

**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, Certificates 42581, Klamath County,)	PROPOSED INSTREAM
Oregon)	LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease a portion of certificate 42581 for instream purposes was submitted to the Department by:

Lessor #1
Terry Bengard
PO Box 80090
Salinas, CA 93912

Lessor #2
Meadows Drainage District
PO Box 426
Fort Klamath, OR 97626

Lessee
Klamath Basin Rangeland Trust
340 A Street, Suite 201
Ashland, OR 97520

2. The instream lease application included the required fees. The Department assigned this lease agreement number L-586.
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. Based upon review of the application, comments received, and information provided by the Department's Watermaster, the Department finds that the lease will not result in injury or enlargement.
5. The lease will terminate on October 1, 2004.

CONCLUSIONS OF LAW

The Department concludes that the lease 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:

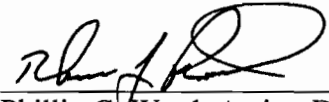
1. That the Short-Term Lease described herein is APPROVED.
2. The authorized place of use shall not be irrigated during the term of this lease.
3. Water is leased instream as follows:

Reach: Wood River POD (Lot 3, Section 3, T 34 S, R 7.5 E, W.M., 2470 feet South and 940 feet East from NW Corner, Section 3) to Agency Lake.

Certificate	Priority Date	Rate (CFS)	Period Protected Instream	Vol. Instream (AF)
42581	1/26/1910	23.45	April 1 – September 30	8511.77

4. The lease will terminate on October 1, 2004.

Dated at Salem, Oregon this 18th day of August 2004.



Phillip C. Ward, Acting Director