# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Lease IL-1774	) .	FINAL ORDER TERMINATING
Baker 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.

#### Lessor

Idaho Power Company PO Box 70 Boise, ID 83707

### **Findings of Fact**

- DEC. 2 20%.
- 1. On October 29, 2019, Idaho Power Company filed an application to lease the entirety of Certificates 1874, 1907, 2750, 3340, 4004, 4607, 4628, 4665, 4712, 15177, 22668, 23035, 44245, 72611 and a portion of Certificates 4611, 72199, 81986 for instream use. The Department assigned the application number IL-1774.
- 2. The lease application requested to protect water instream for five years, terminating on October 31, 2024. A Final Order approving this lease was issued by the Department on April 23, 2020, as evidenced by Special Order Volume 116, Pages 507-522.
- The final order contained a condition allowing the Lessor 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 November 21, 2022, the Department received a request from Idaho Power Company to terminate the lease prior to the 2023 instream use period.
- 3. The lease was exercised during the 2020, 2021, and 2022 water use periods ending on October 31, 2022.

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.

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The Instream Lease described herein is TERMINATED and no longer in effect.

Rated at Salem, Oregon this day DEC 21 2022

a J. Jaramillo, Transfer and Conservation Section Manager for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

**Oregon Water Resources Department** 

Mailing date: DEC 2 2 2022

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