



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 has been modified from the lease application to prevent injury and enlargement and is as follows:

Mill Creek, Tributary to the South Fork Yamhill River in the Willamette Basin

**Instream Reach:** From the POD (as described in Finding of Fact #2) at approximately River Mile 5, to County Park at approximately River Mile 1.

<b>Certificate</b>	<b>Priority Date</b>	<b>Instream Rate (cfs)</b>	<b>Period Protected Instream</b>
26041	December 10, 1952	0.015	March 22 through September 30

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. This finding is made through an abbreviated review recognizing that the lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
6. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.
7. The Lessor has requested that the lease commence at the beginning of the 2010 irrigation season and terminate on September 30, 2014.
8. The lessor has requested the option of terminating the lease early with written notice to the Department.

### **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 lease shall commence on March 22, 2010 and terminate on September 30, 2014. The lessor shall have the option of terminating the lease each year, with notification to the Department by February 22 of each year, and before any irrigation has occurred on the property.

Dated at Salem, Oregon this 18<sup>th</sup> day of December 2009.



Phillip C. Ward, Director *mw*

Mailing date: DEC 22 2009