

ODFW 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 #: G 17939 Applicant's Name: Nicholas Smith

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)]

NO YES Species: Coho salmon, fall Chinook salmon, summer steelhead, Pacific lamprey Status: Sensitive Threatened Endangered

If YES, continue to question (2). If NO, you may comment by completing the public interest review sheet on the back of this page.

2) Stage or value at risk (check all that apply): Spawning, Incubation Rearing Passage Habitat Value

3) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the essential habitat of a SENSITIVE SPECIES? NO YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(b)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(a)]

4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?
 NO; skip to question 6. YES

Which conditions are recommended? (select from Menu of Conditions) ODFW will support approval of this application only if the applicant purchases a stored water contract from the Bureau of Reclamation to use 5.0 acre feet of stored water from Lost Creek Reservoir to mitigate for impacts of this proposed ground water use to the Rogue River. The purchases contract must be kept up to date while water use is occurring. However, ODFW noticed that the letter from BOR states only 4.5 acre feet is available to landowners. If 4.5 acre feet is the maximum amount this applicant is allowed, the permit should reflect this amount as the application is requesting 5 acre feet. b57.

5) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species? NO YES [690-33-330(4)]

If YES, please explain: OWRD has determined that the proposed use will have the potential for substantial interference with the Rogue River. OWRD has also determined that surface water is not available at any time of year. Therefore, the proposed use may result in decreased habitat quantity and quality for native fish species in the Rogue River.

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what conditions do you recommend? (select from Menu of Conditions) ODFW will support approval of this application only if the applicant purchases a stored water contract from the Bureau of Reclamation to use 5.0 acre feet of stored water from Lost Creek Reservoir to mitigate for impacts of this proposed ground water use to the Rogue River. The purchases contract must be kept up to date while water use is occurring. However, ODFW noticed that the letter from BOR states only 4.5 acre feet is available to landowners. If 4.5 acre feet is the maximum amount this applicant is allowed, the permit should reflect this amount as the application is requesting 5 acre feet. b57.

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

ODFW Representative signature: Peter Samarin Date: January 15, 2015

WRD Contact: Caseworker: Barbara Park Water Rights Division, 503-986-0900 / Fax 503-986-0901