

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	12 E	WM	16	SE NW	14	2100 FEET SOUTH AND 2130 FEET EAST FROM THE NW CORNER OF SECTION 16

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	12 E	WM	16	NW NE	2	20.0
36 S	12 E	WM	16	NW NE	7	20.0
36 S	12 E	WM	16	SW NE	10	17.5
36 S	12 E	WM	16	SW NE	15	18.2
36 S	12 E	WM	16	NE NW	3	19.0
36 S	12 E	WM	16	NE NW	6	14.5
36 S	12 E	WM	16	NW NW	4	20.0
36 S	12 E	WM	16	NW NW	5	20.0
36 S	12 E	WM	16	SW NW	12	19.0
36 S	12 E	WM	16	SW NW	13	17.1
36 S	12 E	WM	16	SE NW	11	13.7
36 S	12 E	WM	16	SE NW	14	16.0
36 S	12 E	WM	16	NE SW	19	17.2
36 S	12 E	WM	16	NE SW	22	6.8
36 S	12 E	WM	16	NW SW	21	0.7
36 S	12 E	WM	16	NW SW	20	18.7
36 S	12 E	WM	16	NW SE	23	2.2
36 S	12 E	WM	16	NW SE	18	14.4
Total						275.0

4. The second right to be leased is as follows:

Certificate: 80052 in the name of Winding Sprague Partners (perfected under Permit S-47533)

Use: Irrigation of 55.8 acres

Priority Date: April 22, 1983

Quantity: **Rate:** 1.4 Cubic Foot per Second (CFS)

Volume: 167.4 Acre-Feet (AF)

Limit: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: Sprague River, tributary to Williamson River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	12 E	WM	16	SE NW	14	2100 FEET SOUTH AND 2130 FEET EAST FROM THE NW CORNER OF SECTION 16

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	12 E	WM	16	NE NE	1	17.2
36 S	12 E	WM	16	NE NE	8	10.0
36 S	12 E	WM	16	SE NE	9	11.0
36 S	12 E	WM	16	SE NE	16	15.6
36 S	12 E	WM	16	NE SE	17	2.0
Total						55.8

5. Certificates 80051 and 80052 do not specify the irrigation season; nor is an irrigation season specified by Basin Program or Decree. For the purposes of instream leasing, an irrigation season of March 1 through October 31, consistent with OAR 690-250, shall be used to establish when water may be protected instream.
6. 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.
7. The instream use is as follows:
Sprague River, tributary to Williamson River

Instream Reach: From the POD (as described in Finding of Fact No's. 3 and 4) to the mouth of Sprague River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
80051	December 10, 1979	4.00	825.0	April 15 through July 27
80052	April 22, 1983	0.81	167.4	

8. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.
9. The protection of flows within the proposed reach is appropriate, considering:
 - a. The instream water use begins at the recorded point of diversion;
 - b. The location of confluences with other streams downstream of the point of diversion.
 - c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
10. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.
11. The total monthly quantities of water to be protected instream under existing and proposed instream rights in the reach do not exceed the estimated average natural flow.

12. 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.
13. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream 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.
14. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream 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 any future transactions.
15. The Lessors have requested that the lease terminate on October 31, 2021. The lease may commence on the date this final order is signed.
16. The Lessors and Lessee have requested that there not be an option to terminate the lease.

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.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. The term of the lease will commence upon approval of the instream lease and terminate on October 31, 2021. The lease may not be terminated by any party to the lease prior to specified termination date.

Dated at Salem, Oregon this 28 day of August, 2017.


 Dwight French, Water Right Services Division Administrator, for
 Thomas M. Byler, Director, Oregon Water Resources Department

This document was prepared by Sarah Henderson and if you have any questions, please call 503-986-0890.

Mailing date: SEP 06 2017