



January 18, 2019

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 Mid Coast Basin, File IS-88630.

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 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 application is complete and not defective. The proposed use is not prohibited, restricted or limited by law except for water availability limitations in certain months as depicted below.
2. The reach proposed in this application for an instream water right is in the Mid Coast Basin.
3. The instream fish life uses and wildlife use are allowed under the Mid Coast Basin Program OAR (690-518-0010(1)).
4. 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 except where periodic flows that exceed the natural flow or level are significant for the applied public use".
5. All amounts of water identified in this document are in cubic feet per second.

**Summary of Determination:**

6. Some percentage of the water applied for has been determined allowable for the purpose identified in the application. The amount of water allowable for instream use is shown in the table below.

**Application:** IS-88630

**Priority date:** March 21, 2018

**Description:**

Lobster Creek, tributary to Five Rivers, beginning just below the confluence with Bear Creek at river mile 16.8 (SWNW, S15, T15S, R8W, WM) in Lane County (44.267147, -123.654567) and continuing downstream to just above the confluence with Preacher Creek river mile 10.2 (NWNE, S12, T15S, R9W, WM) in Benton County (44.285956, -123.723059).

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     |
|-----|-----|-----|-----|-----|-------|-----|-----|-------|--------|-----|---------|
| 105 | 105 | 105 | 105 | 64  | 64/43 | 43  | 43  | 43/80 | 80/115 | 115 | 115/105 |

Estimated average natural flow:

| Jan | Feb | Mar  | Apr | May  | Jun  | Jul  | Aug  | Sep | Oct  | Nov  | Dec |
|-----|-----|------|-----|------|------|------|------|-----|------|------|-----|
| 122 | 117 | 84.6 | 47  | 22.3 | 11.4 | 5.72 | 3.15 | 3.5 | 5.78 | 51.1 | 124 |

Allowable instream use:

| Jan | Feb | Mar  | Apr | May  | Jun  | Jul  | Aug  | Sep | Oct  | Nov  | Dec     |
|-----|-----|------|-----|------|------|------|------|-----|------|------|---------|
| 105 | 105 | 84.6 | 47  | 22.3 | 11.4 | 5.72 | 3.15 | 3.5 | 5.78 | 51.1 | 115/105 |

The application may move to the next phase of the water rights application review process. Comments received within the initial review comment period will be evaluated. Following evaluation of the comments, the department issues a proposed final order. Issuance of the proposed final order includes a 45 day protest period.

Withdrawal:

If you choose not to proceed, you may withdraw your application. To accomplish this you must notify the Department in writing by February 5, 2019.

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

APPLICATION FACT SHEET

Application File Number: IS-88630

Applicant: Oregon Department of Fish and Wildlife

County: Lane, Benton

Watermaster(s): Lanaya Blakely, District #2, Joel Plahn, District #16

Priority Date: March 21, 2018

Source: Lobster Creek, tributary to Five Rivers

Uses: Fish life and wildlife

Quantity Allowable Instream Use:

| Jan | Feb | Mar  | Apr | May  | Jun  | Jul  | Aug  | Sep | Oct  | Nov  | Dec     |
|-----|-----|------|-----|------|------|------|------|-----|------|------|---------|
| 105 | 105 | 84.6 | 47  | 22.3 | 11.4 | 5.72 | 3.15 | 3.5 | 5.78 | 51.1 | 115/105 |

Basin Name & Number: Mid Coast Basin, #1

OWRD Streamcode: LOBSTER CR > FIVE RIVERS - 18094000400420050, WAB

PUBLIC NOTICE DATE: January 22, 2019

30 DAY COMMENT DEADLINE DATE: February 22, 2019

## Mailing List for IR Copies

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Application: IS-88630

Date: January 18, 2019

### 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

### Send Auto Email

1. Watermaster: Lanaya Blakely, District #2, Joel Plahn, District #16
2. ODFW District Biologists: John Spangler, Jitesh Pattni
3. DEQ: David Waltz, Mid Coast Basin

### Copies sent to:

4. WRD - File
5. WRD - Hydrographics

### 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)*

6. USFWS Newport Field Office 2127 SE Marine Science Drive, Newport, OR 97365
7. NW Power & Conservation Council, 851 SW Sixth Ave., Suite 1020, Portland, OR 97204-1347
8. Department of Agriculture: Jim Johnson & Paul Measeles, Salem OR
9. DSL: Shawn Zumwalt, Salem OR
10. Confederated Tribes of the Grand Ronde; 47010 SW Hebo Rd, Grand Ronde Oregon, 97347; Attn: Mike Wilson
11. Confederated Tribes of Siletz Indians; PO Box 549, Siletz, OR 97380; Attn: Mike Kennedy

Caseworker: R. Craig Kohanek

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| Copies Mailed by:<br><br>_____<br>STAFF)<br>on: _____<br>(DATE) |
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