

**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 10927 and 10928,	)	PROPOSED INSTREAM
Deschutes County, Oregon	)	LEASE

Short-term lease agreement number 316, which proposed to lease a portion of certificates 10927 and 10928 for instream purposes was submitted to the Department by:

Lessor  
Rich McIntyre  
Crystal Partners, LLC  
176 Patterson Street  
Ashland, OR 97520

The lease has been further conditioned as follows:

On July 11, 2002, the lease application was amended to limit the period during which water is to be leased under both certificates from May 1<sup>st</sup> to October 1<sup>st</sup>. This was added as a condition on the lease to prevent injury.

As part of the processing of the lease application, the Department found that some of the lands to be leased may not have been irrigated for five consecutive years. In response to the Watermaster Evaluation, the landowner submitted an affidavit of use pertaining to the rights to be leased. If either of the rights or a portion of them are later determined to be forfeit, then this lease will be immediately terminated or modified to reflect that determination.

The Department also found that, due to subsurface and surface water conditions, use may not be suspended on 75 acres under certificate 10928 and 10 acres under certificate 10927. These lands may not be leased and are 35 acres in the SW 1/4 NE 1/4, and 40 acres in the SE 1/4 NE 1/4 of Section 35, Township 33 South, Ranch 6 East, W.M., under certificate 10928, and 10 acres in the SW 1/4 NW 1/4 of Section 36, Township 33 South, Ranch 6 East, W.M.

In addition, the Department has identified that 60% of water diverted returns to the system as return flows and is depended upon by downstream users. Therefore, in order to prevent

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.

injury only 40% of the rate at which water is to be leased will be leased below the point of diversion.

Based upon these findings and the amendment to the lease application, water will be leased as follows:

Certificate 10927 (70 Acres) 1900 Priority Date

May 1<sup>st</sup> through July 20<sup>th</sup>:    POD: 1.4 Cubic Feet per Second (CFS)  
  Below POD: 0.56 CFS

July 21<sup>st</sup> to October 1<sup>st</sup>:        POD: 0.875 CFS  
  Below POD: 0.35 CFS

Total Volume to be Leased: 346.2 Acre-Feet (AF)

Certificate 10928 (65 Acres)

Sevenmile Creek (1900 Priority Date) (40 Acres)  
May 1<sup>st</sup> through July 20<sup>th</sup>:    POD: 0.8 CFS  
  Below POD: 0.32 CFS

July 21<sup>st</sup> to October 1<sup>st</sup>:        POD: 0.5 CFS  
  Below POD: 0.2 CFS

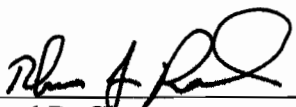
Crane Creek Springs (1888 Priority Date) (25 Acres)  
May 1<sup>st</sup> through July 20<sup>th</sup>:    POD: 0.5 CFS  
  Below POD: 0.2 CFS

July 21<sup>st</sup> to October 1<sup>st</sup>:        POD: 0.313 CFS  
  Below POD: 0.125 CFS

Total Volume to be Leased: 321.83 AF

The lease shall commence on May 1, 2002 (not before execution by the parties) and the lease will terminate on October 1, 2002. The Department concludes, with the identified modifications, that the lease is consistent with the requirements of ORS 537.348 and OAR Chapter 690, Division 77. Therefore, it is ORDERED that the Short-Term Lease described herein is APPROVED.

Dated at Salem, Oregon this 17<sup>th</sup> day of September, 2002.

  
\_\_\_\_\_  
for Paul R. Cleary  
Director