

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	40 E	WM	19	NW NW	GODLEY DITCH NO. 1 – NO MEASURED DISTANCES IDENTIFIED
4 S	39 E	WM	14	SW SE	HUTCHINSON ENGLAND DITCH

Source: Catherine Creek, tributary to Grande Ronde River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	39 E	WM	13	SE SE	POD #1 – 710 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 13
4 S	39 E	WM	14	SW SE	POD #2 - 400 FEET NORTH AND 1140 FEET EAST FROM THE S1/4 CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tract	Acres
4 S	39 E	WM	14	SE SW	2	8.40
4 S	39 E	WM	14	SW SE	2	1.42
4 S	39 E	WM	23	NW NE	2	15.71
4 S	39 E	WM	23	NE NW	2	28.12

4. Certificate 49739 does 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.
5. The lease application includes the information required under OAR 690-077-0076(3). On April 9, 2013, the Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. At the maximum rate and volume requested in the original lease application (IL-1196), water may only be protected instream for a period of 60 days. The original lease application did not propose an instream period. In the final order approving IL-1196, the Department identified an instream period of July 1 through October 30, with an instream rate of 0.67 CFS. At this rate and instream period, the maximum volume will not be exceeded.
7. The original lease application requested a reach from POD #2, as described in Finding of Fact #2, to the mouth of Catherine Creek. In the order approving IL-1196, the instream reach was modified to extend from POD #2 to Lower Davis Dam, located at approximately River Mile (RM) 12.
8. It appears that there may be some quantity of return flows entering Catherine Creek through Pyles Creek or Catherine Creek within the reach described in Finding of Fact #9. However, at this time, there is insufficient information to quantify the amount of return flows. In addition, it does not appear that water users below the confluence with Pyles Creek would be injured as a result of loss of return flows.

9. The instream use has been modified from the original lease application (IL-1196) and is as follows:

Catherine Creek, tributary to the Grande Ronde River

Instream Reach #1: From POD #2 (as described in Finding of Fact #2) to the Lower Davis Dam, at approximately RM 12.

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
49739	1867	0.67	160.95	July 1 thru October 30

10. Other conditions to prevent injury and enlargement are:
- If transport losses or return flows within the instream reach become evident the quantity of water protected instream under this lease may be adjusted accordingly.
 - Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determined the amount of water to which this right is entitled downstream from the original points of diversion within the specified stream reach.
11. 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.
12. 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. 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.
13. 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.
14. The Lessor has requested that the lease terminate on October 31, 2013. The lease may commence on the date this final order is signed.

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:

- That 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 water rights for irrigation use, including ground water registrations.
3. The term of the lease will commence on upon approval of the instream lease and terminate on October 31, 2013.

Dated at Salem, Oregon this 7 day of June, 2013.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This document was prepared by Susan Douthit and if you have any questions, please call 503-986-0858.

Mailing date: **JUN 11 2013**
