

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

In the Matter of the Proposed Short-Term)	FINAL ORDER WITHDRAWING
Lease of Existing Water Rights for Instream)	PROPOSED INSTREAM LEASE
Use, Certificate 12555, Umatilla 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 short-term instream lease applications.

Lessor

Shari Kelly (Norman Kelly Estate)
56850 North Fork Walla Walla River Road
Milton Freewater, Oregon 97862

Lessee

Oregon Water Trust
522 SW Fifth Avenue, Suite 825
Portland, Oregon 97204
ryland@owt.org

Findings of Fact

1. On March 9, 2005, Shari Kelly and the Oregon Water Trust filed an application to lease all of Certificate 12555 to instream use. The Department assigned the application number L-613.
2. As part of the Department's review of the lease application, the Department requested additional information to confirm that the right was subject to transfer.
3. On May 16, 2005, the Department received affidavits attesting to the use of the water. However, these affidavits did not fully provide the information requested by the Department.
4. On June 30, 2005, the Department received a request from the Oregon Water Trust to withdraw the lease application.

ORDER

Therefore, it is ORDERED:

1. That the Short-Term Lease application L-613 is withdrawn.
2. The application fee of \$100 is refunded to the Oregon Water Trust account.

Dated at Salem, Oregon this 11th day of July 2005.



Phillip C. Ward, Director

Mailing date: JUL 13 2005

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.