

**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) 38089, Klamath County,)	PROPOSED INSTREAM
Oregon)	LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease all or a portion of certificate(s) 38089 for instream purposes was submitted to the Department by:

Lessor
Stephen Hess
PO Box 111
Beaty , Oregon 97621
2. The Department assigned this lease agreement number L-350.
3. The lease application includes the required information under OAR 690-077-0077(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(6).
4. The instream lease application has been modified to protect water from the point of diversion to the mouth of Whiskey Creek.
5. The Department finds that at 1.75 Cubic Feet per Second, 419.1 Acre-Feet, water may be protected under this lease for a period of 120 days. Based upon an amendment by the applicant, the period during which water may be leased instream has been modified from April 1st through October 31st to May 1st through August 28th.
6. The lease will terminate on October 31, 2007.

CONCLUSIONS OF LAW

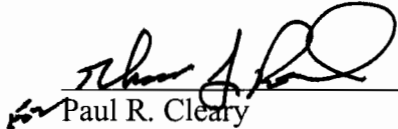
The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

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 described herein is APPROVED.

Dated at Salem, Oregon this 21st day of January, 2003.



Paul R. Cleary
Director