

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

In the Matter of the Lease of Existing Water) FINAL ORDER
Rights for Instream Use, Certificate 24217,) TERMINATING INSTREAM LEASE
Polk County)

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. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Richard E. Norman
535 S. Pacific Highway
Rickreall, Oregon 97371

Findings of Fact

1. On April 15, 2008, Richard Norman filed an application to renew instream lease IL-576, involving all of Certificate 24217. The Department assigned the instream lease application number IL-576.
2. The lease application requested to protect water instream for five years, beginning on April 1, 2009, and terminating on October 31, 2013. A Final Order approving this lease was issued by the Department on June 6, 2008, as evidenced by Special Order Volume 75, Page 16.
3. The final order contained a condition allowing the Lessor to terminate the lease in any year of the lease, prior to May 22 of each year.
4. On February 19, 2009, the Department received a copy of a request from Richard Norman to terminate the lease prior to the 2009 irrigation season.

CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2009 irrigation season is consistent with OAR 690-077.

<p>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.</p>

ORDER

Therefore, it is ORDERED that the Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 24th day of February 2009.

R William E. Ferber
Phillip C. Ward, Director

Mailing date: MAR 02 2009