

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

In the Matter of Instream Lease IL-1692) FINAL ORDER TERMINATING
Yamhill 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

Cruickshank Farms
Jeff Cruickshank
11400 SE Stockhoff Rd
Dayton, OR 97114
cruickshankfarms@gmail.com

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Findings of Fact

1. On April 9, 2018, Jeff Cruickshank of Cruickshank Farms filed an application to renew instream lease IL-213, involving the entirety of Certificates 19906, 22036, 31313, and 33664. During the evaluation of the instream lease application, Department staff identified a number of changes that needed to be made. The Department re-assigned the instream lease application number IL-1692.
2. The lease application requested to protect water instream for five years, terminating on September 30, 2022. A Final Order approving this lease was issued by the Department on May 28, 2018, as evidenced by Special Order Volume 108, Page 432.
3. 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 April 28, 2022, the Department received a request from Jeff Cruickshank of Cruickshank Farms to terminate the lease prior to the 2022 instream use period.
3. The lease was exercised during the 2018, 2019, 2020, and 2021 water use period ending on September 30, 2021.

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.

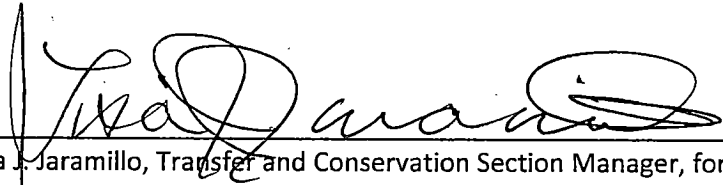
Conclusions of Law

The Department concludes that terminating the lease in advance of the 2022 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 MAY 04 2022.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: MAY 05 2022

This document was prepared by Stacy Phillips. If you have any questions, please call 503-986-0898.