

**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) 8597 & 42409, Klamath	)	PROPOSED INSTREAM
County, Oregon	)	LEASE

**FINDINGS OF FACT**

1. A Short-Term Lease Application, which proposed to lease all or a portion of certificate(s) 8597, which is primary from Whiskey Creek, and 42409, which is supplemental from the Sprague River, for instream purposes was submitted to the Department by:

Lessor #1  
Hickey Ranches, Inc.  
PO Box 67  
Merrill, OR 97633

Lessor #2  
H7H Cattle Feeders, Inc.  
PO Box 60  
Merrill, OR 97633

2. The Department assigned this lease agreement number L-469.
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. Based upon review of the application and information provided by the Department's Watermaster, the Department finds that the lease, as proposed, shall not result in injury or enlargement.
5. This lease commences on March 1, 2003, 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, 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 10<sup>th</sup> day of December, 2003.

  
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For Paul R. Cleary  
Director