



**Limit:** One-fortieth of one cubic foot per second (CFS) per acre, not to exceed 3.0 AF per acre per year

**Source:** Catherine Creek, tributary to the Grande Ronde River

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tract #	Acres
4 S	39 E	WM	13	NW NE	1	1.50
4 S	39 E	WM	13	SW NE	1	36.17
<b>Total:</b>						<b>37.67</b>

5. Certificate 81811 does not specify the location of the authorized point of diversion. For purposes of this lease, based on information provided by the Department field staff, the POD may be described as indicated in the following table:

**Authorized POD:**

Twp	Rng	Mer	Sec	Q-Q	GPS Coordinates
4 S	40 E	WM	18	SW SW	45.21086, -117.86838

6. Certificate 81811 does not specify the irrigation season. However, information was provided by the Watermaster specifying March 1 to October 31 of each year as the irrigation season for this area.
7. The lease application includes the information required under OAR 690-077-0076(3). On April 9, 2013, the Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
8. A portion of the water diverted at the POD returns to the system below the confluence of Little Creek on Catherine Creek and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for surface return flows. The Watermaster has identified an allowance of **0.10** CFS (or 20%) below the confluence with Little Creek (See Instream Reach No. 2 in Finding of Fact #10 below) as necessary to account for these return flows.
9. The applicant has requested to protect water instream from July 1 through October 30, a 122 day period. At the maximum rate and volume specified in the lease application, water may only be protected instream for a period of **60** days. To protect water over the full time period requested, the instream rate must be reduced to prevent injury and enlargement.
10. The instream use has been modified from the lease application in consideration of return from and to prevent injury and enlargement and is as follows:

Catherine Creek, tributary to Grande Ronde River

**Instream Reach No. 1:** From the POD (as described in Finding of Fact #5) to the confluence with Little Creek (at approximately RM 16.5)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
81811	1870	0.47	113.01	July 1 – October 30

**Instream Reach No. 2:** From below the confluence with Little Creek (approximately RM 13.5) to the mouth of Catherine Creek

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
81811	1870	0.37	90.41	July 1 – October 30

11. Other conditions to prevent injury and enlargement are:
  - a. The feeder ditches diverting water from the main ditch in this area must be blocked to assure the lands as identified in Finding of Fact #4 do not receive water during the term of this lease. The Lessor and Lessee shall coordinate with the local Watermaster to identify appropriate measures to prevent diversion of water during the term of this lease.
12. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
13. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
14. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.
15. The Lessors have requested that the lease terminate on November 1, 2017. The lease may terminate on the last day of the irrigation season, being October 31, 2017. The lease may commence on the date this final order is signed.
16. The Lessors have indicated that they will not have the option of terminating the lease early without consent by all parties to the lease.

### CONCLUSIONS OF LAW

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.


### ORDER

Therefore, it is ORDERED:

1. That the Lease as described herein is APPROVED.
2. This correcting order supersedes Special Order Volume 89, Page 797.

3. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered water rights for irrigation use, including ground water registrations.
4. The term of the lease will commence upon approval of the instream lease and terminate on October 31, 2017. The Lessor may only terminate the lease early with the consent of all parties to the lease.

Dated at Salem, Oregon this 21 day of July, 2014.

  
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Dwight French,  
Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

*This document was prepared by Amy  
Bueno and if you have any questions,  
please call 503-986-0898.*

Mailing date: JUL 22 2014