13, Township 34S, Range 6E W.M., in Klamath County.

5. The method used to determine the requested amounts was 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: October 4, 1990
ODFW (Fish, Wldlf, and Habitat)	Date: October 4, 1990
Parks and Recreation Division	Date: October 4, 1990

IWR Application # 70798 Certificate # \_\_\_\_\_

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

Establish a gaging structure at or near the lower limit of the reach.

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

Local ODFW personnel 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)]: None.

10. Remarks: Bull trout is listed as a "sensitive" species (a candidate for listing under the Threatened and Endangered Species Act if population declines from present level) by ODFW. Bull trout were last observed in this reach in 1972 but are assumed to still be present.

The requested flows are the minimum required to maintain fish populations at their current levels. At these flows, no provision is made for population restoration or enhancement.

**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: 10/23/90

Signed: Nancy M. MacHugh

Oregon Department of Fish and Wildlife

Assistant Director  
Habitat Conservation Div.

File: CHERRY1.APP

IWR Application # 70798 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 or before

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

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

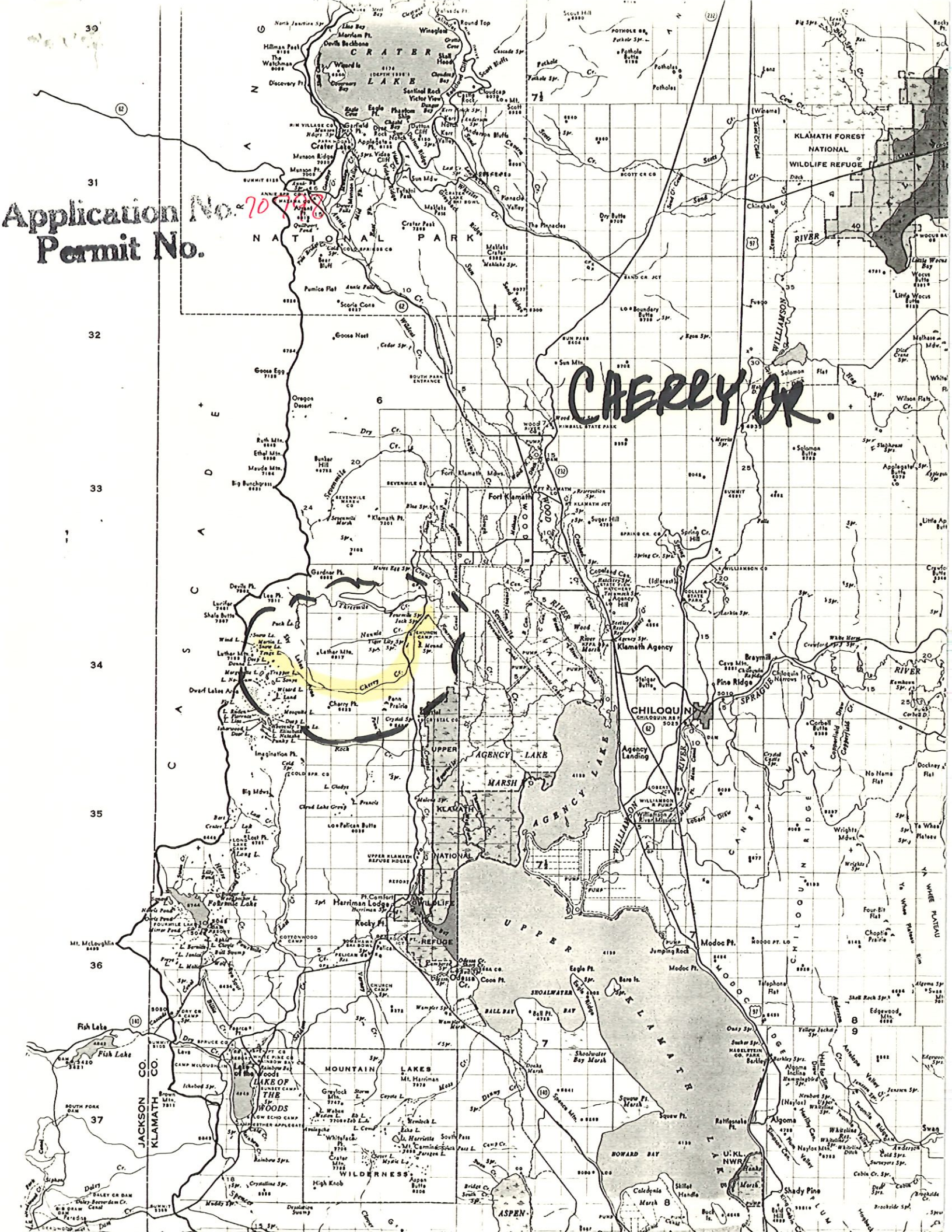
\_\_\_\_\_  
\_\_\_\_\_

This document was first received at the Water Resources Department in Salem, Oregon, on the 26<sup>th</sup> day of October, 1990, at 8 o'clock A.M.

Water Resources Department  
3850 Portland Rd. NE  
Salem, OR 97310

Application No. 701  
Permit No.

CHERRY CR.



APPLICATION PROCESSING OUTLINE

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

*IWR*  
 Application No. 70798  
 Permit No. \_\_\_\_\_

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 _____ v/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 program
_____	_____	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
_____	_____	Watermaster consent form sent with copy of draft permit
_____	_____	_____ and _____
_____	_____	Watermaster comments received _____
_____	_____	Hydrographic section comments requested _____
_____	_____	Hydrographic section comments received _____
_____	_____	O.D.F.W. sent copy of application and app(except groundwater) requesting comment _____
_____	_____	O.D.F.W. comments received _____
_____	_____	Report from D.E.C. received _____
_____	_____	Publish application information in weekly public notice. _____
_____	_____	Notify other owners of development _____
_____	_____	PROTESTED _____
_____	_____	filed _____
_____	_____	resolved _____

OCT 26 1990

Application No. <sup>IWR</sup> 70798

Permit No. ....

Name Oregon Dept Fish & Wildlife

Address PO Box 59 Portland OR 97207

Assigned .....

Address .....

Beginning construction .....

Completion of construction .....

Extended to .....

Complete application of water .....

Extended to .....