

IWR Application # 71475

Certificate # _____

STATE OF OREGON

WATER RESOURCES DEPARTMENT

Application for Instream Water Right
by Oregon Department of Fish and Wildlife

RECEIVED

MAR 28 1991

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 Nicoll Creek, a tributary of Silver Creek (Harney Lake).
2. The public use this instream water right is based on is providing required stream flows for redband 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
1	1/2	3	3	3	3/2	1	1	1	1	1	1

4. The reach of the stream identified for an instream water right is from (upstream end) Jacks Creek within the SW quarter of Section 32, Township 21S, Range 25E W.M., in Harney County...

Downstream to the mouth, river mile 0, within the SW quarter of the SW quarter of Section 12, Township 22S, Range 25E 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:

Establis a gaging structure at or near the lower limit of the reach.

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 and redband trout are 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: NICOLL.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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Application No. **71475**
Permit No. **CROOK CO. HARNEY CO.**

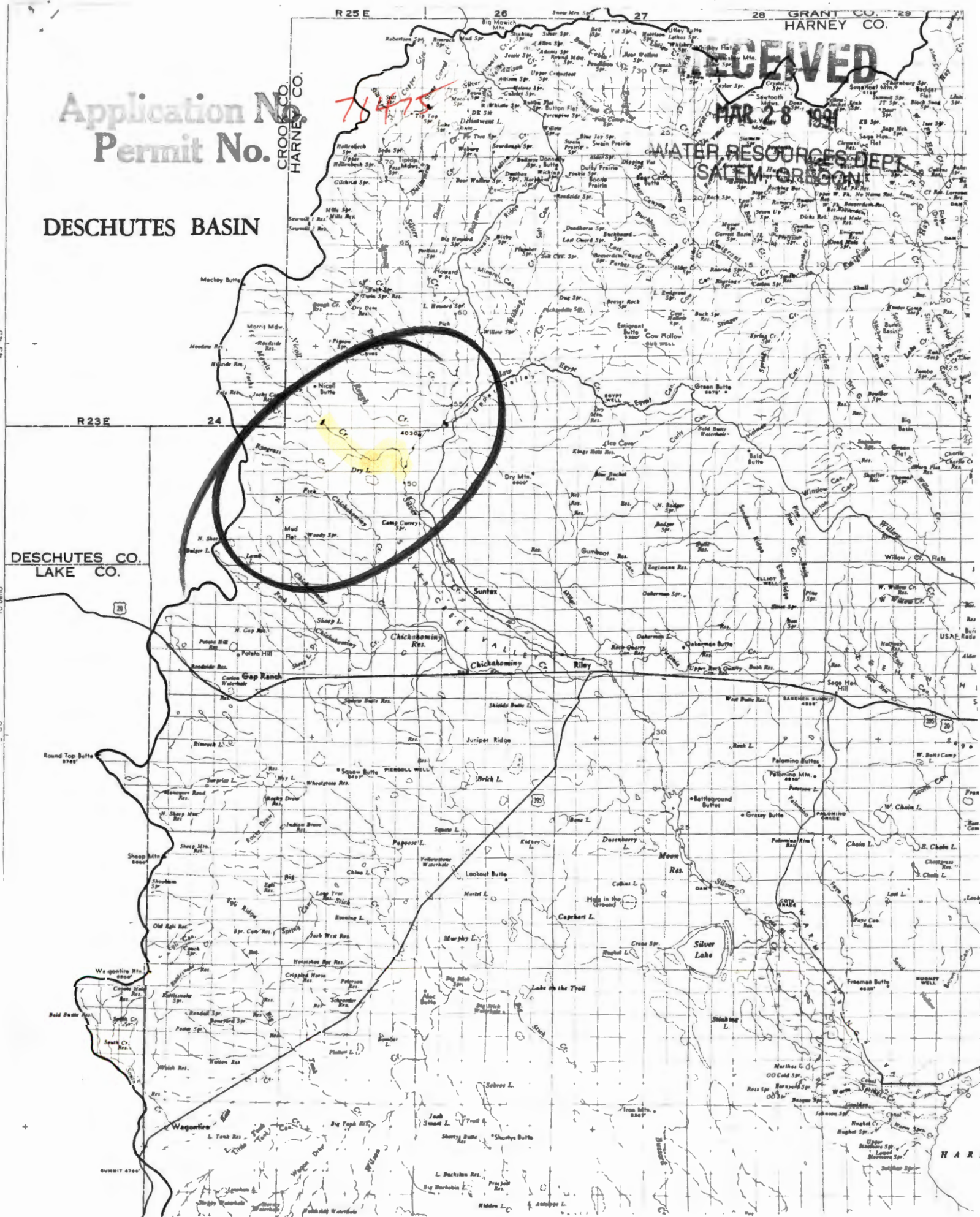
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DESCHUTES BASIN

43.45

DESCHUTES CO. LAKE CO.

to bend



HARNEY