

IWR Application # 70641 Certificate # _____

STATE OF OREGON

WATER RESOURCES DEPARTMENT

**Application for Instream Water Right
by a State Agency**

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 Rail Creek, a tributary of John Day River.
2. The public uses this instream water right is based upon include providing required stream flows for bull and west slope cutthroat trout for migration, spawning, egg incubation, fry emergence, and juvenile rearing.
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
10	10	17	17	17	10	7	7/17	17/7	7	7	10

4. The reach of the stream identified for an instream water right is from (upstream end) unnamed tributary, river mile ± 5 , within the NE quarter of the SW quarter of Section 22, Township 14S, Range 35E W.M., in Grant County...

Downstream to the mouth, river mile 0, within the NW quarter of the NE quarter of Section 24, Township 14S, Range 34E W.M., in Grant 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: August 27, 1990
ODFW (Fish, Wldlf, and Habitat)	Date: August 27, 1990
Parks and Recreation Division	Date: August 27, 1990

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

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Establish 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 and implementing a monitoring 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: Bull trout and west slope cutthroat trout are listed as a "sensitive" species (a candidate for listing under the Threatened and Endangered Species Act if population declines from present level) by ODFW. West slope cutthroat are found only in the John Day River basin.

THIS APPLICATION MUST BE ACCOMPANIED BY A BASIN MAP WITH THE APPLICABLE LAKE OR STREAM REACH IDENTIFIED.

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: 9/5/90

Signed: Nancy M. MacHugh

Oregon Department of Fish and Wildlife

Assistant Director
Habitat Conservation Div.

File: RAIL1.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:

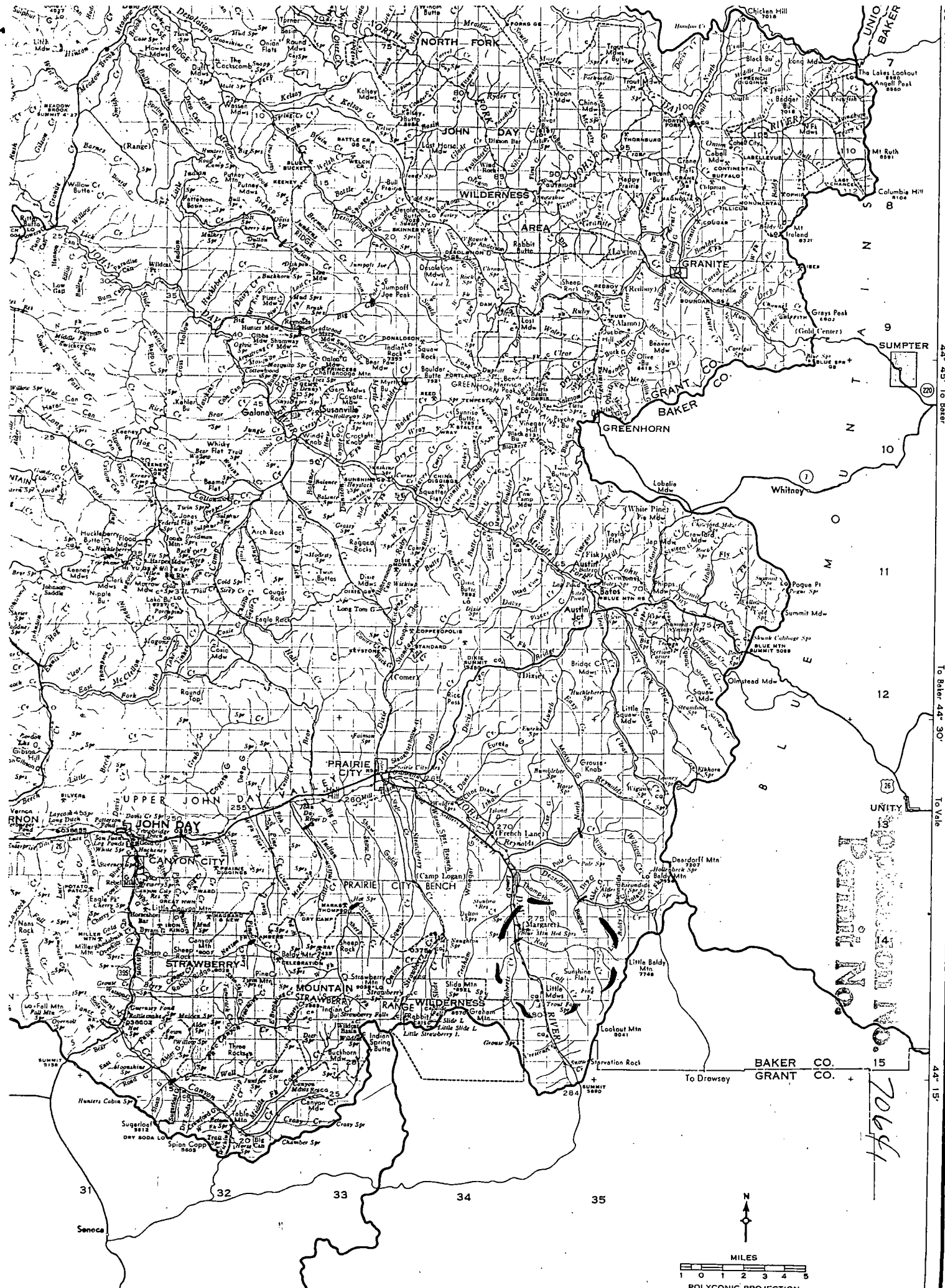
In order to retain its priority, this application must be returned to the Water Resources Department with corrections on or before

_____, 19____.

Date: _____, 19____.

This document was first received at the Water Resources Department in Salem, Oregon, on the 11th day of September, 1990, at 3:00 o'clock P.M.

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



44° 45' To Baker
To Baker 44° 30'
To Vale
44° 15'

Permit No. 7064

BAKER CO. 15
GRANT CO. 14

