



Oregon
Kate Brown, Governor

Water Resources Department
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April 11, 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 rights in the Hood Basin, Files IS 88321, IS 88322, IS 88323, IS 88324, IS 88325, IS 88326, IS 88327, IS 88328, IS 88329, IS 88330, 88331, IS 88334, IS 88335, IS 88337.

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 applications. This document, called an “Initial Review”, is to inform you of the potential limitations to your proposed instream water right and to describe some of your options. Based on the information you have provided, the Water Resources Department has made the following preliminary determinations:

Please reference the application number when sending correspondence regarding conclusions of this Initial Review. Comments received within the comment period will be evaluated at the next phase of the process.

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 right is in the Hood Basin.
4. The instream fish life uses and wildlife use are allowed under the Hood Basin Program OAR (690-504-0000(1)).
5. Water allocable 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 identified in this document 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 88321

Priority date: 12/01/2016

Description:

- Eagle Creek, tributary to the Columbia River, beginning at (45.6278, -121.8988) (SWNW, S25, T2N, R7E, WM) in Hood River County and continuing downstream to (45.6405, -121.9319) (SWNE, S22, T2N, R7E, WM) in Multnomah County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
70	70	70	120	120	120	70	84	143	143	120	120

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
358	360	271	277	270	158	78.7	54.8	52.5	95.1	240	354

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
70	70	70	120	120	120	70	54.8	52.5	95.1	120	120

2. Application 88322

Priority date: 12/01/2016

Description:

- East Fork Hood River, tributary to the Hood River, beginning at (45.5451, -121.5814) (SENW, S28, T1N, R10E, WM) in Hood River County and continuing downstream to (45.6053, -121.6333) (NWNE, S1, T1N, R9E, WM) in Hood River County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
180	210	210	210	210	210	150	150	175	175	180	180

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
599	630	581	580	655	626	490	372	331	314	391	535

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
180	210	210	210	210	210	150	150	175	175	180	180

3. Application 88323**Priority date: 12/01/2016**Description:

- Green Point Creek, tributary to West Fork Hood River, beginning at the confluence of the Green Point Creek and Long Branch Creek at (45.5914, -121.6987) (NWNE, S9, T1N, R9E, WM) in Hood River County and continuing downstream to (45.5873, -121.6439) (SENE, S12, T1N, R9E, WM) in Hood River County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90	120	120	120	120	120	50	80	80	80	120	120

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
93.9	110	107	124	125	64.7	26.8	16.5	16.2	29	65.2	87.9

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90	110	107	120	120	64.7	26.8	16.5	16.2	29	65.2	87.9

4. Application 88324**Priority date: 12/01/2016**Description:

- Herman Creek, tributary to Columbia River, beginning at the confluence of East Herman Creek and Herman Creek, at (45.6549, -121.819) (NWSW, S15, T2N, R8E, WM) in Hood River County and continuing downstream to (45.6834, -121.8616) (NESE, S6, T2N, R8E, WM) in Hood River County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
60	60	60	102	102	102	60	72	122	122	102	72

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
115	124	107	122	135	77.1	33.4	20.7	18.1	32.5	81.5	113

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
60	60	60	102	102	77.1	33.4	20.7	18.1	32.5	81.5	72

5. Application 88325**Priority date: 12/01/2016**Description:

- Lindsay Creek, tributary to Columbia River, beginning at the North Lake Dam at (45.6429, -121.757) (NESE, S24, T2N, R8E, WM) in Hood River County and continuing downstream to (45.6903, -121.7136) (NENE, S5, T2N, R9E, WM) in Hood River County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
20	20	20	34	34	34	20	20	41	41	34	20

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
18	18.8	16.9	22.7	31.4	17.9	5.7	2.64	3.31	6.22	20	20

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
18	18.8	16.9	22.7	31.4	17.9	5.7	2.64	3.31	6.22	20	20

6. Application 88326

Priority date: 12/01/2016

Description:

- Mill Creek, tributary to Columbia River, beginning at the confluence of North Fork and South Fork Mill Creek at (45.5506, -121.3079) (SESW, S22, T1N, R12E, WM) in Wasco County and continuing downstream to (45.6068, -121.1872) (SWSW, S34, T2N, R13E, WM) in Wasco County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	10	15	26	26	26	15	15	10	10	10	10

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
25.8	61	65.1	45.3	25.5	15.4	12.6	10.7	9.72	8.43	10.3	15.8

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	10	15	26	25.5	15.4	12.6	10.7	9.72	8.43	10	10

7. Application 88327

Priority date: 12/01/2016

Description:

- Neal Creek, tributary to Hood River, beginning at the confluence of West Fork Neal Creek and Neal Creek at (45.5951, -121.4995) (SWSW, S6, T1N, R11E, WM) in Hood River County and continuing downstream to (45.6639, -121.5256) (NENE, S14, T2N, R10E, WM) in Hood River County

a. The amount of water requested for instream use:

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	45	45	45	25	25	25

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
26.4	41.9	40.1	27.6	9.98	4.91	2.41	1.95	2.15	2.96	4.8	10.6

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
26.4	41.9	40.1	27.6	9.98	4.91	2.41	1.95	2.15	2.96	4.8	10.6

8. Application 88328

Priority date: 12/01/2016

Description:

- Odell Creek, tributary to Hood River, beginning at (45.6121, -121.5587) (NESW, S34, T2N, R10E, WM) in Hood River County and continuing downstream to (45.6566, -121.5396) (NESW, S14, T2N, R10E, WM) in Hood River County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
20	50	50	50	50	50	20	20	20	20	20	20

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
8.55	15.7	16.3	9.25	.88	.17	.08	.09	.07	.13	.43	2.75

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
8.55	15.7	16.3	9.25	.88	.17	.08	.09	.07	.13	.43	2.75

9. Application 88329

Priority date: 12/01/2016

Description:

- South Fork Mill Creek, tributary to Mill Creek, beginning at the Crow Creek Reservoir Dam at (45.4751, -121.4544) (NENW, S20, T1S, R11E, WM) in Wasco County and continuing downstream to (45.5506, -121.3079) (SESW, S22, T1N, R12E, WM) in Wasco County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	0	0	0	0	17	10	10	7	7	7	0

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
16.2	37.4	40	35.3	20.6	12.1	10.1	8.7	8.3	7.2	7.6	10.2

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	0	0	0	0	12.1	10	8.7	7	7	7	0

10. Application 88330**Priority date: 12/01/2016**Description:

- West Fork Hood River, tributary to Hood River, beginning at the confluence of Elk Creek and McGee Creek at (45.4569, -121.7818) (SWNW, S25, T1S, R8E, WM) in Hood River County (45.4569, -121.7818) and continuing downstream to (45.6052, -121.6333) (NWNE, S1, T1N, R9E, WM) in Hood River County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
150	250	250	250	250	250	150	165	165	165	190	190

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
603	643	608	665	621	401	244	184	177	197	465	597

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
150	250	250	250	250	250	150	165	165	165	190	190

11. Application 88331**Priority date: 12/01/2016**Description:

- Fifteenmile Creek, tributary to the Columbia River, beginning at (45.4504, -121.1198) (SWSE, S25, T1S, R13E, WM) in Wasco County and continuing downstream to the mouth at (45.6141, -121.1231) (SWNW, S31, T2N, R14E, WM) in Wasco County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
13	13	20	34	34	34	20	20	13	13	13	13

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
65.7	102	97.5	66.9	65.6	49.8	12.8	5.92	6.11	7.91	11.3	24.7

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
13	13	20	34	34	34	12.8	5.92	6.11	7.91	11.3	13

12. Application 88334**Priority date: 12/31/2016**Description:

- East Fork Hood River, tributary to the Hood River, just above the confluence of Polallie Creek with the East Fork Hood River at (45.4185, -121.5685) (SESE, S5, T2S, R10E, WM) in Hood River County and continuing downstream to (45.5451, -121.5814) (SENE, S28, T1N, R10E, WM) in Hood River County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
175	175	175	175	175	175	110	110	145	145	175	175

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
271	260	260	349	509	409	255	170	163	171	267	269

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
175	175	175	175	175	175	110	110	145	145	175	175

13. Application 88335

Priority date: 12/31/2016

Description:

- East Fork Hood River, tributary to the Hood River, at the confluence of Cold Spring Creek and East Fork Hood River at (45.4048, -121.5703) (SWSE, S8, T2S, R10E, WM) in Hood River County and continuing downstream to (45.4185, -121.5685), just above the confluence with Polallie Creek (SESE, S5, T2S, R10E, WM) in Hood River County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
75	75	75	127	127	127	127	75	75	50	50	75

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
120	106	108	164	290	260	162	101	92	94	140	124

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
75	75	75	127	127	127	127	75	75	50	50	75

14. Application 88337

Priority date: 12/31/2016

Description:

- Fifteenmile Creek, tributary to the Columbia River, at the unnamed barrier at (45.3659, -121.4402) (NWSW, S28, T2S, R11E, WM) in Wasco County and continuing downstream to (45.4504, -121.1196) in Dufur at the Highway 197 crossing, (SWSE, S25, T1S, R13E, WM) in Wasco County.

a. The amount of water requested for instream use:

Requested for Fish life and fish habitat

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	10	15	26	26	26	15	15	10	10	10	10

Estimated average natural flow

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
38	47	33	28	34	28	9	4	4	7	11	17

Allowable instream use

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	10	15	26	26	26	9	4	4	7	10	10

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 Numbers: IS 88321, IS 88322, IS 88323, IS 88324, IS 88325, IS 88326, IS 88327, IS 88328, IS 88329, IS 88330, IS 88331, IS 88334, IS 88335, IS 88337.

Applicant: Oregon Department of Fish and Wildlife

Counties: Hood, Wasco and Multnomah

Watermaster: Bob Wood, District 3

Priority Date: December 1, 2016

Sources: 1) Eagle Creek, tributary to the Columbia River; 2) East Fork Hood River Creek, tributary to the Hood River; 3) Green Point Creek, tributary to West Fork Hood River; 4) Confluence of East Herman Creek and Herman Creek; 5) Lindsay Creek, tributary to Columbia River; 6) Mill Creek, tributary to Columbia River; 7) Neal Creek, tributary to Hood River; 8) Odell Creek, tributary to Hood River; 9) South Fork Mill Creek, tributary to Mill Creek; 10) West Fork Hood River, tributary to Hood River; 11) Fifteen Mile Creek, Tributary to Columbia River; 12) East Fork Hood River, tributary to Hood River; 13) East Fork Hood River, tributary to the Hood River 14) Fifteen Mile Creek, Tributary to Columbia River.

Uses: Fish life and wildlife

Quantity:

Basin Name & Number: Hood Basin, #4

Stream Index Reference: OWRD Streamcode: 0400101460 – Eagle Cr, 0417400150 – E Fk Hood R, 04174001400040050 – Long Branch Cr, 0400101500 – Herman Cr, 0400101600 – Lindsay Cr, 04001019000200 – N Fk Mill Cr, 0417400070 – Neal Cr, 0417400090 – Odell Cr, 04001019000190 – S Fk Mill Cr, 0417400140 – W Fk Hood R, 0400101940 – Fifteenmile Cr, 0417400150 – E Fk Hood River, 0417400150 – E Fk Hood River, 1707010503 – Fifteenmile Cr.

PUBLIC NOTICE DATE: 3/17/2017

30 DAY COMMENT DEADLINE DATE: 4/17/2017

Mailing List for IR Copies

Application: IS 88321 through IS 88331 and IS 88334, IS 88335, IS 88337

Date: June 26, 2017

Original mailed to:

Applicant:

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

Copies Mailed	
by: _____	(STAFF)
on: _____	(DATE)

Copies sent to:

1. WRD - File
2. WRD - Water Availability: Carlos Ortiz-Turner
3. WRD - Laura Wilke

IR, Map, and Fact Sheet Copies sent to:

(NOTE: please send only one copy per office, even if there is more than one name on the list)

1. Watermaster: Bob Wood, District 3
2. ODFW District Biologists: Rod French
3. ODFW: Anna Pakenham Stevenson
4. Columbia River Intertribal Fish Commission:
5. US Fish & Wildlife: Nancy Gilbert, 63095 Deschutes Market Rd, Bend OR 97701-9794
6. NW Power & Conservation Council, 851 SW Sixth Ave., Suite 1020, Portland, OR 97204-1347
7. DEQ: Eric Nigg & Bonnie Lamb, Eastern Region
8. DOA: Salem: Jim Johnson & Paul Measeles
9. DSL: Shawn Zumwalt
10. Confederated Tribes of the Warm Springs Indian Reservation: Robert Brunhoe – Natural Resources Mgr.

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*):

Caseworker: Ronald C. Kohanek

M:\wpdocs\Instream applications\Hood Basin IR Template Documents