

**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) 75566, Malheur County,)	PROPOSED INSTREAM
Oregon)	LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease all or a portion of certificate(s) 75566 for instream purposes was submitted to the Department by:

Lessor
Oregon Department of Corrections
777 Stanton Blvd.
Ontario, OR 97914
2. The Department assigned this lease agreement number L-354.
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).
4. The Department finds that Section 1.4 of the application form inaccurately indicated that there are 167.6 ac-ft of stored water. No stored water is associated with this right. The total duty associated with the right being leased was inaccurately listed as 4 ac-ft. It should be listed as 167.6 ac-ft.
5. To prevent injury or enlargement the instream flow will be allocated on a daily average basis up to the described rate of 0.86 cfs from June 24 to September 30.
6. Pursuant to OAR 690-077-0077, the maximum term of an instream lease is five years. Therefore, this lease will terminate on October 31, 2007.

CONCLUSIONS OF LAW

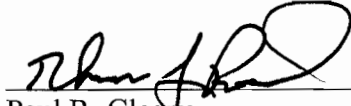
The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

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.

ORDER

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

Dated at Salem, Oregon this 19th day of March, 2003.



for Paul R. Cleary
Director