

**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 ¼ SW ¼, 0.77 acres in the SW ¼ SE ¼ 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 ¼ SW ¼ 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.

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WATER RESOURCES DEPT  
SALEM OREGON

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.



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease Renewal

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

The undersigned entered into Instream Lease Number L-106 involving Water Right Certificate(s) 11898 on \_\_\_\_\_, which terminated on \_\_\_\_\_.

The undersigned Lessor and Lessee, parties to the original lease, hereby request that Lease Number L-106 be renewed. Lessor and Lessee warrant that, to the best of their knowledge, circumstances have not changed and all matters involved with or affected by the instream lease and the subject water right(s) remain as they were when the lease was first entered into, including but not limited to water right holder interest, the acres from which the right is leased, and the public instream benefit provided as a result of this instream lease.

The terms and conditions of instream lease L-106 are hereby incorporated by reference in their entirety, with the following exception(s):

- The term of the lease shall commence on Oct 1, 07 (not before execution by the parties) and continue through Sept 30, 2012

**CREP.** Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program?

- Yes  
 No

**Fees.** Pursuant to ORS 536.050, the following fee is included:

- \$50 for an instream lease renewal application.

Lessor: Gerry R. Smith Date: 8-14-07  
 Email address: JRS DMR @ earthlink.net

Lessor: \_\_\_\_\_ Date: \_\_\_\_\_  
 Email address: \_\_\_\_\_

For additional Lessors, type in space for signature and date

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_  
 Email address: \_\_\_\_\_

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