

**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 12787, Umatilla County,)	PROPOSED INSTREAM
Oregon)	LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease a portion of certificate 12787 for instream purposes was submitted to the Department on April 26, 2004 by:

Lessor
Keith Truax
56964 North Fork Road
Milton-Freewater, OR 97862

Lessee
Oregon Water Trust
522 SW 5th Avenue, Suite 825
Portland, OR 97204

2. The Department assigned this lease agreement number L-551.
3. The lease application includes the required information under OAR 690-077-0077(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(6). No comments were received.
4. The right to be leased, as originally requested by the applicant, is as follows:

Certificate: 12787
Use: Irrigation
Acres: 4 acres
Priority Date: 1880
Season of Use: March 1 through November 1
Quantity: Rate: 0.15 CFS
Duty: 15.7 AF
Source: North Fork Walla Walla River, tributary to the Walla Walla River

Authorized Point of Diversion (POD):

Township		Range		Meridian	Sec	¼ ¼		Location
5	N	37	E	W.M.	19	SW	SE	Bradshaw-Hopper Ditch

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.

Authorized Place of Use:

Township		Range		Meridian	Sec	1/4 1/4		Priority Date	Acres
5	N	37	E	W.M.	19	SW	SE	1880	4.0
								Total acres	4.0

5. On May 4, 2004, the Oregon Water Trust requested that the lease application be modified to lease only 3 acres, to account for lost acreage due to a house and lawn.
6. The Department finds that the lease application requires modification in order to clarify the change in the acres being leases, and the corresponding rate and duty. The right is as follows (changes in bold):

Certificate: 12787

Use: Irrigation

Acres: **3 acres**

Priority Date: 1880

Season of Use: March 1 through November 1

Quantity: **Rate: 0.1125 CFS**

Duty: Not applicable

Source: North Fork Walla Walla River, tributary to the Walla Walla River

7. The application proposes to lease water for instream as follows:

Reach: The Bradshaw-Hopper Ditch, T. 5 N., R 37 E., Section 19, SW ¼ SE 1/4

Certificate	Priority Date	Rate Instream	Period Protected Instream	Volume Instream (AF)
12787	1880	0.15 cfs. The rate will be reduced by 70% in the reach to account for return flow and further reduced by 2% per mile to account for seepage and evaporation	July 10 through August 31	15.7

8. The Oregon Water Trust has requested that the reach begins at the POD and continues to the confluence with the South Fork Walla Walla River.
9. The Department finds that in order to prevent injury and enlargement the applicant's original request must be modified. Therefore, the Department finds that water may be leased instream as follows (changes are shown in bold text):

Reach: **From the Bradshaw-Hopper Ditch, T. 5 N., R 37 E., Section 19, SW ¼ SE ¼ to the confluence with the South Fork Walla Walla River.**

Certificate	Priority Date	Rate Instream	Period Protected Instream	Volume Instream (AF)
12787	1880	0.11 cfs at the POD (Bradshaw-Hopper Ditch, T. 5 N., R 37 E., Section 19, SW ¼ SE ¼).	July 10 through August 31	11.8

Certificate	Priority Date	Rate Instream	Period Protected Instream	Volume Instream (AF)
12787	1880	0.03 cfs immediately below the POD, and further reduced by 2% per mile to account for seepage and evaporation.	July 10 through August 31	

10. Based upon review of the application, including information provided by the Department's Watermaster and other available information, the Department finds that the lease, as proposed and modified above, will not result in injury or enlargement.

11. The lease will terminate on October 31, 2008.

CONCLUSIONS OF LAW

The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

ORDER

Therefore, it is ORDERED:


1. That the Short-Term Lease described herein is APPROVED.
2. The authorized place of use shall not be irrigated during the term of this lease.
3. Water is leased instream as follows:

Reach: From the Bradshaw-Hopper Ditch, T. 5 N., R 37 E., Section 19, SW ¼ SE ¼ to the confluence with the South Fork Walla Walla River.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Volume Instream (AF)
12787	1880	0.11 cfs at the POD (Bradshaw-Hopper Ditch, T. 5 N., R 37 E., Section 19, SW ¼ SE ¼).	July 10 through August 31	11.8
12787	1880	0.03 cfs immediately below the POD, and further reduced by 2% per mile to account for seepage and evaporation.	July 10 through August 31	

4. The lease will terminate on October 31, 2008.

Dated at Salem, Oregon this 2nd day of June, 2004.


 for Phillip C. Ward
 Acting Director