

*Prots filed  
by camer for  
May 1991*

IWR Application # 71471

Certificate # \_\_\_\_\_

STATE OF OREGON

WATER RESOURCES DEPARTMENT

**RECEIVED**

**Application for Instream Water Right MAR 28 1991  
by Oregon Department of Fish and Wildlife**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

There is no fee required for this application.

**Applicant:** Randy Fisher for Oregon Department of Fish and Wildlife, PO Box 59, Portland, OR 97207

1. The name of the stream of the proposed instream water right is Silver Creek, a tributary of Harney Lake.
2. The public use this instream water right is based on is providing required stream flows for rainbow trout and Malheur mottled sculpin.
3. The amount of water (in cubic feet per second) needed by month for each category of public use is as follows:

USE(S): Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2	2/3	5	5	5	5/3	2	2	2	2	2	2

4. The reach of the stream identified for an instream water right is from (upstream end) Claw Creek, river mile 54, within the SW quarter of the SW quarter of Section 32, Township 21S, Range 26E W.M., in Harney County...

Downstream to Highway 20 crossing (near the town of Riley), river mile 34.6, within the SW quarter of Section 28, Township 23S, Range 27E W.M., in Harney County.

5. The method used to determine the requested amounts was the Oregon Method.
6. When were the following state agencies notified of the intent to file for the instream water right?

Dept. of Environmental Quality	Date: March 8, 1991
ODFW (Fish, Wldlf, and Habitat)	Date: March 8, 1991
Parks and Recreation Division	Date: March 8, 1991

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7. If possible, include recommendations for measuring locations or methods:

Establish a gaging structure at or near the lower limit of the reach. If USGS gage #10403000 is used, maintain recommended flows to Highway 20 crossing.

8. If possible, include recommendations for assisting the Water Resources Department (WRD) in measuring and monitoring procedures:

Local ODFW personnel will assist the watermaster in establishing a monitoring plan and program.

9. If possible, include other recommendations for methods or conditions necessary for managing the water right to protect the public uses [see OAR 690-77-020 (5)(c)]: None.

10. Remarks: Malheur mottled sculpin is listed as "sensitive" (candidate species for listing under the Threatened and Endangered Species Act if population declines from present level) by ODFW. Population maintenance and recovery depend on instream habitat the requested flows will provide.

An instream water right may be allowed for an instream beneficial use of water subject to existing water rights with an effective date prior to the filing date of this application.

This type of beneficial use is for the benefit of the public and a certificate issued confirming an instream water right shall be held in trust by the Water Resources Department for the people of the State of Oregon, pursuant to ORS 537.341.

Date: 3/25/91

Signed: Nancy M. MacHugh

Oregon Department of Fish and  
Wildlife

Assistant Director  
Habitat Conservation Div.

File: SILVER3.APP

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This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return them for:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In order to retain its priority, this application must be returned to the Water Resources Department with corrections on or before

\_\_\_\_\_, 19\_\_\_\_.

Date: \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

This document was first received at the Water Resources Department in Salem, Oregon, on the 28th day of March, 1991, at 8:00 o'clock A.M.

Water Resources Department  
3850 Portland Rd. NE  
Salem, OR 97310

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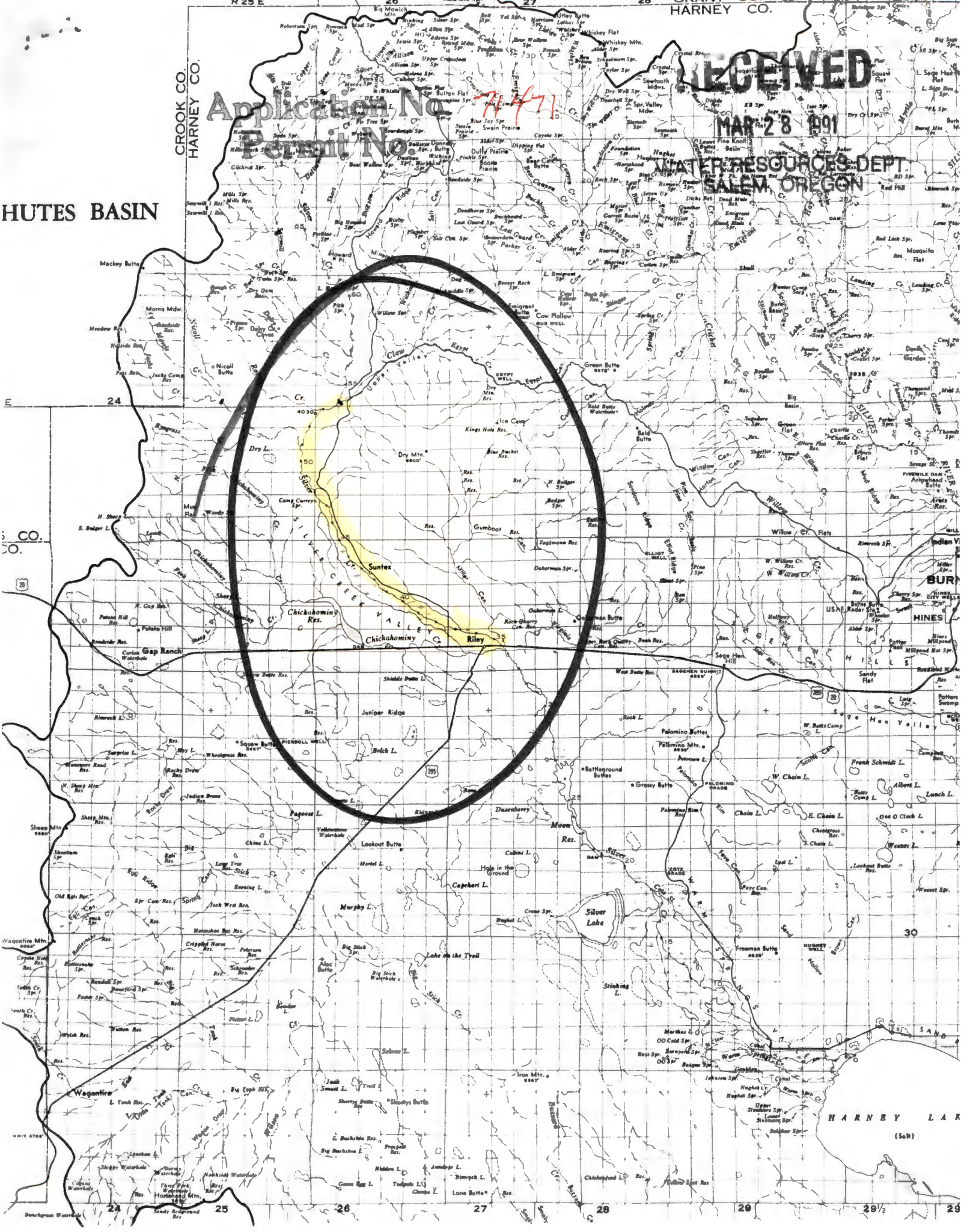
# HUTES BASIN

CROOK CO.  
HARNEY CO.

Application No. **7777**  
Permit No. **7777**

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BUR  
HINES

HARNEY LAKE  
(Salt)