

**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 PROPOSED
Use, Certificate 72279, Jefferson County )	INSTREAM 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 #1**  
Pooled Instream Lease for several landowners  
(described in Finding of Fact #2)

**Lessor #2**  
North Unit Irrigation District  
2024 NW Beech Street  
Madras, OR 97741  
[nuid@palmain.com](mailto:nuid@palmain.com)

**Lessee**  
Deschutes River Conservancy (DRC)  
PO Box 1560  
Bend, OR 97709  
[Laura@deschutesrc.org](mailto:Laura@deschutesrc.org)

**Findings of Fact**

1. North Unit Irrigation District filed a pooled instream lease application on behalf of several landowners to lease a portion of Certificate 72279 to instream use. The Department assigned the application number L-628.

2. The rights to be leased are as follows:

**Certificate:** 72279

**Season of Use:** April 1 to November 1

**Priority Date:** February 28, 1913

**Quantity:** Rate: 0.862 Cubic Foot per Second (CFS) (proportioned rate)

Duty: 205.8 Acre-Feet (AF)

**Source:** Deschutes River, Wickiup Reservoir, constructed under Permit R-1677, and Haystack Reservoir, constructed under Permit R-1754, tributaries of the Columbia River

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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Place of Use:

IRRIGATION OF 39.2 ACRES							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Owner (Lessor #1)
11 S	13 E	WM	14	NW NE	200	1.7	Jefferson County
12 S	13 E	WM	15	NW SW	1000	8.6	Trail Crossing Farms Inc
12 S	13 E	WM	15	NE SE	802	1.0	Shaun & Michelle Steinbeck
12 S	13 E	WM	15	NE SE	804	12.3	Shaun & Michelle Steinbeck
12 S	13 E	WM	15	SE SE	804	2.6	Shaun & Michelle Steinbeck
11 S	13 E	WM	23	SE NW	2300	2.5	Janet Mendez & Erik Cook
10 S	14 E	WM	30	NE SE	1002	10.4	V. Jeanne Dodson-Bergen
10 S	14 E	WM	30	SE SE	1002	0.1	V. Jeanne Dodson-Bergen

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	1700 ft South & 730 ft West from the NE Corner, Section 29

- 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.
- The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:  
Deschutes River  
Tributary to the Columbia River in the Deschutes Basin

**Instream Reach:** From POD (as described in Finding of Fact #2) to Lake Billy Chinook

Certificate	Priority Date	Instream Rate (cfs)	Period Protected Instream
72279	February 28, 1913	0.258	May 1 – Sept. 30

- 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.
- 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.
- The lease will terminate on October 31, 2005.
- The lessor has requested the option of terminating the lease early with written notice to the Department.

## CONCLUSIONS OF LAW

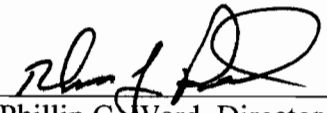
The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease agreement conforms to the applicable provisions of OAR 690-077-0015.

## 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 terminate on October 31, 2005.

Dated at Salem, Oregon this 19<sup>th</sup> day of May 2005.

  
Phillip C. Ward, Director

Mailing date: MAY 20 2005