

DEQ DIVISION 33 APPLICATION REVIEW SHEET

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

Application #: S-87538 Applicant's Name: Whitewater Ranch LLC

1) Is there a connection to a 303(d) listed water quality limited water body? NO YES

Explain: The McKenzie River (from its mouth to RM 54.6) is listed on the State's 303(d) list for exceedances of Oregon's temperature criteria. The water quality standards established by the DEQ are designed to protect each of the beneficial uses associated with the waterbody. In the case of temperature, the criteria are set to protect the beneficial uses of salmonid rearing and spawning, which are the most sensitive. The Total Maximum Daily Load (TMDL), finalized by the DEQ in 2006 and approved by the USEPA, demonstrates the connection between flow and river temperature in the Willamette Basin. Reduced flow has the potential to exacerbate water quality concerns such as elevated temperatures.

2) What is the potential for this use to impact a water quality limited water body: HIGH MEDIUM LOW

Explain: DEQ's modeling has determined that river temperature is related to flow during the summer. As flow is reduced, river temperatures are increased (see Willamette TMDL, Chapter 4 for a discussion of the sensitivity of the Willamette River to changes in flow). Oregon's water quality standards are established to protect all beneficial uses. In the case of temperature in the Willamette, the criteria protect the most sensitive beneficial uses of salmonid rearing and spawning. It is likely that this proposed water withdrawal has the greatest potential to impact the water quality-limited McKenzie River during the summer months and the periods when flow in the river is low and salmon are present.

3) If the answer to question (2) is HIGH or MEDIUM, will the proposed use still result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species? NO YES

If YES, how? The DEQ regards the potential for this use to impact a water quality limited water body as being 'low' because of the relative magnitude of the requested withdrawal (2 cfs) when compared with the flow of the McKenzie River. However, the TMDL demonstrates that during the summer months, the McKenzie River is over-utilized from a thermal loading capacity so any additional withdrawal will decrease the river's thermal capacity and the river will get incrementally warmer. The temperature increase associated with this proposed withdrawal may not be measureable by itself, but the DEQ is concerned about the cumulative impact from all these new withdrawals on sensitive beneficial uses.

4) Can conditions be applied to mitigate the impact of the use? NO YES

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

The DEQ recommends the application of the 'fishdiv33' condition to mitigate the impact of the use. This condition will address the disturbance of the riparian area, the potential to impact downstream water quality, as well as fish screening.

5) If conditions cannot be identified to offset impacts, would the proposed use affect the Habitat of Sensitive, Threatened, or Endangered Fish Species? NO YES

If YES, please explain: As indicated, the Willamette River is home to a number of threatened and/or endangered fish species and reduced flow has the potential to exacerbate water quality problems such as elevated stream temperatures. Reduced flow can also hinder salmonid migration during critical times of the year.

6) If a permit is issued, are there any conditions you would like to see included in the permit?

Please see response to question #4.

7) Your recommendation under OAR 690-033-0330 (2): Approval with conditions
 Approval without conditions
 Denial

DEQ Representative Signature:  Date: 12/16/09

WRD Contact: Caseworker: Joel Plahn, Water Rights Division, 503-986-0900 / Fax 503-986-0901