



RECEIVED OVER THE COUNTER

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

September 1, 2009

Application for Instream Lease Renewal

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wr.d.state.or.us/OWRD/PUBS/forms.shtml.

The undersigned entered into Instream Lease Number L-204 involving Water Right Certificate(s) 46462 on 07/31/2003, which terminated on 09/30/2007.

The undersigned Lessor and Lessee, parties to the original lease, hereby request that Lease Number L-204 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-204 are hereby incorporated by reference in their entirety, with the following exception(s):

- The term of the lease shall commence on June 22, 2010 (not before execution by the parties) and continue through September 30, 2014.

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:

X \$100 for an instream lease renewal application.

Lessor: Greg Nelson Email address: gregnelson@smt-net.com

Date: February 3, 2010

Handwritten signature of Greg Nelson

Lessor: Date:

Email address:

For additional Lessors, type in space for signature and date

Lessee:

Date:

Email address:

RECEIVED FEB 03 2010 WATER RESOURCES DEPARTMENT SALEM, OREGON

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

RECEIVED

FEB 03 2010

WATER RESOURCES DEPARTMENT  
Salem, Oregon

In the Matter of the Proposed Short-Term ) DETERMINATION and  
Lease of Existing Water Rights for Instream ) FINAL ORDER ON  
Use, Certificate(s) 46462, Linn County, ) PROPOSED INSTREAM  
Oregon ) LEASE

**FINDINGS OF FACT**

1. A request to renew a short-term lease agreement, which proposed to lease all or a portion of certificate(s) 46462 for instream purposes, was submitted to the Department by:

Lessor  
Greg Nelson  
Melinda Lear  
P.O. Box 10  
Scio, OR 97974

2. The Department assigned this lease agreement number L-204.
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 following changes have been from the original lease agreement.
  - a. Greg Nelson and Melinda Lear are the lessors.
  - b. The instream flow will be protected at 0.54 cfs from June 22 through September 30.
  - c. The lessor shall have the option of terminating the lease each year, with written notice to the Department by May 22, which is 30 days before the lease would be exercised.
5. The lease will terminate on September 30, 2007.

**CONCLUSIONS OF LAW**

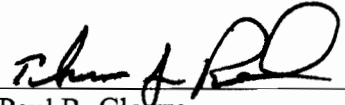
The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

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 31 day of July 2003.

  
for Paul R. Cleary  
Director

STATE OF OREGON

COUNTY OF

LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

AUGUST V. & BETTY L. HARRIS

of 39467 Highway 226, Scio, State of Oregon, 97374, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Thomas Creek

a tributary of South Santiam River for the purpose of irrigation of 43.0 acres

under Permit No. 39007 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 21, 1974

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.54 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 NE 1/4, Section 8, T. 10 S., R. 1 W., W. M., 710 feet North from the E 1/4 Corner, Section 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

23.2 acres SE 1/4 NE 1/4  
19.8 acres NE 1/4 SE 1/4  
Section 8  
T. 10 S., R. 1 W., W. M.

RECEIVED

FEB 05 2010

The right to the use of the water for the purposes aforesaid is restricted to the land or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 15, 1978

*James E. Saxon*  
Water Resources Director