

**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) 36479, Douglas County,) PROPOSED INSTREAM
Oregon) LEASE

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating short-term instream lease applications.

Lessor
Donelle A. McBartlett
17621 Tyee Road
Umpqua, OR 97486

Findings of Fact

1. Donelle A. McBartlett filed an application to lease all or a portion of Certificate(s) 36479 to instream use. The Department assigned the application number L-591.
2. The portion of the right to be leased is as described in the application.
3. The lease application includes the information required 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 instream use is as described in the lease application:
Umpqua River
Tributary to Pacific Ocean in the Umpqua Basin
Instream Reach: POD at RM 85.2 to RM 28

Certificate	Priority Date	Instream Rate (cfs)	Period Protected Instream
36479	May 10, 1962	0.074	July 14 through October 31

5. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement.
6. The lease will terminate on October 31, 2009.

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.

CONCLUSIONS OF LAW

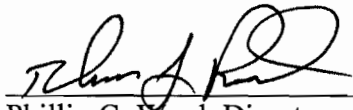
The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease agreement conforms to the applicable provisions of OAR 690-077-0015.

ORDER

Therefore, it is ORDERED:

1. That the Short-Term Lease as described herein is APPROVED.
2. The former place of use shall no longer receive water as part of these rights during the term of the lease.
3. The water is leased instream as described in the Finding of Fact section above.

Dated at Salem, Oregon this 24th day of November 2004.



Fwy Phillip C. Ward, Director