

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

In the Matter of the Proposed Short-Term) SUPERSEDING FINAL
Lease of Existing Water Rights for Instream) ORDER
Use, Certificate(s) 8597 & 42409, Klamath)
County, Oregon)

FINDINGS OF FACT

1. Hickey Ranches, Inc., Lessor #1, and H&H Cattle Feeders, Inc., Lessor #2, submitted a Short-Term Lease Application on November 6, 2003. The Instream Lease Application was assigned lease agreement number L-469. The Department issued an order approving the Short-Term Lease on December 10, 2003. The order was filed at Special Order Volume 58, page 270.
2. Subsequent to issuance of the order, the Department identified that the date on which the lease was to commence was incorrectly identified as March 1, 2003. The date on which the lease is to commence is March 1, 2004.
3. The conditions of the original Final Order remain the same.
4. 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).
5. This lease commences on March 1, 2004, and protects water instream as described in the lease application. The lease will terminate on October 31, 2008.

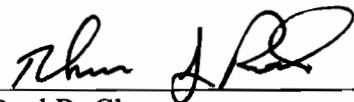
CONCLUSIONS OF LAW

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

ORDER

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

Dated at Salem, Oregon this 9th day of February, 2004.



Paul R. Cleary
Director

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.