



Oregon
Kate Brown, Governor

Water Resources Department
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March 17, 2017

Director
In Care of Anna Pakenham-Stevenson
Oregon Department of Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, OR 97302-1142

Reference: Instream water right in the Sandy Basin, File IS 88355.

Dear Oregon Department of Fish and Wildlife:

**THIS IS NOT A WATER RIGHT CERTIFICATE
AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING**

This letter is to inform you of the preliminary analysis of your water right application. This document, called an "Initial Review", is to inform you of the potential limitations to your proposed instream water rights and to describe some of your options. Based on the information you have provided, the Oregon Water Resources Department (OWRD) has made the following preliminary determinations:

Initial Review Determinations:

1. The referenced applications are complete and not defective. However, OWRD requests the applicant provide additional information of how it has complied with its own administrative rules for instream water rights, as required by OAR 690-077-0020(4)(k), specifically those found in OAR 635-400-0020.
2. The proposed use is not prohibited, restricted or limited by law except for water availability limitations in certain months as depicted below.
3. The reach proposed in this application for an instream water is in the Sandy Basin.
4. The instream fish life uses and wildlife use are allowed under the Sandy Basin Program (OAR 690-503-0020(1)).
5. Water for instream use is limited to the estimated average natural flow. Specifically, OAR 690-077-0015(4) states "If natural streamflow or natural lake levels are the source for meeting instream water rights, the amount allowed during any identified time period for the water right shall not exceed the estimated average natural flow or level occurring from the drainage system ..."
6. All amounts of water are in cubic feet per second.
7. Summary of determination: Some percentage of the water applied for has been determined allocable for the purpose identified in each application. That volume is shown in the table below titled "Allowable instream use" and if less than the volume shown in "Requested for Fish life and fish habitat" table is limited to the volume shown "Estimated average natural flow" table.

1. Application 88355**Priority date: 01/24/2017****APPLICATION FROM OREGON DEPARTMENT OF FISH & WILDLIFE**Description:

- Clear Creek, tributary to the Sandy River, at river mile 4.3 (SENW, S13, T2S, R7E, WM) in Clackamas County (45.3994, -121.8947) and continuing downstream to the mouth at river mile 0.0, (SWNW, S34, T2S, R7E, WM) in Clackamas County (45.3558, -121.9391).

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
45	45	45	45	45	45	30	8/6	6	6/45	45	45

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90	92	85	107	105	53	27	24	24	35	92	94

Allowable water use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
45	45	45	45	45	45	27	8/6	6	6/35	45	45

The applications can be moved to the next phase of the water rights application review process. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal:

If you choose not to proceed, you may withdraw your application. To accomplish this you must notify the Department in writing by March 31, 2016.

To Proceed with Your Application:

If you choose to proceed with an application, you do not have to notify the Department. Your application 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 question:

Feel free to call Craig Kohanek at (503) 986-0823 if you have questions. Please have the application number(s) available if you call.

APPLICATION FACT SHEET

Application File Number: IS 88355

Applicant: Oregon Department of Fish and Wildlife

County: Sandy

Watermaster: Amy Kim, District 20

Priority Date: January 24, 2017

Source: 1) Clear Creek, tributary to the Sandy River.

Uses: Fish life and wildlife

Water Quantity:

IS 88355: (All amounts of water are in cubic feet per second)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
45	45	45	45	45	45	27	8/6	6	6/35	45	45

Basin Name & Number: Sandy Basin #4

Stream Index Reference: OWRD Streamcode 0312200160 – Clear Cr

PUBLIC NOTICE DATE:

30 DAY COMMENT DEADLINE DATE: