



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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## MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Phillip C. Ward, Director

**SUBJECT:** Agenda Item G, February 25, 2009  
Water Resources Commission Meeting

### **Impoundments Storing More Than 3,000,000 Gallons – Umpqua Basin: Application R-87192, Cow Creek Band of Umpqua Tribe of Indians**

#### **I. Issue Statement**

Application R-87192 proposes to store more than 9.2 AF within the Umpqua Basin. Under the Umpqua Basin Program (OAR 690-516-0020), the Commission shall review all applications proposing to impound more than 3,000,000 gallons of water (equivalent to 9.2 acre feet) prior to approval (and issuance of a permit). Under these rules, the Commission may establish additional minimum flows to support aquatic life or to minimize pollution.

#### **II. Background**

Application R-87192, in the name of Cow Creek Band of Umpqua Tribe of Indians, within the Umpqua Basin, proposes the storage of 365.0 AF. The Department asked the Oregon Department of Fish and Wildlife (ODFW), and the Department of Environmental Quality (DEQ), whether they recommend any additional minimum flows to support aquatic life or minimize pollution in regards to the proposed impoundment.

### **III. Discussion**

Neither ODFW or DEQ recommended the Water Resources Department establish additional minimum flows to support aquatic life or minimize pollution. Both agencies however, did submit comments related to other aspects of the application-review process, and staff will evaluate and incorporate them as appropriate.

### **IV. Conclusion**

The Department has determined that ODFW and DEQ have not recommended any additional minimum flows in order to support aquatic life or minimize pollution.

The Department finds that application R-87192 may continue to be processed without the need for additional minimum flows to support aquatic life or minimize pollution.

### **V. Alternatives**

The Commission may consider the following actions:

1. Direct the Water Rights Section to continue processing application R-87192 without additional minimum flows to support aquatic life or minimize pollution.
2. Recommend additional minimum flows to support aquatic life or minimize pollution, to be incorporated in any permits issued.
3. Require the Department to conduct further review of the application and report to the Commission at a future meeting.

### **VI. Recommendation**

The Director recommends Alternative 1, that the Commission direct the Water Rights Section to continue processing application R-87192 without additional minimum flows to support aquatic life or minimize pollution.

Attachment:

1. Umpqua Basin, OAR 690-516-0020
2. Area Location Map

Dwight French/Tim Wallin  
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**Umpqua Basin, OAR 690-516-0020:**

(3) Storage:

(a) All applications for appropriations of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review, the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution. Storage projects consistent with the purposes of minimum perennial streamflows shall be encouraged.

Attachment 2

