



**Quantity:** **Rate:** 1.66 Cubic Foot per Second (CFS)  
**Volume:** 386.1 Acre-Feet (AF)  
**Limit:** One-fortieth CFS per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 AF per acre for each acre irrigated during the irrigation season of each year.

**Source:** Sprague River, tributary to the Williamson River

**Authorized Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
36 S	11 E	WM	12	SE NW	11	700 FEET NORTH AND 575 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 12

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
36 S	11 E	WM	12	NE NW	3	19.0
36 S	11 E	WM	12	NE NW	6	20.0
36 S	11 E	WM	12	NW NW	4	19.0
36 S	11 E	WM	12	NW NW	5	20.0
36 S	11 E	WM	12	SW NW	12	20.0
36 S	11 E	WM	12	SW NW	13	12.4
36 S	11 E	WM	12	SE NW	11	18.0
36 S	11 E	WM	12	SE NW	14	0.3
<b>Total Acres</b>						<b>128.7</b>

5. The second right to be leased is as follows:

**Certificate:** 27073 in the name of George H. and Regina M. Frey (perfected under Permit S-23466)

**Use:** Irrigation of 135.0 acres

**Priority Date:** March 25, 1955

**Quantity:** **Rate:** 1.69 CFS  
**Volume:** 405.0 AF

**Limit:** One-fortieth CFS per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 AF per acre for each acre irrigated during the irrigation season of each year.

**Source:** Sprague River, tributary to the Williamson River

**Authorized Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
36 S	11 E	WM	12	SE NE	9	Description not provided

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
36 S	11 E	WM	12	NE NE	1	19.6
36 S	11 E	WM	12	NE NE	8	19.7
36 S	11 E	WM	12	NW NE	2	20.6
36 S	11 E	WM	12	NW NE	7	21.2
36 S	11 E	WM	12	SW NE	10	21.2
36 S	11 E	WM	12	SW NE	15	15.4
36 S	11 E	WM	12	SE NE	9	14.5

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
36 S	11 E	WM	12	SE NE	16	2.8
<b>Total Acres</b>						<b>135.0</b>

6. Certificate 27073 does not provide measured distances for the location of the point of diversion. Based upon additional information provided by the applicant, for purposes of this instream lease, the point of diversion is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
36 S	11 E	WM	12	SE NE	9	1,531.2 FEET SOUTH FROM THE NE CORNER OF SECTION 12

7. Certificates 46195 and 27073 do not specify the irrigation season. However, the Sprague River Decree establishes the irrigation season for the area as March 1 to October 1.
8. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
9. The Lessor has requested to protect water instream from June 1 through September 30, a 122 day period, under Certificates 46195 and 27073. At the full instream rates and volumes proposed, water may only be protected instream for 117 days under Certificate 46195 and 120 days under Certificate 27073. To prevent enlargement of the right, the requested instream use requires modification. The instream period may be shortened to prevent any enlargement and to maximize the instream use.
10. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:

Sprague River, tributary to Williamson River

**Instream Point No. 1:** At the POD for Certificate 46195 (as described in Finding of Fact No. 4)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
46195	March 3, 1970	1.66	386.1	June 6 through September 30

**Instream Point No. 2:** At the POD for Certificate 27073 (as described in Finding of Fact No. 6)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
27073	March 25, 1955	1.69	405.0	June 3 through September 30

11. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right(s).
12. The protection of flows at the authorized point of diversion is appropriate, considering:
- The instream water use begins at the recorded point of diversion;
  - The location of confluences with other streams downstream of the point of diversion.

- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Return flows resulting from the exercise of the existing water right would re-enter the river downstream of the points of the instream water right.
13. The total monthly quantities of water to be protected under the existing and proposed instream rights at the points will provide for a beneficial purpose.
  14. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the points do not exceed the estimated average natural flow.
  15. 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.
  16. Based upon review of the application, 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.
  17. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed for an allocation of conserved water, a new injury review shall be required. For example, instream 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 any future transactions.
  18. The Lessor has requested that the lease terminate on September 30, 2018. The lease may commence on the date this final order is signed.
  19. The Lessor has requested that there not be an option to terminate the lease.

### **Conclusions of Law**

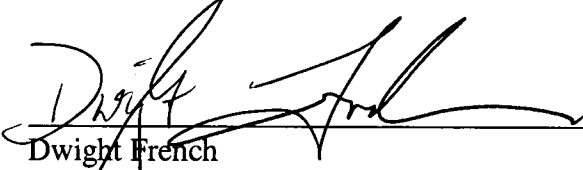
The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

### **Now, therefore it is ORDERED:**

1. The Lease as described herein is APPROVED.
2. 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 irrigation water rights, including ground water registrations and permits.

3. The term of the lease will commence upon approval of the instream lease and terminate on September 30, 2018. The lease may not be terminated by any party to the lease prior to the specified termination date.

Dated at Salem, Oregon this 25 day of August, 2014.

  
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: AUG 25 2014