

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON
WATER RIGHTS DIVISION

In the Matter of Surface Water Application)	PROTEST TO
IS 70824 in the Name of the Oregon Water)	PROPOSED FINAL
Resources Department for Instream Water Use)	ORDER

Protestant Gerda Hyde/Yamsi Ranch, in accordance with ORS 537.153(6) and OAR 690-77-043, submits the following Protest to Proposed Final Order for Application IS 70824.

I. INTRODUCTION

Protestant's address is Gerda Hyde, Yamsi Ranch, P.O. Box 371, Chiloquin, Oregon 97624; phone number (541)783-2403. Protestant is the owner and water user of irrigation water rights from the Williamson River, a tributary of Upper Klamath Lake. This Protest is being filed by Protestant's attorney, Richard M. Whitman, Ball Janik LLP, 101 S.W. Main Street, Suite 1100, Portland, Oregon 97204; phone number (503) 228-2525.

Protestant asserts that the Proposed Final Order by the Water Resources Department ("WRD" or "Department") is defective and in error and that there are elements of the water right as approved that will impair or be detrimental to the public interest, based on the facts and issues set forth below.

II. PROPOSED FLOW RATES ARE IN EXCESS OF MINIMUM QUANTITY NECESSARY

The instream water right flow rates proposed are excessive and unnecessary for the use applied for. The flow rates proposed are higher than the minimum quantity necessary for the public use requested by the Oregon Department of Fish & Wildlife ("ODFW"), and are, therefore, contrary to the definition of "instream flow" of ORS 537.332(2) and OAR 690-77-010(14). Water use of the instream right, if approved, would adversely affect the Protestant and other potential water users from the Williamson River by appropriating excess quantities of water and preventing any other new appropriations of water.

III. INADEQUATE TECHNICAL DATA SUBMITTED BY ODFW

Application IS 70824, as submitted by ODFW to the Department, failed to include sufficient technical data or information to support the flow rates requested by said agency, as required by OAR 690-77-020 and ORS 537.335.

OAR 690-070-020(4)(g) requires an application to include at a minimum "a description of the *technical data* and methods used to determine the requested amounts;" (emphasis added). Apparently the flow levels applied for are based on a report entitled "Fish and Wildlife Resources of the Klamath Basin, Oregon and Their Water Requirements" RS

(April, 1970, hereafter "the Water Requirements Report"). It is impossible to tell, however, what factual data the application is based on. The Water Requirements Report does not contain specific data regarding the basis for recommended flows in this reach of the Williamson River. No other supporting data or "technical data" were submitted by the applicant as required by OAR 690-77-020(4)(g). Since no technical data were included with ODFW's application, the application should be returned to the applicant for curing of defects or resubmittal.

IV. WRD FAILED TO ANALYZE FLOW NEEDS

The flow levels contained in the Proposed Final Order are not based on any analysis of the need for the flows requested. ORS 537.332(2) sets out the definition of "In-stream flow", which the Department is supposed to follow when determining instream water rights: "the minimum quantity of water necessary to support the public use requested by an agency". The Proposed Final Order does not address the minimum quantity of water or flow levels necessary to support the uses applied for. A review of the WRD file indicates that no such analysis has occurred. The only review undertaken by the WRD was a check to see if the requested flows are less than the estimated average natural flow ("EANF"; OAR 690-77-015(4)).

V. THE METHOD USED BY ODFW TO DETERMINE THE FLOW LEVELS REQUESTED IS NOT SPECIFIED

The Proposed Final Order is also defective in that it appears that the WRD did not evaluate whether the level of instream flow requested was "based on methods of determining instream flow needs that have been approved by administrative rule of the agencies submitting the applications." (OAR 690-77-020(3)). One of the requirements of the Department's application review is contained in OAR 690-17-020(3): "... all applications for instream water rights shall be based on the methods of determining instream flow needs that have been approved by administrative rule of the agencies submitting the applications." (See also part III, above).

Assuming that this application is based on the "Oregon Method", this requirement does not mean that the Department can simply accept ODFW's assertion that the "Oregon Method" is the basis for the requested flows. The Department must actively review the application to see if the Oregon Method and ODFW's instream rules are being followed. ODFW must also submit supporting data to show that the standards and criteria contained in their rules has been followed.

Actual measurements of streamflow were not made at times when key life stages occurred and, in fact, the severe limitations of the data available show that they are inadequate to validate the requested flows: "Actual measurement of streamflow made at or near recommended instream flow requirements and made at times when key life stages occur are important to validate the methodology used, and to validate that the recommended

instream flow requirements provided desirable habitat conditions." Instream Flow Methodologies, Louis C. Fredd, Oregon Department of Fish and Wildlife (1989), page 12.

VI. EANF CALCULATIONS ARE DEFECTIVE or INCOMPLETE

There are no calculations for information in the WRD file to show what "ratios" were used or how adjustments were made to any gauged flows to determine the 50% exceedance flows, and there is also no information in the technical review to show the type of statistics used (see: "Methods for Determining Streamflows and Water Availability in Oregon", Robison, P. 22 and 23). The EANF calculations are defective resulting in high EANF levels and thus allowing excessive recommended flows by the WRD.

Protestant has measured stream flow within this reach of the Williamson River and has data to show that typical flows in at least portions of the reach and during particular months are lower than those set forth in the Proposed Final Order. This reach is at the very headwaters of the Williamson and is almost entirely spring fed. Base flows in this reach are quite constant and never exceed 40 cfs. As a result, and at a minimum, the flows for the months of March through May, and October, must be reduced to at least 40 cfs.

VII. THE KLAMATH RIVER BASIN COMPACT REQUIRES THAT ANY RIGHTS FOR FISH USE BE SUBJECT TO A PREFERENCE FOR IRRIGATION AND DOMESTIC USES

Article III, Section C.1. of the Klamath River Basin Compact (ORS 542.620) provides that:

"All rights, acquired by appropriation after the effective date of this compact, to use waters originating within the Upper Klamath River Basin for use (a) or (b) [domestic or irrigation use] in either state shall be superior to any rights, acquired after the effective date of this compact, to use such waters ... for use (c), (d), (e) or (f) [recreation use, including use for fish and wildlife, industrial use, hydroelectric power, and such other uses as are allowed by the state] anywhere in the Klamath River Basin. Such superior rights shall exist regardless of their priority in time and may be exercised with respect to inferior rights without the payment of compensation."

Under the terms of the Compact, any right granted under IS 70824 must specify that it will not have priority over domestic or irrigation uses. The draft certificate currently specifies only that the right will not have priority over human or livestock consumption. This limitation must be expanded to include domestic and irrigation uses.

VIII. THE DEPARTMENT'S DETERMINATION OF PUBLIC INTEREST DID NOT CONSIDER THE FACTORS LISTED IN ORS 537.170(8)

OAR 690-77-037(2) provides that "[i]f the public interest presumption is not established, the department shall determine whether the proposed use will impair or be detrimental to the public interest considering the factors listed in ORS 537.170(8)." The public interest presumption was not established in this case. Proposed Final Order, at 3. Nevertheless, the Department failed to consider all of the factors listed in ORS 537.170(8). The Department based its failure to consider the factors on OAR 690-77-015(2)-(4). The Department's reliance on rules is not proper as they conflict with ORS 537.170(8) and are thus invalid. Furthermore, even if the rules set forth at OAR 690-77-015(2)-(4) are valid, they do not preclude consideration of the statutory factors. As an example, there may be non-consumptive or other instream uses that should be conserved.

IX. THE PROPOSED CERTIFICATE INADEQUATELY DESCRIBES HOW THE FLOW IS TO BE MEASURED AND ENFORCED

Condition 2 of the Draft Certificate requires measurement and reporting of the instream flow along the reach described in the certificate. Condition 5 of the Draft Certificate specifies that flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach. As noted above, the natural flow in at least portions of the reach are less than those specified in the Proposed Final Order and Draft Certificate. The Draft Certificate should be clarified to state that the right applies only at Rocky Ford at river mile 69.5. This will also clarify that other instream and non-consumptive uses are allowed upstream of this point.

CONCLUSION

This Protest is filed in accordance with OAR 690-77-043. The issues raised should be considered as part of a contested case hearing. The WRD's Proposed Final Order is inadequate and defective and has failed to follow applicable rules. A thorough review of the Application is necessary to determine the minimum quantity of water necessary to support the public uses applied for.

For the reasons set forth above, the Protestant asserts that the application is defective and should be returned to the applicants. The flow levels requested are excessive and are not necessary to support the public uses proposed. Flow levels set at the rates proposed will interfere with future maximum economic development of the waters of the State of Oregon. Excessive flow rates for instream water rights represent a wasteful and unreasonable use of the water involved. (ORS 537.170(8)(e)).

Based on the points discussed above, the Proposed Final Order should deny the application for a permit or modify the Proposed Final Order accordingly.

Respectfully submitted this 11th day of October, 1996.

BALL JANIK LLP

By: 


Richard M. Whitman
Of Attorneys for Gerda Hyde and Yamsi
Ranch

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 1996 I served a true and correct copy of the foregoing Protest to the Proposed Final Order on the applicant by mailing said copy by first class mail, postage prepaid, by depositing said copy in the United State Post Office in Portland, Oregon, addressed as set forth below:

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

BALL JANIK LLP

By: 
Richard M. Whitman
Of Attorneys for Gerda Hyde and Yamsi
Ranch

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # IS 70824

WATERMASTER # DEL SPARKS

REGIONAL MANAGER: BOB MAIN

ODF&W - County: Klamath

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

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

Water Right Application Number: IS 70824

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: WILLIAMSON R tributary to UPPER KLAMATH L

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
1st $\frac{1}{2}$	30.0	40.0	50.0	50.0	50.0	40.0	30.0	30.0	30.0	50.0	30.0	30.0
2nd $\frac{1}{2}$	40.0	40.0	50.0	50.0	50.0	40.0	30.0	30.0	30.0	50.0	30.0	30.0

To be maintained in:

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)

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
61.0	64.3	70.1	80.5	78.7	73.2	58.8	48.6	54.7	59.8	61.0	62.8

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.

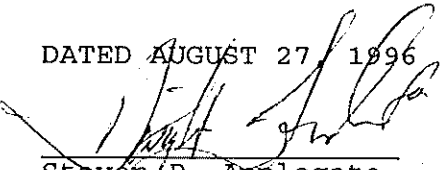
- the flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.
- the stream flows listed below represent the minimum flows necessary to support the public use.

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

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: WILLIAMSON R tributary to UPPER KLAMATH L

County: Klamath

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

To be maintained in:

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)

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
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

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 70824

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

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
8
12
12

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		
9			
	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
Total for Basin	9 :	16	
10			
	71450	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71455	S	OREGON DEPARTMENT OF FISH & WILDLIFE
	71455	A	OREGON DEPARTMENT OF FISH & WILDLIFE
Total for Basin	10 :	3	
11			
	<i>Dwight Done Right!</i> 70020	A	OREGON DEPARTMENT OF FISH & WILDLIFE & PARKS
Total for Basin	11 :	1	
12			
	71467	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71468	A	OREGON DEPARTMENT OF FISH & WILDLIFE
	71472	A	OREGON DEPARTMENT OF FISH & WILDLIFE
Total for Basin	12 :	3	
13			
	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
Total for Basin	13 :	9	

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	
14		
	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
Total for Basin 14 :	46	

15		
	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
Total for Basin 15 :	8	

16		
	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
Total for Basin 16 :	12	

17		
	70228	A OREGON DEPARTMENT OF FISH & WILDLIFE

Instream Applications with Protests

4/2/97

Basin	App Num		
17			
	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 # **7533**

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

INVOICE # _____

TS

RECEIVED FROM: Ball Jarik LCP
BY: _____

APPLICATION	70824
PERMIT	
TRANSFER	

CASH: CHECK: # 24-201 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.

0417 WRD MISC CASH ACCT

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

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS VOUCHER #

0427 WRD OPERATING ACCT

PCA 77235

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	RECORD FEE
0203 GROUND WATER	\$	0202 \$
0205 TRANSFER	\$	0204 \$
	\$	0206 \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
LANDOWNER'S PERMIT	\$	0219 \$
	\$	0220 \$

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	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **7533**

DATED: 10-11-96 BY: D. Bushnell

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

Dayton and Gerda Hyde
Yamsi Ranch
P.O. Box 371
Chiloquin, Oregon 97624

COPY

10-10-96

Richard Whittman is my
representative for legal council
for the protest of the
proposed final order # 70824

Gerda Hyde
Gerda V. Hyde
Box 371 Yamsi Ranch
Chiloquin, OR 97624

Bailey, IWR PFO Comments; Klamath and Lake Basins

Page 4

October 4, 1996

12) 70656

The source name should be: SILVER CR TRIB PAULINA MARSH.

13) 70658

The source name should be: BRIDGE CR TRIB PAULINA MARSH.

14) 70659

The source name should be: BUCK CR TRIB PAULINA MARSH.

15) 70664

The source name should be: ELDER CR TRIB DAIRY CR.

16) **Presumption Findings, Unappropriated Exceeds Requested: 70802, 70804, 70805, 70806, 70807, 70810, 70812, 70816, 70821, 70822, 70824, 70826, 70827, 70829**

The PFOs for these applications appears to be in error on the findings of whether the statutory presumption has been established. The PFOs conclude that the presumption is not established because:

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

However, requested flows do exceed EANF estimates during all months, as reported in the PFO. ODFW has reviewed WRD estimates of available flows at the 80% exceedence level also, and found that requested flows also exceed the 80% available flows during all months also. Therefore, flows ARE available to meet the proposed use and the correct finding should be that the statutory presumption HAS been established.

ODFW requests that WRD review the flow data in these applications and revise their findings. ODFW also requests that where WRD concludes that the presumption has in fact been established, that this new finding be reflected in the Final Order.

17) 70803

The PFOs for this applications is probably in error on the findings of whether the statutory presumption has been established. The PFO concludes that the presumption is not established because:

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 (SENW, 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.

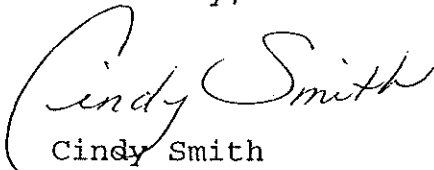
To Proceed With Your Application:

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,

A handwritten signature in cursive script that reads "Cindy Smith". The signature is written in black ink and is positioned to the left of the typed name.

Cindy Smith
Initial Review Team

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

70824

MOON CONSULTING

P.O. BOX 82

EUGENE, OREGON 97440

David C. Moon
ATTORNEY AT LAW

(503) 485-5350

December 6, 1990

Water Resources Department
Applications and Permits Division
3850 Portland Road NE
Salem, Oregon 97310

RECEIVED
DEC 6 1990
WATER RESOURCES DEPT.
SALEM, OREGON

Attn: Mike Mattick

Dear Mr. Mattick:

I'm writing on behalf of Tulana Farms and Goose Bay Farms/Ranches to request a review and hearing to object to the Instream Water Rights applications filed by the Oregon Department of Fish & Wildlife on the Williamson River (Application Nos. 70824 through 70828). My clients both own water rights from the Williamson River for irrigation purposes; granting the applications as filed would adversely affect their water rights and prevent them from making any future appropriations of water from the Williamson River.

The basis for my clients objections is that: (1) the flow rates requested are excessive and said amounts are far greater than what is necessary to support fish and wildlife; (2) the applications are based on inadequate factual data and scientific methodology; (3) the ODFW has applied the methodology and criteria for the instream flow water rights incorrectly; (4) the flow rates requested would appropriate all remaining water in the Williamson River and prevent any future appropriations by others which would be in the broadest range of public good and would be prejudicial to the public interest; (5) the flow rates requested may exceed the average natural flow of the Williamson River; and (6) the instream water rights may be in conflict with the Klamath River Basin Compact. Therefore they are requesting a thorough review, including a hearing and request that they be a party to such hearing.

Instream water rights which request flow rates beyond the minimum necessary to support fish and wildlife will only result in the waste of water since the water would not be available for appropriation. A review of their applications and a hearing on those applications to determine if the instream water rights are necessary in the amounts applied for and are in the public interest is extremely important. Please contact me if anything further is required.

Sincerely,



David C. Moon

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 applications for Instream Water Rights, Klamath,
Williamson River, Permit numbers 70824, 70825, 70826, 70827
and 70828.

Dear Mr. Mattick,

We write in support of the Oregon Department of Fish and Wildlife's request for the above referenced Instream Water Rights. Establishment of Instream Water Rights for maintenance of fish life in this river 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

IWR Application # 70824

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

OCT 26 1990

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 Williamson River, a tributary of Upper Klamath Lake.
2. The public uses this instream water right is based upon include providing required stream flows for redband and brook trout, Klamath largescale sucker, and brown bullhead for migration, spawning, egg incubation, fry emergence, and juvenile 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 rearing.

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

4. The reach of the stream identified for an instream water right is from (upstream end) Head of River Spring, river mile 85.5, within the SE quarter of Section 4, Township 33S, Range 11E W.M., in Klamath County...

Downstream to Rocky Ford, river mile 69.5, within the SW quarter of the SW quarter of Section 7, Township 31S, Range 11E 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 # 70824 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: There have been major investments in habitat improvement in this reach by ODFW, USFS, GWEB, Klamath tribes, and private parties.

A unique stock of redband trout is indigenous to this reach.

The requested flows are the minimum required to maintain fish populations at their current levels. No provision is made at these flows 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: WILLIAM1.APP

IWR Application # 70824 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

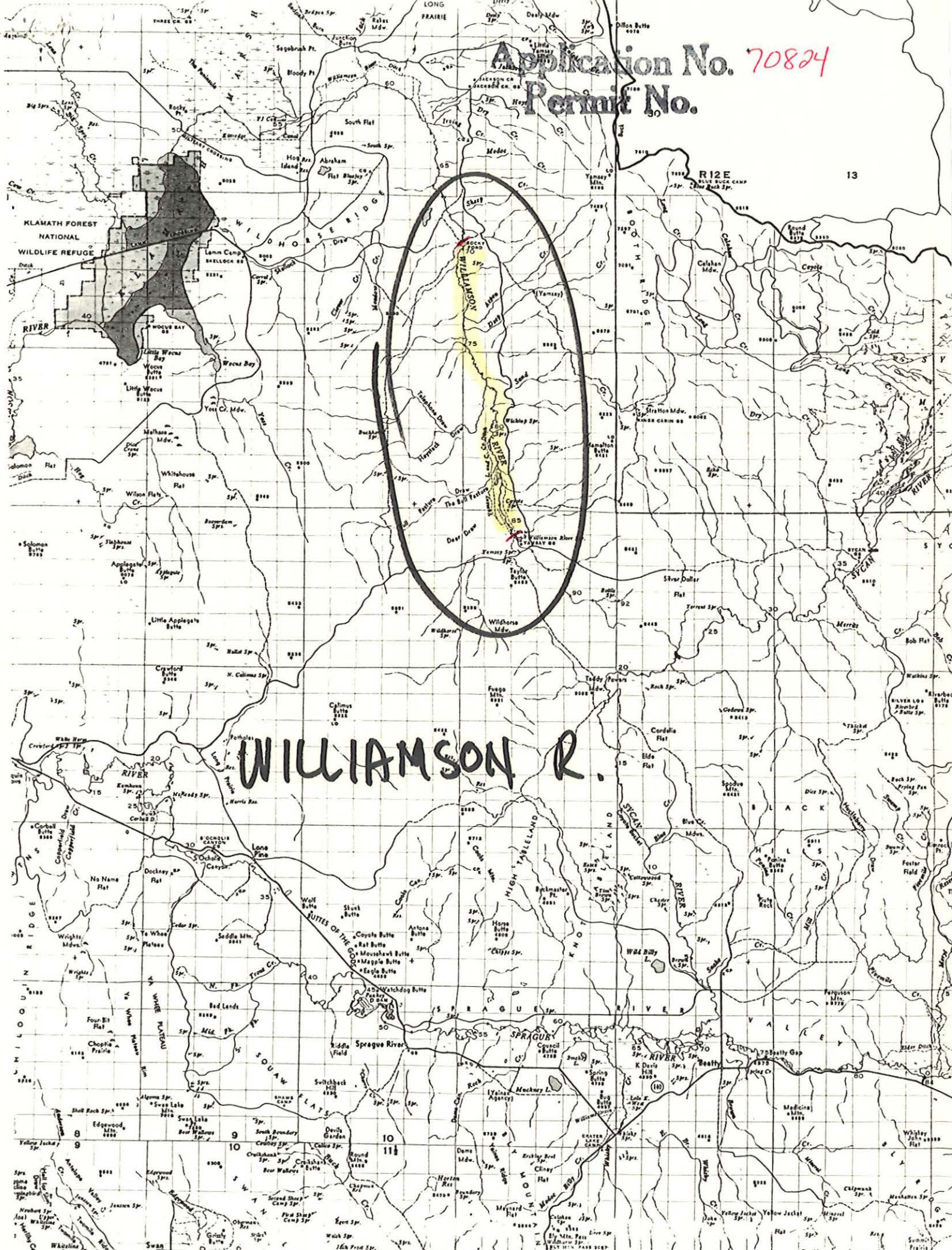
_____, 19____.

Date: _____, 19____.

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

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

Application No. 70824
Permit No.



WILLIAMSON R.

Copy

IWR Application # 70824 Certificate # _____

STATE OF OREGON

WATER RESOURCES DEPARTMENT

Application for Instream Water Right
by a State Agency

RECEIVED

OCT 26 1990

WATER RESOURCES
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 Williamson River, a tributary of Upper Klamath Lake.
2. The public uses this instream water right is based upon include providing required stream flows for redband and brook trout, Klamath largescale sucker, and brown bullhead for migration, spawning, egg incubation, fry emergence, and juvenile 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 rearing.

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

4. The reach of the stream identified for an instream water right is from (upstream end) Head of River Spring, river mile 85.5, within the SE quarter of Section 4, Township 33S, Range 11E W.M., in Klamath County...

Downstream to Rocky Ford, river mile 69.5, within the SW quarter of the SW quarter of Section 7, Township 31S, Range 11E W.M., in Klamath County.

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

IWR Application # 70824 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.

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Date: 10/23/90

Signed: Nancy M. MacHugh

Oregon Department of Fish and Wildlife

Assistant Director
Habitat Conservation Div.

File: WILLIAM1.APP

IWR Application # 70824 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 26th day of October, 1990, at 8 o'clock A. M.

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

OCT 26 1990

Application No. ^{JWR} 70824

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