

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

In the Matter of the Proposed Lease of)
Existing Water Rights for Instream Use,)
Certificate 80484, Douglas County) **DETERMINATION and
FINAL ORDER ON PROPOSED
INSTREAM LEASE**

Authority

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

Carol Hamlin
2486 Heritage Way
Medford, Oregon 97504

Lessee

Oregon Water Trust
522 SW Fifth Avenue, Suite 825
Portland, Oregon 97204
steve@owt.org

Findings of Fact

1. Carol Hamlin and the Oregon Water Trust (OWT) filed an application to renew instream L-659, involving all of Certificate 80484 for instream use. The Department assigned the application number IL-659.
2. The first right to be leased is as follows:

Certificate: 80484 in the name of CAROL L. HAMLIN

Use: IRRIGATION of 49.58 ACRES

Season of Use: March 1 through October 31

Priority Date: SEPTEMBER 25, 1991

Rate: 0.62 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: NORTH UMPQUA RIVER, tributary to UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
26 S	5 W	WM	14	SE NW	6	POD #1: 550 FEET NORTH AND 1640 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 14
26 S	5 W	WM	14	SW SW	8	POD #2: 160 FEET NORTH AND 540 FEET EAST FROM THE SW CORNER OF SECTION 14

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	GLot	Acres
26 S	5 W	WM	14	NE NW	5	4.48
26 S	5 W	WM	14	NW NW		0.51
26 S	5 W	WM	14	SW NW	6	11.68
26 S	5 W	WM	14	SE NW	6	3.82
26 S	5 W	WM	14	NW SW	7	14.99
26 S	5 W	WM	14	SW SW	8	7.05
26 S	5 W	WM	15	SE SE		2.06
26 S	5 W	WM	22	NE NE		3.23
26 S	5 W	WM	23	NW NW		1.76
TOTAL:						49.58

3. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.

4. The instream use is as follows:

Instream Reach: From POD #2 (as described in Finding of Fact #2) to mouth of North Fork Umpqua River

Certificate	Priority Date	Instream Rate	Duty	Instream Period
80484	9/25/1991	0.62	123.95 AF	July 23 through October 31

5. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
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 lease will terminate on October 31, 2012.
9. The lessor has requested the option of terminating the lease early with written notice to the Department.

CONCLUSIONS OF LAW

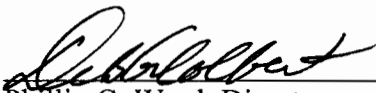
The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

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 other layered water rights for irrigation use, including ground water registrations during the term of the lease.
3. The lease will terminate on October 31, 2012. The Lessor has the option of terminating the lease each year, with notification to the Department by February 1 of each year, and before any water use has occurred on the property.

Dated at Salem, Oregon this 20th day of August 2008.


P. Phillip C. Ward, Director

Mailing date: AUG 22 2008