

IWR Application # 70798 Certificate # _____

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIVED

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

OCT 26 1990

There is no fee required for this application.

WATER RESOURCES DEPT.
SALEM, OREGON

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 Cherry Creek, a tributary of Fourmile Creek (Upper Klamath Lake).
2. The public uses this instream water right is based upon include providing required stream flows for bull, rainbow, and brook trout for migration, spawning, egg incubation, fry emergence, and juvenile and adult 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 and adult rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10	10	15	15	15	10	5	3	3	15	10	10

4. The reach of the stream identified for an instream water right is from (upstream end) the headwaters, Township 34S, Range 5E W.M., in Klamath County...

Downstream to the mouth,, river mile 0, within the NW quarter of the SW quarter of Section 13, Township 34S, Range 6E W.M., in Klamath 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: October 4, 1990
ODFW (Fish, Wldlf, and Habitat)	Date: October 4, 1990
Parks and Recreation Division	Date: October 4, 1990

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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.

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 is listed as a "sensitive" species (a candidate for listing under the Threatened and Endangered Species Act if population declines from present level) by ODFW. Bull trout were last observed in this reach in 1972 but are assumed to still be present.

The requested flows are the minimum required to maintain fish populations at their current levels. At these flows, no provision is made for population restoration or enhancement.

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: 10/23/90

Signed: Nancy M. MacHugh

Oregon Department of Fish and Wildlife

Assistant Director
Habitat Conservation Div.

File: CHERRY1.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 26th day of October, 1990, at 8 o'clock A. M.

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

Application No. **R 70 748**
Permit No.

CHERRY CR.

