



Oregon

Tina Kotek, Governor

Water Resources Department

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Thank You

DATE: March 2, 2026

Lessee

South Umpqua Rural Community Partnership
(SURCP)
34620 Tiller Trail Hwy
Tiller, OR 97484

Co-Lessor

Highland Ditch Irrigation District
192 Woodpath lane
Azalea, OR 97410

Co-Lessee

US Fish & Wildlife Service (USFWS)
63095 Deschutes Market Road
Bend, OR 97702

Thank you for participating in the Short-Term Instream Leasing Program. I want to express appreciation for your cooperation in helping to improve stream flows for fish and aquatic life.

Enclosed is a copy of the final order approving instream lease IL-2131.

If you have any questions, please call me at (503) 979-9872.

Sincerely,

Sarah Henderson
Transfer and Conservation Section

cc: Watermaster District #15 (via e-mail)
File IL-2131

Enclosure

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

In the Matter of Instream Lease Application)
IL-2131, Douglas County)

DETERMINATION and FINAL ORDER ON
PROPOSED INSTREAM LEASE

Authority

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessors

Pooled Instream Lease for several water right holders (described in Finding of Fact No. 2)

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Findings of Fact

1. On July 1, 2025, Highland Ditch Irrigation District, SURCP, and USFWS on behalf of several water right holders, filed an application to lease the entirety of Certificates 26248 and 97596, and a portion of Certificate 93803 for instream use. The Department assigned the application number IL-2131.
2. During the months of July 2025 and February 2026, the Department and the Lessors and Lessees worked on deficiencies in the application.
3. The first right to be leased is as follows:

Certificate: 26248 in the name of C. F. Clayton (perfected under Permit S-23877)
Use: Irrigation of 6.2 acres
Priority Date: October 17, 1955
Quantity: **Rate:** 0.09 Cubic Foot per Second (CFS)
Limit: One-seventieth CFS per acre, not to exceed 3.5 AF per acre per year

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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Source: Wildcat Creek, tributary to Cow Creek

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
32 S	5 W	WM	14	NE SE	NOT DESCRIBED ON CERTIFICATE

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water Right Holder (Lessor)
32 S	5 W	WM	22	SE NE	6.2	2000	Margaret & Fred Cullett

4. The second right to be leased is as follows:

Certificate: 97596 in the name of Gene G. and Rosemary L. Woida (perfected under Permit S-890)

Use: Irrigation of 28.0 acres

Priority Date: July 21, 1911

Quantity: **Rate:** 0.35 Cubic Foot per Second (CFS)

Limit: One-seventieth CFS per acre, not to exceed 3.5 AF per acre per year

Source: Cow Creek, tributary to South Umpqua River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
32 S	5 W	WM	13	NE NW	915 FEET SOUTH AND 490 FEET WEST FROM THE N1/4 CORNER OF SECTION 13

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water Right Holder (Lessor)
32 S	5 W	WM	14	SW SE	14.0	1400	Gene & Rosemary Woida
32 S	5 W	WM	14	SW SE	14.0	1500	Gene & Rosemary Woida
Total Acres					28.0		

5. The portion of the third right to be leased is as follows:

Certificate: 93803 in the name of Louis F. Anderson (perfected under Permit S-890)

Use: Irrigation of 57.2 acres

Priority Date: July 21, 1911

Quantity: **Rate:** 0.66 Cubic Foot per Second (CFS)

Limit: One-seventieth CFS per acre, not to exceed 3.5 AF per acre per year

Source: Cow Creek, tributary to South Umpqua River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
32 S	5 W	WM	13	NE NW	915 FEET SOUTH AND 490 FEET WEST FROM THE N1/4 CORNER OF SECTION 13

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water Right Holder (Lessor)
32 S	5 W	WM	14	SW SE	2.0	1600	David Streeter
32 S	5 W	WM	22	NE NE	11.6	1300	Chris & Judy Meirndorf

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water Right Holder (Lessor)
32 S	5 W	WM	22	NE NE	2.0	700	Sandra Venables
32 S	5 W	WM	22	SE NE	12.0	2000	Margaret & Fred Cullett
32 S	5 W	WM	22	SE NE	3.0	1900	John Falcone
32 S	5 W	WM	22	SE NE	2.5	1600	Douglas Thackery
32 S	5 W	WM	23	NW NW	5.1	500	Jack McIntosh
32 S	5 W	WM	23	NW NW	5.0	600	John & Amanda Meirndorf
32 S	5 W	WM	23	NW NW	4.0	700	Sandra Venables
32 S	5 W	WM	23	SW NW	10.0	800	Margaret & Fred Cullett
Total Acres					57.2		

6. Certificates 26248, 97596, and 93803 do not specify the irrigation season; however, the Cow Creek Decree establishes the irrigation season for the area as April 1 to October 1.
7. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
8. The instream use is as follows:

Wildcat Creek, tributary to Cow Creek

Instream Point: At the POD (as described in Finding of Fact No. 2)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
26248	10/17/1955	0.07	21.7	May 1 – September 30

Cow Creek, tributary to South Umpqua River

Instream Point: At the POD (as described in Findings of Fact No. 4 and 5)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
97596	7/21/1911	0.32	98.0	May 1 – September 30
93803	7/21/1911	0.66	200.2	May 1 – September 30

9. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.
10. The protection of flows at the authorized point of diversion is appropriate, considering:
 - a. The instream water use begins at the recorded point of diversion;
 - b. The location of confluences with other streams downstream of the point of diversion.
 - c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

- d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
11. The total monthly quantities of water to be protected under the existing and proposed instream rights at the point will provide for a beneficial purpose.
12. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the point do not exceed the estimated average natural flow.
13. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
14. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
15. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
16. The Lessors and Lessees have requested that the lease terminate on October 1, 2029. The lease commenced on April 1, 2025, being the first day of the irrigation season.
17. The Lessors and Lessees have requested the option of terminating the lease early with written notice to the Department.

Conclusions of Law

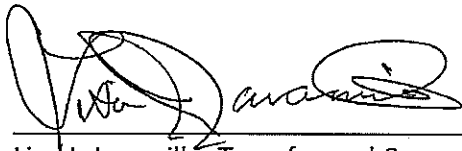
The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the lease term, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.

3. The term of the lease commenced on April 1, 2025, and will terminate on October 1, 2029. For multiyear leases, the lessors and/or lessees *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (May 1 – September 30) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur..

Dated at Salem, Oregon this day March 2, 2026.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

Mailing date: March 3, 2026

*This document was prepared by Sarah
Henderson. If you have any questions,
please call 503-979-9872.*

