

**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) 65148, 5324, 1420,) PROPOSED INSTREAM
42816, 42818, and 65102, Jackson County,) LEASE
Oregon

FINDINGS OF FACT

1. A request to renew a short-term lease agreement, which proposed to lease all or a portion of certificate(s) 65148, 5324, 1420, 42816, 42818, and 65102 for instream purposes, was submitted to the Department by:

Lessor	Lessee
Bear Creek Orchards, Inc., A Delaware Co.	Oregon Water Trust
P.O. Box 9000	522 SW Fifth Avenue, Suite 825
Medford, Oregon 97501	Portland, Oregon 97204

2. The instream lease application included the required fees. The Department assigned this lease agreement number L-309.
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 previous lease commenced on May 29, 2003, not the May 1, 2003, date indicated on the lease application.
5. Based upon review of the application, comments received, and information provided by the Department's Watermaster, the Department finds that the lease, as modified, will not result in injury or enlargement.
6. The lease will terminate on October 31, 2004.

CONCLUSIONS OF LAW

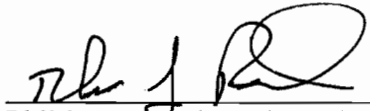
The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

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 as described in application L-309 as modified is APPROVED.

Dated at Salem, Oregon this 6th day of July 2004.



for Phillip C. Ward, Acting Director