



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite "A"
 Salem, Oregon 97301-1271
 (503) 986-0900

**Watermaster Review Form
 for Short-Term
 Instream Lease Application**
 Pursuant to OAR 690-077-0077(3)(h)

Lease Agreement #: L-
 Involving Certificate(s) #: 38665

Watermaster/Field Staff Review. By signature below, staff verifies that:

1. Does the lease agreement meet the requirements of OAR 690-077-0077(3)(e) to suspend the original use?
 Yes No
 If no, please explain:

2. Is the proposed instream use for a:
 Point Reach

3. Is there an existing instream water right established pursuant to ORS 537.341 or 537.346? (A right applied for by ODFW, DEQ, or OP&RD or a converted minimum flow right.)
 Yes No

If yes, is the right proposed to be leased senior to the existing instream right?
 Yes No

If no, do you have any information on how the lease will serve a public use? OAR90-077-0077(3)(d).
 Please explain: fish habitat and conservation

4. Does the lease agreement meet the requirements of OAR 690-077-0077(7) to avoid injury to other water rights due to:

a. Return flows
 Yes No

Please explain: return flows factor needs to be incorporated. see proposed conditions section

b. Other losses
 Yes No

Please explain: other losses need to be applied because of the reach, see proposed conditions section

5. Does the lease agreement meet the requirements of OAR 690-077-0077(7) to avoid enlargement?
 Yes No

Please explain: if the return flows and other losses are applied.

6. For split season use instream leasing, does the lease agreement meet the measuring and reporting requirements of OAR 690-077-0079(4)?

Yes No N/A, not a split season use instream lease

Please explain:

7. Proposed conditions to the instream use: (Describe. if any)

The applicant's application has claimed maximum rate associated with subject water rights (cfs) 1.68 this is incorrect the maximum rate on the certificate is 0.885 cfs, prorated gives the applicant 0.85 cfs. If the applicant had run maximum rate, they would not hit the maximum duty. In addition, it appears some of the lands are in the river bed and areas not irrigated, therefore abandoned. I would request

additional information (affidavit, photos, crop report, etc) on the use for most of the stuff in the NW¼, Section 29. Looking the photos and reviewing the area this is questionable.

Assuming we go with the maximum acres, I would propose 0.85 cfs from April 1st - September 30th. The rate is lower then usual. It is my opinion, the return flow to the system are going to be lower except for the fact that we are in a river system with basalt layer and the lands are on the river. This means any water that is left returns to the system, but probably is unmeasureable in the John River system. Therefore, I am reducing the recommended return flow to 33%, I don't have any information to base this figure on outside, knowing some will return to the John Day River. I normally apply a 1% loss factor in the John Day and recommend that continues with this lease. The amount of water we are dealing with is insignificant in regards to amount in the river. For the benefit of the resource, I feel we should lease into the John Day River and to McDonald Ferry gaging station in the John Day River.

I also propose that the monthly rates on the lease be removed in section 2.2.

Vernon L. Church

Printed Name

Date: September 14, 2005

Signature