

# 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 18230 Applicant's Name: Aaron Ward

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: summer steelhead 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  YES; recommend from Menu of Conditions and skip to question 7.

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 well is hydraulically connected to Sterling Creek. OWRD has also determined surface water is not available at any time of the year. Sterling Creek provides habitat for summer steelhead (state sensitive) and is considered Category 2 or 3 habitat under ODFW's Habitat Mitigation Policy. ODFW believes that further appropriation from this stream could result in significant detrimental impacts to fish within Sterling Creek. Also, Sterling Creek flows into the Little Applegate River which has an instream water right (app 70982) and ODFW believes that the proposed use could injure the instream flow in the Little Applegate River. Therefore, as proposed, ODFW recommends denial of this permit application.

However, ODFW would re-consider this application if the applicant is willing to pursue mitigation for the proposed use.

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)

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

ODFW Representative signature: Peter Samarin Date: March 22, 2016

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