

**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 36246, Umatilla County,)	PROPOSED INSTREAM
Oregon)	LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease a portion of certificate 36246 for instream purposes was submitted to the Department on June 23, 2004 by:

Lessor
Bureau of Reclamation
Umatilla Field Office
32871 Diagonal Road
Hermiston, OR 97838

2. The Department assigned this lease agreement number L-580.
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). No comments were received.
4. The rights to be leased, as originally requested by the applicant, are as follows:

Certificate: 36246
Use: Irrigation
Acres: 42.2 acres
Priority Date: 1964
Season of Use: March 1 to October 31
Quantity: Rate: 1.06 CFS
Duty: 189.9 AF
Source: Umatilla River, tributary to 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Authorized Place of Use:

Certificate	Township		Range		Meridian	Sec	1/4 1/4		Acres
36246	4	N	28	E		8	NE	SE	27.3
36246	4	N	28	E		8	NW	SE	2.0
36246	4	N	28	E		8	SE	NE	12.5
36246	4	N	28	E		8	SW	NE	0.6
36246	4	N	28	E		8	NE	SE	27.1
								Total	42.2

5. The Department finds that the lease application requires modification in order to clarify the rights being leased. The rights are as follows (changes in bold):

Certificate: 36246
 Use: Irrigation
 Acres: 42.2 acres
 Priority Date: **October 5, 1964**
 Season of Use: March 1 to October 31
 Quantity: Rate: 1.06 CFS
 Duty: 189.9 AF
 Source: Umatilla River, tributary to the Columbia River

Authorized Place of Use:

Certificate	Township		Range		Meridian	Sec	1/4 1/4		Acres
36246	4	N	28	E	W.M.	8	SW	NE	0.6
36246	4	N	28	E	W.M.	8	SE	NE	12.5
36246	4	N	28	E	W.M.	8	NE	SE	27.1
36246	4	N	28	E	W.M.	8	NW	SE	2.0
								Total	42.2

Authorized Point of Diversion (POD):

Township		Range		Meridian	Sec	¼ ¼		Location
4	N	28	E	W.M.	8	NW	SE	1680 FEET NORTH and 1060 FEET WEST from the SE CORNER, SECTION 8

6. The application proposes to lease water for instream as follows:

Reach: Point of Diversion

Certificate	Priority Date	Rate Instream (CFS)	Period Protected Instream	Volume Instream (AF)
36246	1964	1.06	March 1 through October 31	189.9

7. The Department finds that in order to prevent injury and enlargement the applicant's original request must be modified. Therefore, the Department finds that water may be leased instream as follows (changes are shown in bold text):

Reach: Point of Diversion

Certificate	Priority Date	Rate Instream (CFS)	Period Protected Instream	Volume Instream (AF)
36246	October 5, 1964	1.06	April 1 through June 29	189.9

8. The applicant proposes that the lease shall terminate on December 31, 2009.
9. The Department finds that pursuant to OAR 690-077-0077(1) the lease period cannot exceed five years and should terminate on the last day of the allowed use in the year. Therefore, the Department finds that the lease shall terminate on October 31, 2008.
10. Based upon review of the application, including information provided by the Department's Watermaster and other available information, the Department finds that the lease, as proposed and modified above, will not result in injury or enlargement.

CONCLUSIONS OF LAW

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

ORDER

Therefore, it is ORDERED:


1. That the Short-Term Lease described herein is APPROVED.
2. The authorized place of use shall not be irrigated during the term of this lease.
3. Water is leased instream as follows:

Reach: Point of Diversion

Certificate	Priority Date	Rate Instream (CFS)	Period Protected Instream	Volume Instream (AF)
36246	October 5, 1964	1.06	April 1 through June 29	189.9

4. The lease will terminate on October 31, 2008.

Dated at Salem, Oregon this 21st day of July, 2004.



 Phillip C. Ward
 Acting Director