BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Lease SL-58,)	FINAL ORDER TERMINATING
Wallowa County	·)	INSTREAM LEASE

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

Perry Johnston 81703 Hwy 82 Wallowa, OR 97885

Ken and Bobbie Baker 81705 Hwy 82 Wallowa, OR 97885

Lessee

Trout Unlimited (TU)
Attn: Jessica Humphreys
401 NE 1st Street
Enterprise, OR 97828

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Findings of Fact

- On May 18, 2021, Perry Johnston, Ken and Bobbie Baker, and TU filed an application to lease a portion of Certificate 95648, and the entirety of Certificates 94781, 95217, and 94779, as a split season instream use. The Department assigned the Split Season Lease Application number SL-58.
- 2. The lease application requested to protect water instream for three years, terminating on October 1, 2023. A Final Order approving this lease was issued by the Department on July 21, 2021, as evidenced by Special Order Volume 121, Pages 77-84.
- The final order contained a condition allowing the Lessor and the Lessee to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department.
- 4. On February 22, 2023, the Department received a request from TU, Ken and Bobbie Baker and Perry Johnston to terminate the lease prior to the 2023 instream use period.

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.

5. The lease was exercised during the 2021 and 2022 water use period ending on October 1, 2022.

Conclusions of Law

The Department concludes that terminating the lease in advance of the 2023 instream use period is consistent with OAR 690-077.

Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this day MAR 1 5 2023

Lisa I. Jaramillo, Transfer and Conservation Section Manager for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

Mailing date: MAR 1 6 2023

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