

Oregon Department of Fish and Wildlife

Water Program

Instream Water Rights

September 24, 2025





In Oregon, all water belongs to the public

- Typically, a **water right** is required to use it
- A user must put it to beneficial use, without waste



Instream Water Right:

A water right held in trust by the Water Resources Department for the benefit of the people of the state of Oregon to maintain water instream for public use.



Water Law and Instream Protection

1909

Oregon Water Code established

Instream flows were not initially a beneficial use

Many streams became over-appropriated, especially during the summer

1955

Minimum Perennial Streamflow Act

Lawmakers first officially recognize the value of instream flow

1987

Instream Water Rights Act

Instream flows given the same legal status as other water rights

2012

Integrated Water Resources Strategy

Directs additional instream protections





Why ODFW applies for ISWRs



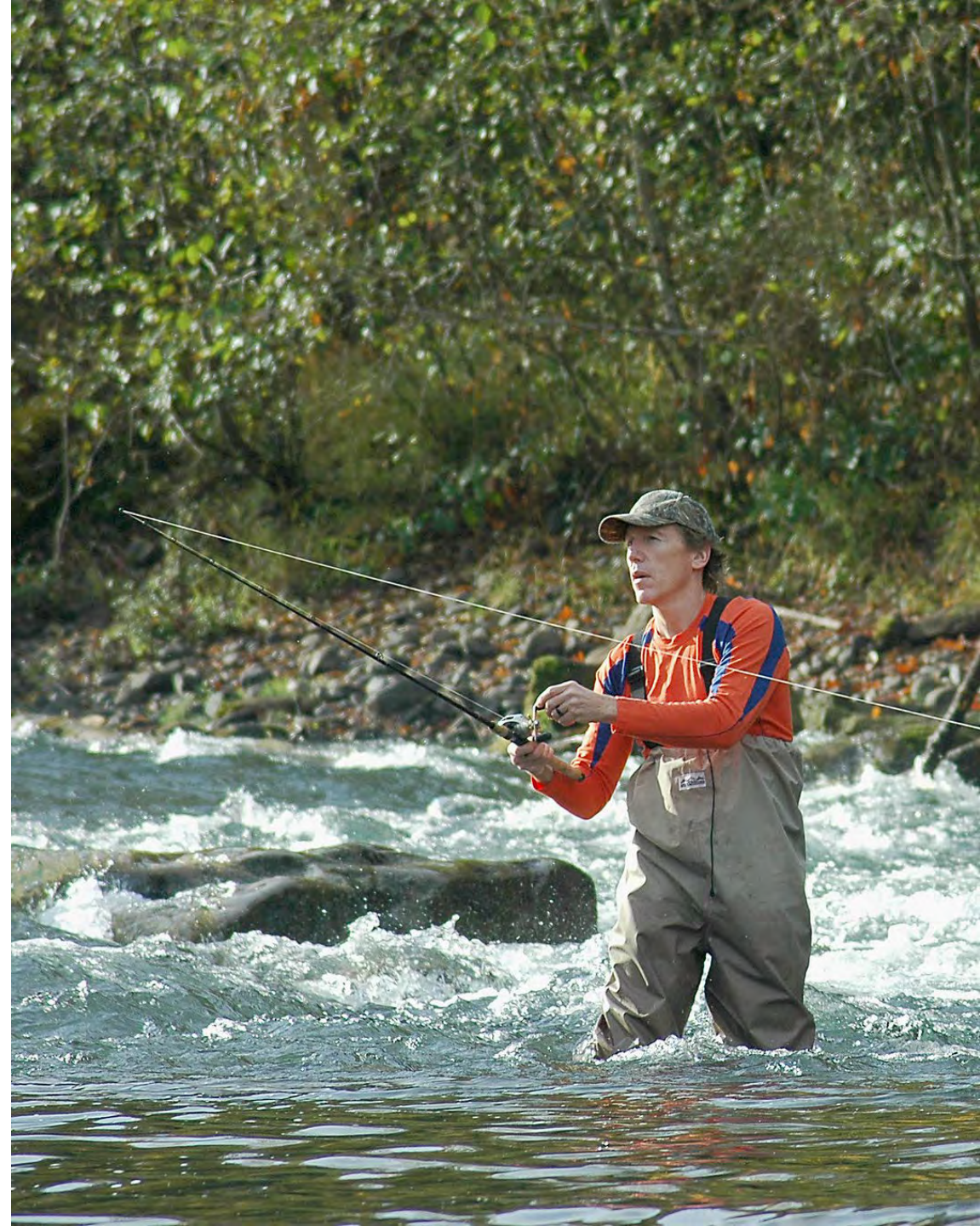
To protect fish, wildlife, and their habitats

- Many of Oregon's iconic species need ample amounts of clean, cold water
- Understanding and meeting instream needs is essential
- ISWRs help ODFW carry out our mission to protect and restore habitat for use and enjoyment by present and future generations



To protect water instream for public benefit

- Implementation of the ISWR law provides balance and is a means of achieving a more equitable allocation of water
- ISWRs provide other benefits for:
 - Recreation
 - Tourism
 - Commercial and recreational fisheries
 - Spiritual and cultural values
 - And more...





How ODFW determines instream flow needs



Determining Instream Needs

Administrative rules (OAR 635-400):

- Provide guidelines for developing:
 - Flow recommendations
 - Reach designations
- Approved methods:
 - IFIM – Instream flow incremental methodology
 - Oregon Method (Basin Investigation Reports)





Where ODFW applies for ISWRs

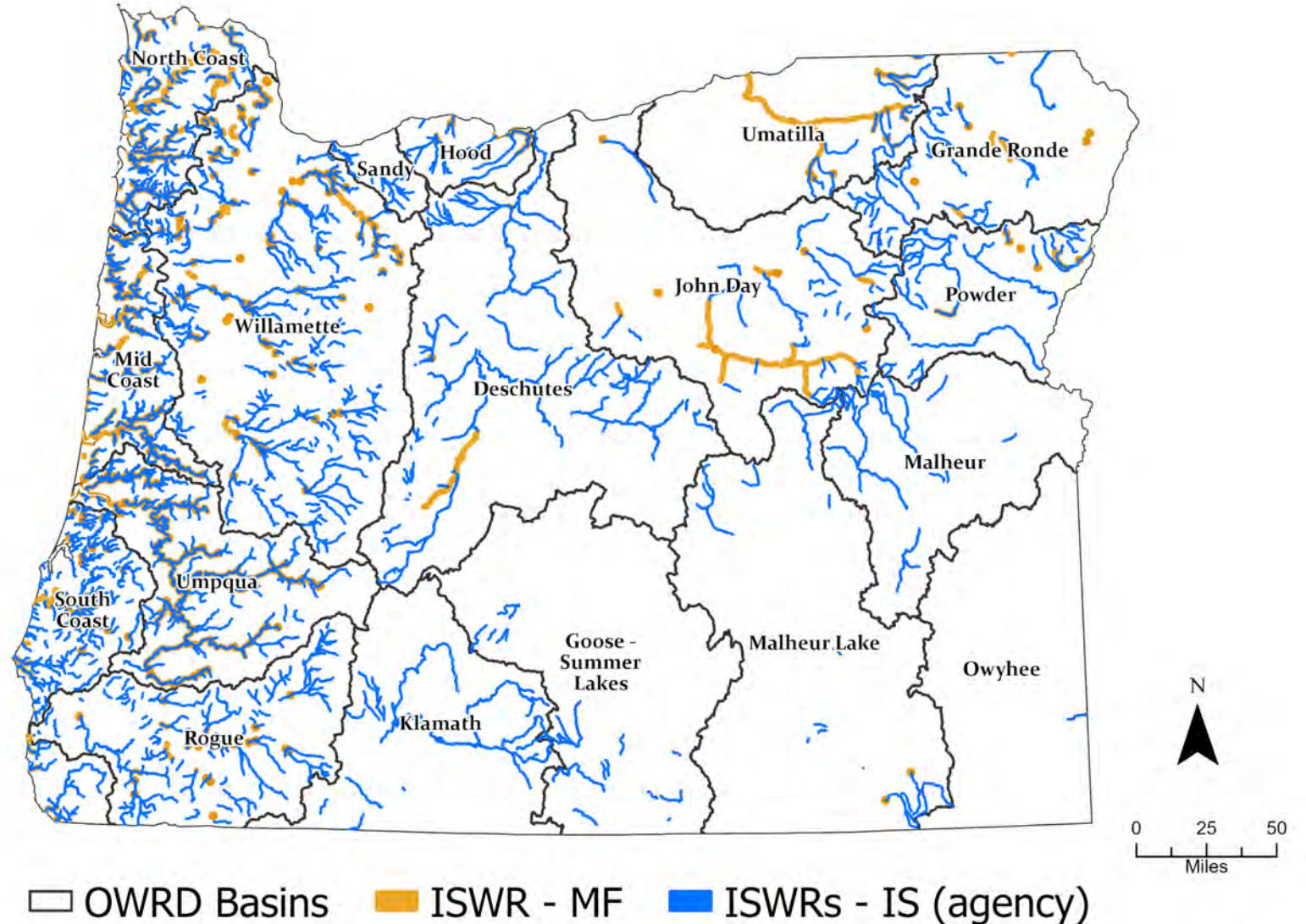


Existing ISWRs for aquatic life

Total: 2046

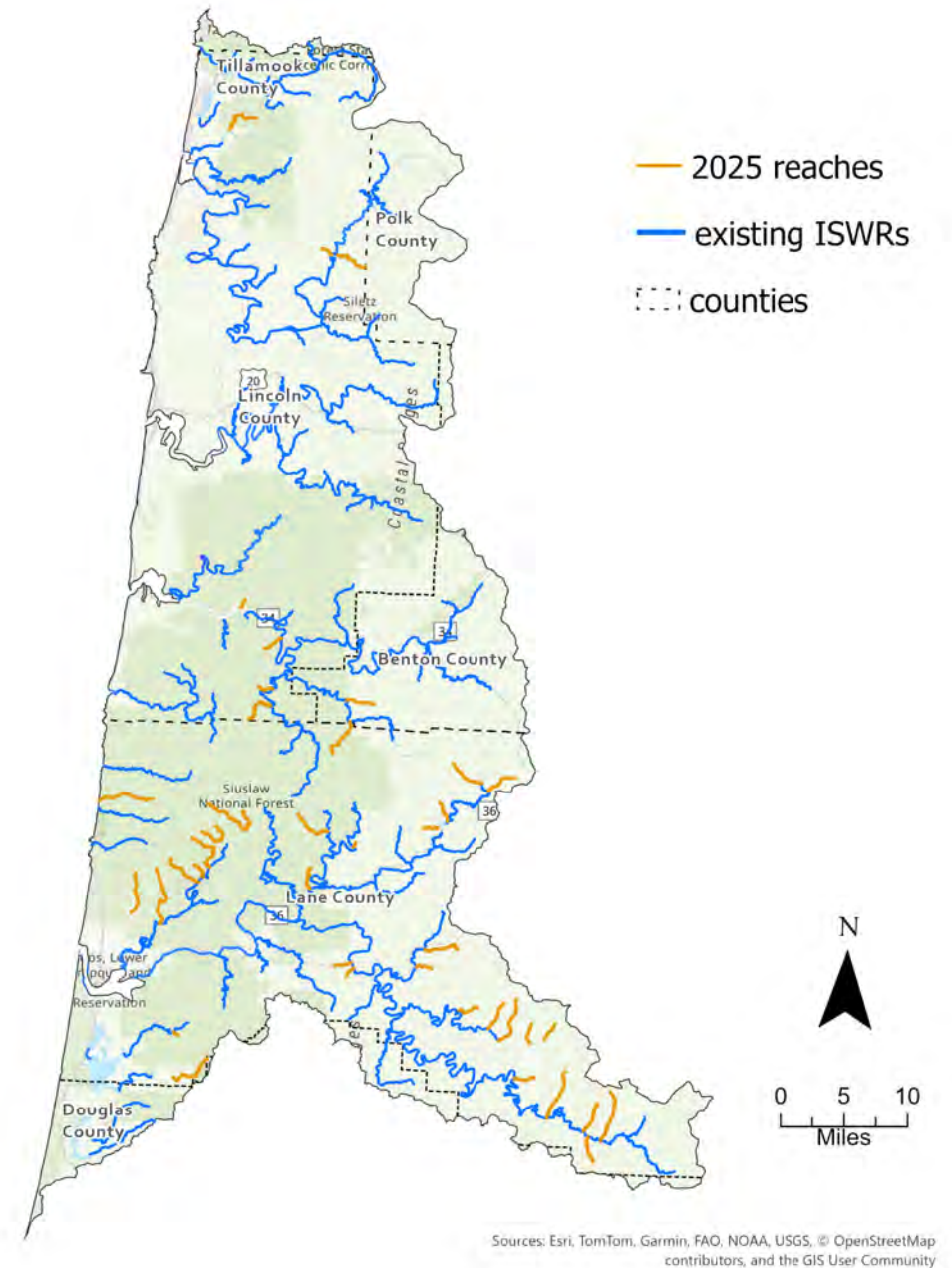
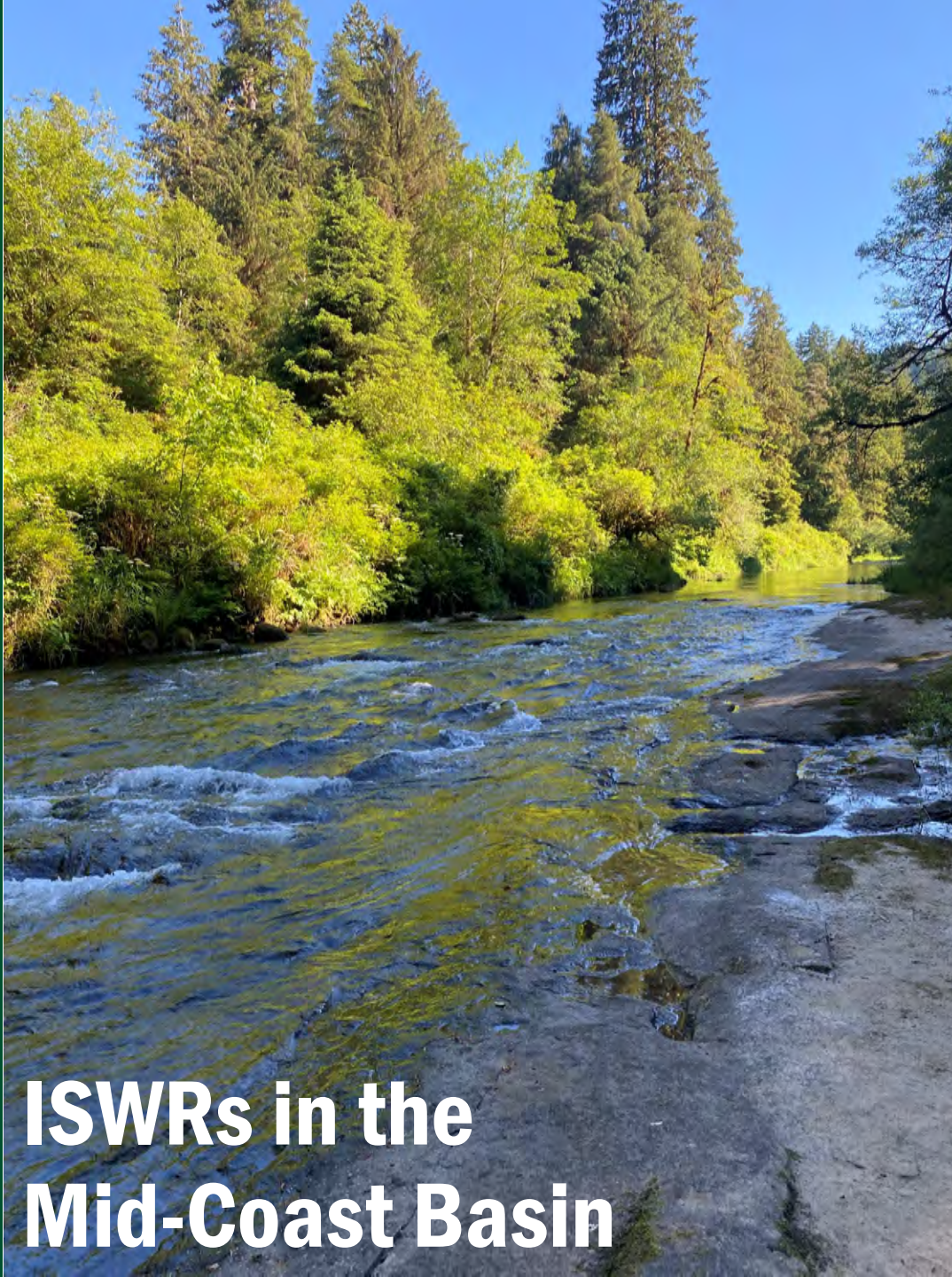
- MF: 547
- IS: 1499

Covers 8% of
state's streams



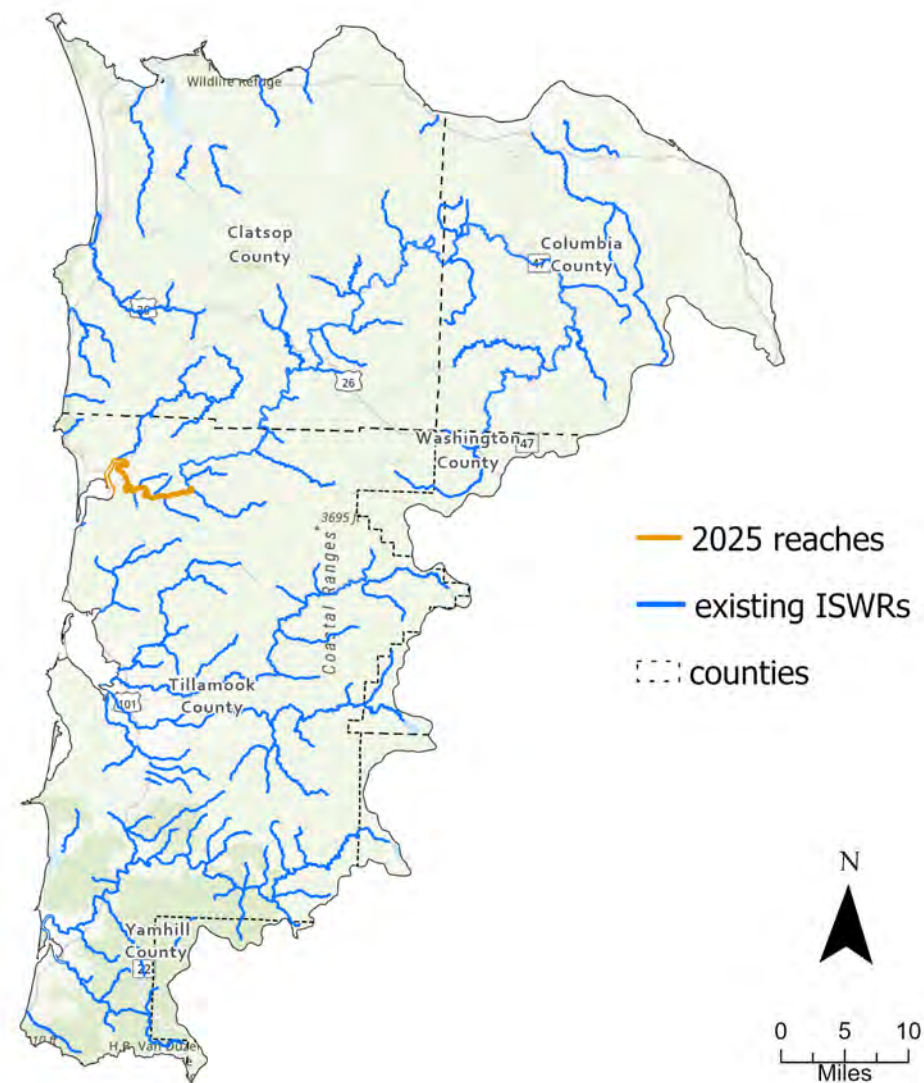


ISWRs in the Mid-Coast Basin





ISWRs in the North Coast Basin



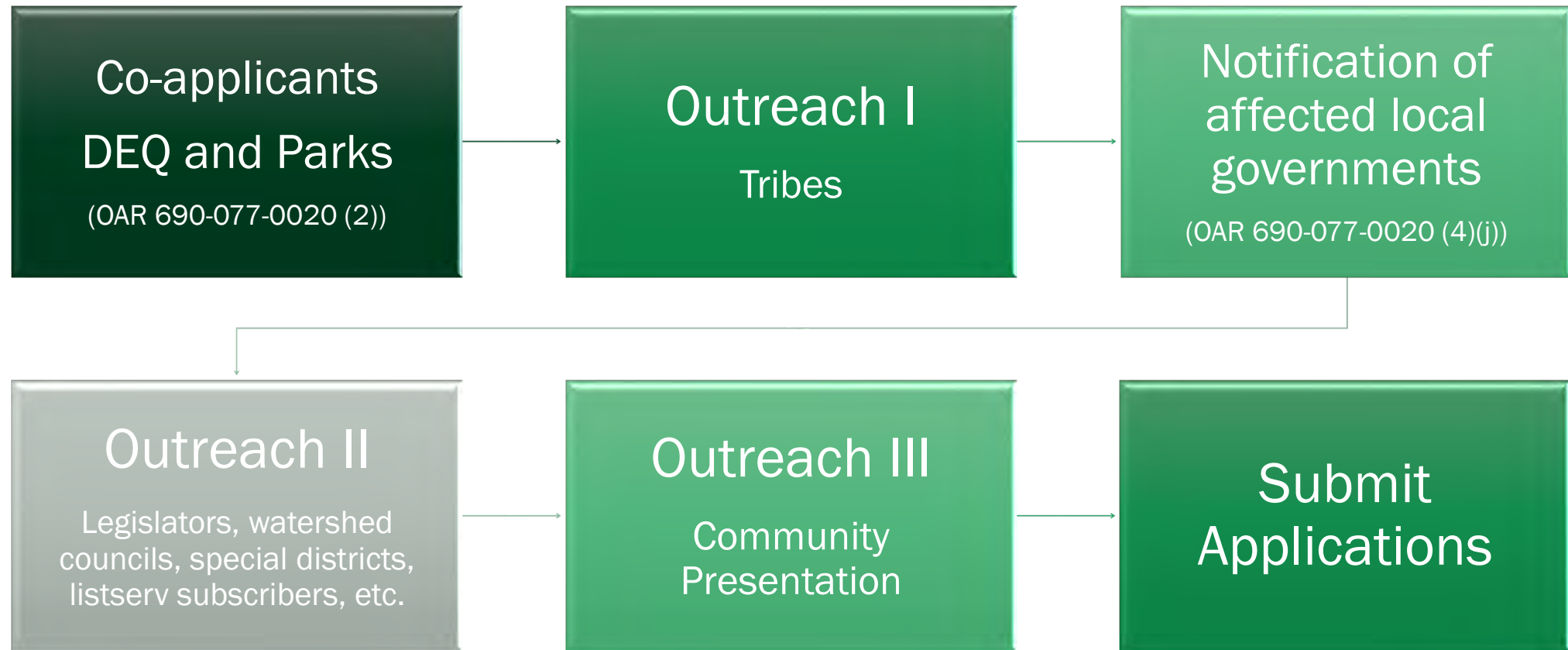
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



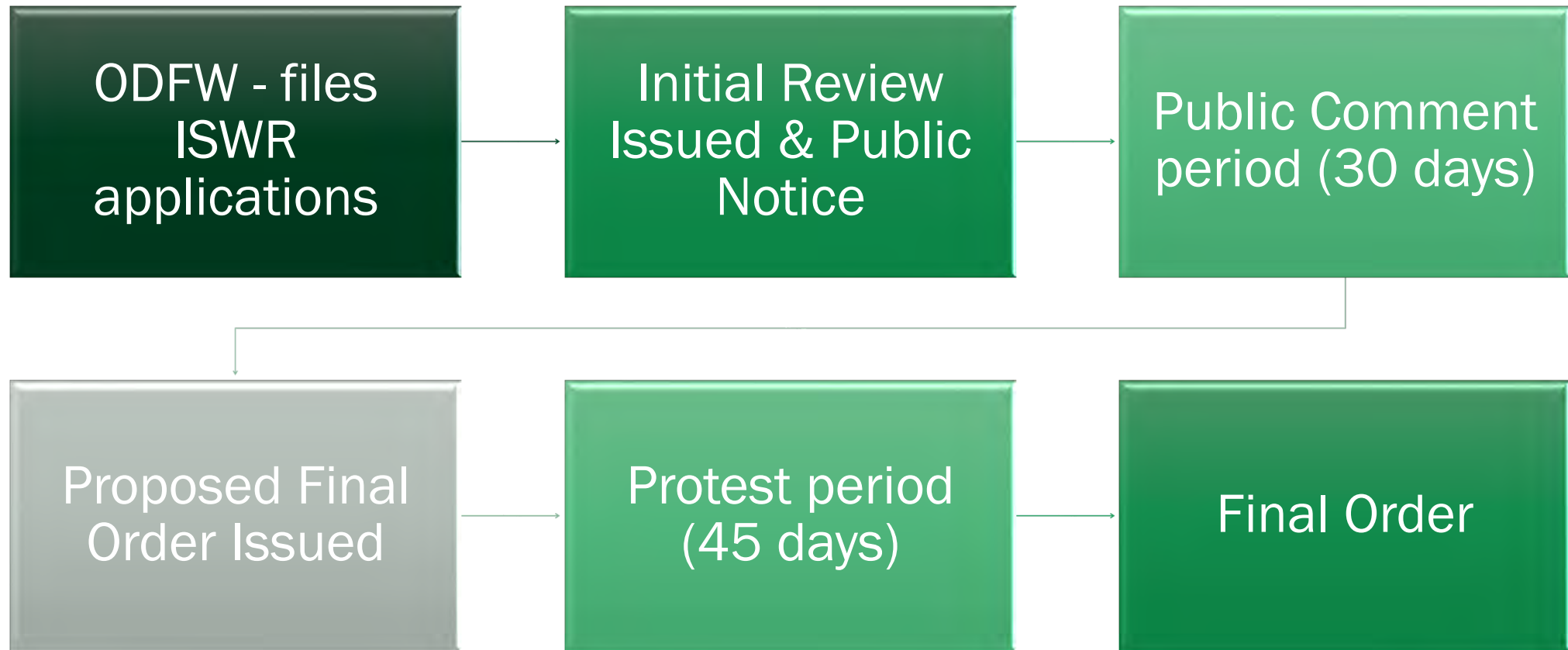
How ODFW applies for ISWRs



Outreach and notification process



Application and approval process





Thank you!

Instream.Water@odfw.oregon.gov



For more information:

ODFW StoryMap:
Instream Water Rights
in Oregon



Frequently Asked
Questions



Instream.Water@odfw.oregon.gov

Proposed reaches

Stream name	Reach description
Bailey Creek	Bailey Cr, tributary to Mercer Lk, beginning at river mile 4.6 and continuing downstream to river mile 1.0
Bear Creek	Bear Cr, tributary to Deadwood Cr, beginning at river mile 0.5 and continuing downstream to river mile 0.0
Buck Creek	Buck Cr, tributary to Siletz R, beginning at river mile 1.0 and continuing downstream to river mile 0.0
Buck Creek	Buck Cr, tributary to Five Rivers, beginning at river mile 3.6 and continuing downstream to river mile 0.0
Cascade Creek	Cascade Cr, tributary to Five Rivers, beginning at river mile 1.4 and continuing downstream to river mile 0.0
Condon Creek	Condon Cr, tributary to N Fk Siuslaw R, beginning at river mile 3.5 and continuing downstream to river mile 0.0
Congdon Creek	Congdon Cr, tributary to Lake Cr, beginning at river mile 3.7 and continuing downstream to river mile 0.0
Doe Creek	Doe Cr, tributary to Siuslaw R, beginning at river mile 4.5 and continuing downstream to river mile 0.0
Dogwood Creek	Dogwood Cr, tributary to Siuslaw R, beginning at river mile 1.6 and continuing downstream to river mile 0.0
Douglas Creek	Douglas Cr, tributary to Siuslaw R, beginning at river mile 5.4 and continuing downstream to river mile 0.0
Drew Creek	Drew Cr, tributary to N Fk Siuslaw R, beginning at river mile 3.4 and continuing downstream to river mile 0.0
Eames Creek	Eames Cr, tributary to Wolf Cr, beginning at river mile 4.3 and continuing downstream to river mile 0.0
Elma Creek	Elma Cr, tributary to N Fk Siuslaw R, beginning at river mile 1.6 and continuing downstream to river mile 0.0
Erickson Creek	Erickson Cr, tributary to Schooner Cr, beginning at river mile 4.1 and continuing downstream to river mile 0.0
Fawn Creek	Fawn Cr, tributary to Siuslaw River, beginning at river mile 2.8 and continuing downstream to river mile 0.0
Fiddle Creek	Fiddle Cr, tributary to Siltcoos L, beginning at river mile 11.6 and continuing downstream to river mile 6.6
Grass Creek	Grass Cr, tributary to Alsea R, beginning at river mile 1.9 and continuing downstream to river mile 0.0
Green Creek	Green Cr, tributary to Lake Cr, beginning at river mile 2.1 and continuing downstream to river mile 0.0
Greenshaw Creek	Grenshaw Cr, tributary to Wolf Cr, beginning at river mile 2.6 and continuing downstream to river mile 0.0
Letz Creek	Letz Cr, tributary to Siuslaw R, beginning at river mile 2.7 and continuing downstream to river mile 0.0
Little Lake Creek	Little Lake Cr, tributary to Lake Cr, beginning at river mile 1.6 and continuing downstream to river mile 0.1
Little Lobster Creek	Little Lobster Cr, tributary to Lobster Cr, beginning at river mile 2.4 and continuing downstream to river mile 0.0



Proposed reaches

Stream name	Reach description
Mill Creek	Mill Cr, tributary to Alsea R, beginning at river mile 0.7 and continuing downstream to river mile 0.0
Misery Creek	Misery Cr, tributary to W Fk Deadwood Cr, beginning at river mile 3.6 and continuing downstream to river mile 0.0
Nehalem River	Nehalem R, tributary to Nehalem Bay, beginning at river mile 13.5 and continuing downstream to river mile 0.0
Oat Creek	Oat Cr, tributary to Wolf Cr, beginning at river mile 1.9 and continuing downstream to river mile 0.0
Panther Creek	Panther Cr, tributary to Wolf Cr, beginning at river mile 1.7 and continuing downstream to river mile 0.0
Pataha Creek	Pataha Cr, tributary to Wildcat Cr, beginning at river mile 1.5 and continuing downstream to river mile 0.0
Porter Creek	Porter Cr, tributary to N Fk Siuslaw R, beginning at river mile 4.3 and continuing downstream to river mile 0.0
Preacher Creek	Preacher Cr, tributary to Lobster Cr, beginning at river mile 3.7 and continuing downstream to river mile 0.0
Rock Creek	Rock Cr, tributary to Pacific Ocean, beginning at river mile 4.8 and continuing downstream to river mile 0.0
Rogers Creek	Rogers Cr, tributary to W Fk Indian Cr, beginning at river mile 4.3 and continuing downstream to river mile 0.0
Ryder Creek	Ryder Cr, tributary to Maple Cr, beginning at river mile 0.5 and continuing downstream to river mile 0.0
Sam Creek	Sam Cr, tributary to N Fk Siuslaw R, beginning at river mile 1.9 and continuing downstream to river mile 0.0
Sunshine Creek	Sunshine Cr, tributary to Siletz R, beginning at river mile 3.8 and continuing downstream to river mile 0.0
Swamp Creek	Swamp Cr, tributary to Lake Cr, beginning at river mile 1.9 and continuing downstream to river mile 0.0
Swamp Creek	Swamp Cr, tributary to Wolf Cr, beginning at river mile 1.7 and continuing downstream to river mile 0.0
Swartz Creek	Swartz Cr, tributary to Lake Cr, beginning at river mile 3.2 and continuing downstream to river mile 0.0
Turner Creek	Turner Cr, tributary to Siuslaw R, beginning at river mile 1.4 and continuing downstream to river mile 0.0
Uncle Creek	Uncle Cr, tributary to Condon Cr, beginning at river mile 2.5 and continuing downstream to river mile 0.0
Waite Creek	Waite Cr, tributary to Siuslaw R, beginning at river mile 1.0 and continuing downstream to river mile 0.0
West Fork Indian Creek	W Fk Indian Cr, tributary to Indian Cr, beginning at river mile 6.2 and continuing downstream to river mile 4.0
Wildcat Creek	Wildcat Cr, tributary to Siuslaw R, beginning at river mile 10.5 and continuing downstream to river mile 7.6
Wilhelm Creek	Wilhelm Cr, tributary to N Fk Siuslaw R, beginning at river mile 1.5 and continuing downstream to river mile 0.0

