

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of the Proposed Lease of	)	DETERMINATION and
Existing Water Rights for Instream Use,	)	FINAL ORDER ON PROPOSED
Certificates 74306, Hood River 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 instream lease applications.

**Lessor**

Farmers Irrigation District  
Attn: Rick Brook  
1985 Country Club Road  
Hood River, Oregon 97031

**Findings of Fact**

1. Farmers Irrigation District filed an application to lease a portion of Certificate 74306 to instream use. The Department assigned the application number IL-802.

2. The rights to be leased are as follows:

**Certificate:** 74306 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)

**Use:** IRRIGATION of 50.0 acres

**Priority Date:** MAY 7, 1906

**Rate:** 0.62 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-EIGHTIETH of one cubic foot per second per acre, not to exceed 3 acre-feet per acre per year FOR IRRIGATION

**Source:** HOOD RIVER, tributary to COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 N	10 E	WM	31	NW SW	2250 FEET NORTH & 470 FEET EAST FROM SW CORNER OF SECTION 31

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.

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	10 E	WM	36	NE SW	200	26.4
3 N	10 E	WM	36	SE SW	200	11.4
3 N	10 E	WM	36	NW SE	700	1.2
3 N	10 E	WM	36	NW SE	500	2.6
3 N	10 E	WM	36	NW SE	600	3.1
3 N	10 E	WM	36	SW SE	600	4.7
3 N	10 E	WM	36	SW SE	700	0.6
Total						50.0

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:

HOOD RIVER tributary to COLUMBIA RIVER

**Instream Reach:** From POD (as described in Finding of Fact #2) at approximately River Mile 11.25 to the to the mouth of the Hood River

Certificate	Priority Date	Instream Rate (cfs)	Period Protected Instream
74306	MAY 7, 1906	0.62	June 1 through September 29

5. Other conditions to prevent injury and enlargement are:

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.

6. 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.

7. 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.

8. The application requests that the lease commence on April 15, 2007 and terminate on April 15, 2008. Since the irrigation season ends on September 30, 2007, no water could be protected instream by this lease in 2008.

9. The lease will commence on April 15, 2007 and terminate on September 30, 2007.

### CONCLUSIONS OF LAW

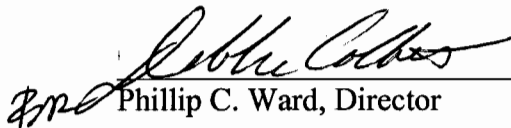
The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

### ORDER

Therefore, it is ORDERED:

1. That the Lease as described herein is APPROVED.
2. The former place of use will no longer receive water as part of these rights, any supplemental rights, or any ground water registrations for the same use during the term of the lease.
3. The lease will terminate on September 30, 2008.

Dated at Salem, Oregon this 5<sup>th</sup> day of April 2007.

  
Phillip C. Ward, Director

Mailing date: APR 12 2007