

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

In the Matter of Instream Lease Application) DETERMINATION and
IL-1156, Certificate 22795,) FINAL ORDER ON PROPOSED
Coos County) 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

Coos County
Board of Commissioners
250 N Baxter
Coquille, OR 97423

Findings of Fact

1. On April 13, 2011 Coos County filed an application to lease all of Water Right Certificate 22795 for instream use. The Department assigned the application number IL-1156
2. The right to be leased is as follows

Certificate: 22795 in the name of Coos Bay Timber Company

Use: Log Storage and Sorting Pond

Priority Date: August 21, 1950

Duty: 491.0 Acre-Feet (AF)

Source: Coquille River, tributary to the Pacific Ocean

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	13 W	WM	24	SE NW	Not Described in the Certificate

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:

Twp	Rng	Mer	Sec	Q-Q	Lot
28 S	12 W	WM	19	NWNW	
28 S	12 W	WM	19	SW NW	
28 S	13 W	WM	24	NE NE	9
28 S	13 W	WM	24	SE NE	
28 S	13 W	WM	24	SW NE	8

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:

COQUILLE RIVER, tributary to the PACIFIC OCEAN

Instream Reach: From the POD, as described in Finding of Fact #2, to the mouth of the Coquille River

Certificate	Priority Date	Instream Volume (AF)	Period Protected Instream
22795	8-21-1950	491.0	January 1-December 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 Lessor requested that the lease commence on January 1, 2011 and terminate on December 31, 2015. However, the lease cannot commence prior to the first day of the irrigation season, nor can the lease extend beyond the last day of the irrigation season. OAR 690-077-0077(8). Therefore, the lease shall commence on March 1, 2011 and terminate on October 31, 2015.

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, pursuant to 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 lessor *shall* have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is not received prior to May 15, water shall not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur.
4. The lease will terminate on October 31, 2015.

Dated at Salem, Oregon this 19 day of July 2011.


Dwight French, Water Rights Administrator for
PHILLIP C. WARD, DIRECTOR

JUL 20 2011

Mailing date: _____

The order approving this was prepared by Joan Smith. If you have any questions about the information in this document, you may contact Kody Thurgood at 503-986-0892 or thurgokj@wrđ.state.or.us