

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Short-Term)	DETERMINATION and
Lease of Existing Water Rights for Instream)	FINAL ORDER ON
Use, Certificate(s) 13164, Umatilla County,)	PROPOSED INSTREAM
Oregon)	LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease a portion of certificate(s) 13164 for instream purposes, was submitted to the Department by:

Lessor #1
Gary & Patricia Anspach
53216 Locust Road
Milton-Freewater, Oregon 97862

Lessor #2
Brent Stevenson, Manager
Walla Walla River Irrigation District
605 Lamb Street
Milton-Freewater, Oregon 97862

2. The Department assigned this lease application number L- 328.
3. The proposed rate, reach, and period to be allocated instream for the instream use proposed by the lease application needs to be modified to prevent injury and enlargement. If the following changes are made, then there will be no injury or enlargement:
 - a. The instream reach is from the headgates of the Little Walla Walla diversion to the lower end of the Nursery Bridge Fish Ladder in the mainstem, also known as the Tum-a-lum reach, of the Walla Walla River.
 - b. The instream rate will be 0.27 cfs at the headgates of the Little Walla Walla diversion, and will be diminished by 10 percent to 0.24 cfs at the lower end of the Nursery Bridge Fish Ladder.
 - c. The instream flow will be allocated on a daily average basis up to the described rate from September 28 through November 15.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

4. The lease will terminate on December 31, 2002.

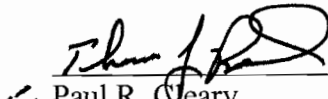
CONCLUSIONS OF LAW

The Department concludes that the lease, as modified above, is consistent with the requirements of ORS 537.348 and OAR Chapter 690, Division 077.

ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is APPROVED.

Dated at Salem, Oregon this 11th day of October, 2002.



Paul R. Geary
Director