



August 3, 2021

Oregon Department of Fish and Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302-1142

Reference: Instream water rights in the Umpqua Basin, Application IS-89033

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

This document is to inform you of the preliminary analysis of your water right application, the potential limitations to your proposed instream water right, and to describe your options. Based on the information you have provided the Water Resources Department has made the following preliminary determinations:

**Preliminary Determinations (Oregon Administrative Rule (OAR) 690-077-0029)**

1. The application proposes the instream protection of water in Berry Creek for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat.
2. The referenced application is complete and not defective.
3. The proposed use is not prohibited, restricted, or limited by law except for water availability limitations in certain months as noted below.
4. The reach proposed in this application for an instream water right is in the Umpqua Basin.
5. The instream fish life and wildlife uses are allowed under the Umpqua Basin Program OAR (690-516-0000(1)).
6. Water allocated for instream use shall be limited to the estimated average natural flow as described below. 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".
7. All amounts of water in this document are shown in cubic feet per second.

**Protected Reach:**

Berry Creek, tributary to Olalla Creek, beginning at river mile 7.3 (SENW, S26, T29S, R8W, WM) in Douglas County (43.020485, -123.616826) and continuing downstream to the mouth river mile 0.0 (NESE, S20, T29S, R7W, WM) in Douglas County (43.03489, -123.546078).

Amount of Water Requested for Instream Use:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
34	34	34	34	20	13	13	3.6	2.8	3.4	32.8	34

Estimated Average Natural Flow:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
36.7	38.7	29.1	14.3	5.23	2.12	0.6	0.16	0.03	0.52	5.6	33

Allowable Instream Use:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
34	34	29.1	14.3	5.23	2.12	0.6	0.16	0.03	0.52	5.6	33

**Summary of Preliminary Determinations:**

A percentage of the water applied for has been determined to be allocable for the purpose(s) identified in the application. The rate allowed is shown in the table above titled "Rate allowable for Instream Use" and, if less than the rate shown in "Rate requested for Instream Use" table, is limited to the rate shown in the "Estimated Average Natural Flow" table.

The application 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.

**At this time, you must decide whether to proceed or to withdraw the application.**

- **To Proceed** - If you choose to proceed with the application you do not have to notify the Department. The application will 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.
- **To Withdraw** - You may withdraw the application by notifying the Department **in writing** by **August 17, 2021**.

If you have any questions:

Feel free to contact me at (503) 986-0823 or [Ron.C.Kohanek@oregon.gov](mailto:Ron.C.Kohanek@oregon.gov). Please include the application number in all correspondence.

Sincerely,

R. Craig Kohanek  
Water Rights Analyst

Cc: File  
Watermaster #15

# APPLICATION FACT SHEET

Application File Number: IS-89033

Applicant: Oregon Department of Fish and Wildlife

County(ies): Douglas

Watermaster: Susan Douthit District #15

Priority Date: November 30, 2020

Source: Berry Creek, tributary to Olalla Creek

Basin Name & Number: Umpqua, #516

Watershed Identification Number: 31630205

## Allowable Instream Use:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
34	34	29.1	14.3	5.23	2.12	0.6	0.16	0.03	0.52	5.6	33

PUBLIC NOTICE DATE: Tuesday, August 3, 2021

30 DAY COMMENT DEADLINE DATE: Thursday, September 3, 2021

# Mailing List for IR Copies

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Application: IS-89033

Date: August 3, 2021

## Original mailed to:

Applicant:  
Oregon Department of Fish and Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302-1142

## Send Auto Email

1. Watermaster: Susan Douthit District #15
2. ODFW District Biologists: Laura Jackson
3. DEQ: [umpqua@deg.state.or.us](mailto:umpqua@deg.state.or.us)
4. WRD – Surface Water Section

## Copies sent to:

WRD - File

## IR, Map, and Fact Sheet Copies provided to:

5. US Fish & Wildlife: Jim Thrailkill,  
777 NW Garden Valley Blvd. Roseburg, OR 97471
6. NW Power & Conservation Council,  
851 SW Sixth Ave., Suite 1020, Portland, OR 97204-1347
7. Department of Agriculture: Jim Johnson & Paul Measeles  
Salem OR
8. DSL:
9. Tribe(s)

Caseworker: Craig Kohanek

Copies Mailed by:

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STAFF)

on: \_\_\_\_\_  
(DATE)