

**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 11898 & 27435, Polk)	PROPOSED INSTREAM
County, Oregon)	LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease all or a portion of certificates 11898 & 27435 for instream purposes was submitted to the Department by:

Lessor
Jerry Smith
1115 Madison St. NE
Salem, Oregon 97301

2. The Department assigned this lease agreement number L-106.
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).
4. The lease will terminate on September 30, 2007.
5. The Department finds that there is an error in section 1.4 the priority date for Certificate 11898 is August 3, 1933. This having the senior priority date, Certificate 11898 is considered the primary water right.
6. The Department finds that the description in of the acreage being leased in section 1.4 for Certificate 11898 should be modified to read: acres in 0.52 SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.77 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 22, Township 8 South, Range 6 West W.M.
7. The Department finds that the description in of the acreage being leased in section 1.4 for Certificate 27435 should be 2.11 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of T 8 S R 6W WM.

CONCLUSIONS OF LAW

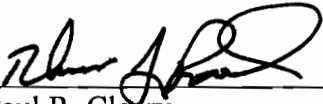
The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

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.

ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is APPROVED.

Dated at Salem, Oregon this 11th day of June, 2003.



Paul R. Cleary
Director