

**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, Certificates 72279 and 72283, Jefferson	)	PROPOSED INSTREAM
County, Oregon	)	LEASE

**FINDINGS OF FACT**

1. A Pooled Short-Term Lease Application, which proposed to lease a portion of certificates 72279 and 72283 for instream purposes was submitted to the Department on April 12, 2004, by:

<b>Lessor</b>	<b>Lessee</b>
North Unit Irrigation District (NUID)	Oregon Water Resources Department
2024 Beech Street	725 Summer Street NE, Suite A
Madras, OR 97741	Salem, OR 97301-1271

2. The Department assigned this lease agreement number L-582.
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 requested by the applicant, are as follows:

**Certificate:** 72279  
**Use:** Irrigation  
**Acres:** 35.0 acres  
**Priority Date:** February 18, 1913  
**Season of Use:** April 1 through October 31  
**Quantity:** Rate (limited to 1/40<sup>th</sup> Cubic Foot per Second (CFS) per acre): 0.44 CFS  
Duty (limited to 5.25 Acre-Feet (AF) per acre): 183.75 AF  
**Source:** Deschutes 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 Point of Diversion (POD) - Deschutes River POD:**

Township		Range		Meridian	Sec	¼ ¼		Location
17	S	12	E	W.M.	29	SE	NE	1700 Feet South and 730 Feet West from the NE Corner, Section 29

**Authorized Place of Use for Lonnie L. Feigner:**

Township		Range		Meridian	Sec	1/4 1/4		Lot	Priority Date	Acres
10	S	14	E	W.M.	9	NE	NE	102	2/28/1913	35.0
									<b>Total acres</b>	<b>35.0</b>

**Certificate:** 72283  
**Use:** Irrigation  
**Acres:** 40.9 acres  
**Priority Date:** September 16, 1968  
**Season of Use:** April 1 through October 31  
**Quantity:** Rate (limited to 1/40<sup>th</sup> Cubic Foot per Second (CFS) per acre): 0.52 CFS  
Duty (limited to 4.0 Acre-Feet (AF) per acre): 163.6 AF  
**Source:** Crooked River, tributary to the Deschutes River

**Authorized Point of Diversion (POD) - Crooked River POD:**

Township		Range		Meridian	Sec	¼ ¼		Location
14	S	13	E	W.M.	13	SW	NE	590 feet North and 2790 feet East from the W 1/4 Corner, Section 13

**Authorized Place of Use for Earl H. and Delita A. Cordes:**

Township		Range		Meridian	Sec	1/4 1/4		Lot	Priority Date	Acres
11	S	13	E	W.M.	24	NE	SE	100	9/16/1968	5.4
11	S	13	E	W.M.	24	SE	NE	100	9/16/1968	35.5
									<b>Total acres</b>	<b>40.9</b>

5. The Department finds that the lease application requires modification in order to clarify the sources for certificate 72279, the irrigation season for certificate 72283 and the full rate allowed by each certificate. The rights are clarified as follows:

**Certificate:** 72279  
**Use:** Irrigation  
**Acres:** 35.0 acres  
**Priority Date:** February 18, 1913  
**Season of Use:** April 1 through October 31  
**Quantity:** Rate (limited to 1/40<sup>th</sup> Cubic Foot per Second (CFS) per acre): **0.88 CFS**  
Duty (limited to 5.25 Acre-Feet (AF) per acre): 183.75 AF  
**Source:** Deschutes River, **Wickiup Reservoir, and Haystack Reservoir**, tributaries of the Columbia River

**Certificate:** 72283  
**Use:** Irrigation  
**Acres:** 40.9 acres

**Priority Date:** September 16, 1968

**Season of Use:** February 1 to December 1

**Quantity:** Rate (limited to 1/40<sup>th</sup> Cubic Foot per Second (CFS) per acre): **1.02 CFS**  
Duty (limited to 4.0 Acre-Feet (AF) per acre): 163.6 AF

**Source:** Crooked River, tributary to the Deschutes River

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

Reach: From the Deschutes River POD (SE NE, Section 29, T17S, R12E, W.M., 1700 Feet South and 730 Feet West from the NE Corner, Section 29) to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
72279	2/28/1913	0.38 CFS	July 1 though September 30	92	70.0 AF

Reach: From the Crooked River POD (SW NE, Section 13, T14S, R13E, W.M., 590 Feet North and 2790 Feet East from the W1/4 Corner, Section 13) to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
72283	9/16/1968	0.22 CFS	July 1 through September 30	92	40.9 AF

7. The Department finds the applicant's request may be modified. The requested period to protected water instream under certificate 72283 is 92 days in length but at the rate and volume requested, water may protected for 93 days. Therefore, the Department finds that water may be leased instream as follows (changes are shown in bold text):

Reach: From the Deschutes River POD (SE NE, Section 29, T17S, R12E, W.M., 1700 Feet South and 730 Feet West from the NE Corner, Section 29) to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
72279	2/28/1913	0.38 CFS	July 1 though September 30	92	70.0 AF

Reach: From the Crooked River POD (SW NE, Section 13, T14S, R13E, W.M., 590 Feet North and 2790 Feet East from the W1/4 Corner, Section 13) to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
72283	9/16/1968	0.22 CFS	<b>July 1 through October 1</b>	<b>93</b>	40.9 AF

8. Based upon review of the application and information provided by the Department's Watermaster, the Department finds that the lease, as proposed and modified above, will not result in injury or enlargement.

9. The Department finds that the date by which the lease terminates needs clarification. Leases generally terminate on the last day of the irrigation season. However, the District leasing form and the Landowner forms conflict with one another and the dates provided do not coincide with the last day of the irrigation season. The last day of the irrigation season for certificate 72279 is October 31. The last day of the irrigation season for certificate 72283 is November 30. **The lease will terminate on November 30, 2004.**

### 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: From the Deschutes River POD (SE NE, Section 29, T17S, R12E, W.M., 1700 Feet South and 730 Feet West from the NE Corner, Section 29) to Lake Billy Chinook.

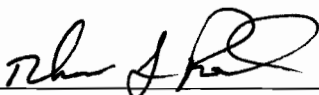
Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
72279	2/28/1913	0.38 CFS	July 1 through September 30	92	70.0 AF

Reach: From the Crooked River POD (SW NE, Section 13, T14S, R13E, W.M., 590 Feet North and 2790 Feet East from the W1/4 Corner, Section 13) to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
72283	9/16/1968	0.22 CFS	July 1 through October 1	93	40.9 AF

4. The lease will terminate on November 30, 2004.

Dated at Salem, Oregon this 26<sup>th</sup> day of July, 2004.

  
 602 Phillip C. Ward, Acting Director