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Oregon

May 14, 1996

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WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

Pendleton District Office

Mr. Adam Sussman
Program Analyst - Water Rights and Adjudication Division
Water Resources Department
158 12th Street NE
Salem, OR 97310

RE: Water Right Application S-73950 - McNary Yacht Club

Dear Mr. Sussman

We have been contacted by Mr. Stephen M. Bloom, Attorney at Law, representing the McNary Yacht Club regarding their application for a water right on the Columbia River to irrigate approximately 2.2 acres of lawn. As a result of the Division 33 rules adopted in 1994 to set public interest standards for new appropriations within the Columbia/Snake Basin above Bonneville Dam, the Water Resources Department Proposed Final Order for application S-73950 prescribes a use period of March 1 through April 15 and October 1 to October 31. This does not allow usage during the hot summer months which, according to the Yacht Club, is the critical time of need for irrigation. As a result, the Yacht Club has filed a protest with the Water Resources Department. The Yacht Club is requesting a use period of March 1 through October 31 which would require an exemption of the Division 33 rules.

In a April 24, 1996 letter from Stephen M. Bloom, the Yacht Club is requesting "a letter of support from ODF&W that states that your agency [ODFW] agrees that the Yacht Club's use of water would provide a "net benefit" for native resident and native anadromous fish recovery". This is an exemption of the Division 33 rules in accordance with OAR 690-140 (b). On May 10, 1996 I met with Mike Hazelwood and Larry Schnetzky (representatives of the Yacht Club) at the Yacht Club to investigate the possibilities of developing such a project. As a result of this meeting, I believe that the Yacht Club's water use could provide a "net benefit" to native resident and native anadromous fish if used as a means of irrigating riparian plantings to insure their survival provided the plantings be carried out and maintained as described below. This is possible due to the relatively small quantity of Columbia River requested

The ODFW will support an exemption to OAR 690-33-140 (b) if the Yacht club plants and maintains riparian vegetation along the west bank of the Yacht Club marina to the extent and manner found appropriate by the ODFW and as described below:

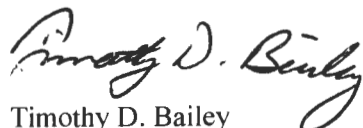


Route 1, Box 18
Mission Road
Pendleton, OR 97801
(503) 276-2344
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1. Concrete that is currently on the west bank of the marina shall be removed to provide an adequate medium for the planting of willow cuttings and be disposed of in the appropriate manner. Banks shall be sloped as appropriate. To be completed by October 31, 1996.
2. Maple tree seedlings shall be planted along the top of the west bank approximately 15 feet apart and ten feet back from the top of the bank. The planting stock shall be 18 to 24 inches in height. To be completed by October 31, 1996.
3. Willow cuttings shall be planted along the entire west bank. The cuttings shall be collected from local stock. They shall be planted a maximum of three feet apart in a diamond pattern across the entire west bank. The cuttings shall be 18 to 24 inches in length and a diameter of 1/2 to 1-1/2 inches. The cuttings shall be planted so that no more than six inches are exposed above ground level. They shall be collected and planted within the time period of November 1, 1996 to March 31, 1997. The Yacht Club shall consult with the ODFW regarding details on plant collection, plant storage, and planting techniques.
4. The Yacht Club shall use the proposed water right to irrigate all plantings twice weekly during the hot and dry portions of the year. Approximately May through October.
5. The Yacht Club will maintain these riparian plantings as long as the proposed water right is in use. Maintenance will include irrigation, replanting and other care necessary to maintain a vigorous and healthy stand of riparian vegetation. It is expected that additional plantings of willow will be necessary following initial planting as some mortality will likely occur. The ODFW will prescribe any replanting efforts necessary based on follow-up inspections of the project in September of 1997 and 1998. The Yacht Club will be responsible for setting up these follow-up inspections.

If the above conditions are implemented, ODFW believes that the project would provide a "net benefit" to native resident and native anadromous fish in the Columbia and Snake rivers. There is no "net benefit" to native resident and native anadromous fish by the proposed water withdrawal without the planting and maintenance of riparian vegetation. If there are questions or additional clarification is needed please contact me.

Sincerely,



Timothy D. Bailey
Umatilla District Fish Biologist

- c Stephen M. Bloom
Marc Liverman, ODFW
Bruce Eddy, ODFW
Mike Ladd, WRD

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