

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

In the Matter of the Proposed Short-Term)
Lease of Existing Water Rights for Instream)
Use, Certificate(s)13130, 13311, and 12775,)
Umatilla County, Oregon)

TERMINATION OF
INSTREAM LEASE
& FINAL ORDER

FINDINGS OF FACT

1. On December 24, 2004, a Short-Term Lease Application, which proposed to lease a portion of certificates 13130, 13311, and 12775 for instream purposes was submitted to the Department by:

Lessor #1
Norma Anspach
Clarence Anspach
Rt. 4, Box 192
Milton-Freewater, Oregon 97862

Lessor #2
Brent Stevenson, District Manager
Walla Walla River Irrigation District
605 N. Lamb
Milton-Freewater, Oregon 97862

Lessee
Oregon Water Trust
522 SW Fifth Avenue, Suite 825
Portland, Oregon 97204

2. The Department assigned this lease agreement number L-193.
3. The lease application contained a provision allowing the lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season.
4. The lease application requested to protect water instream for five years, terminating on November 30, 2009. A Final Order approving this lease was issued by the Department on January 28, 2005 as evidenced by Special Order Volume 63, Page 157.
3. On February 3, 2006, the Department received a request from Lessor #1 to terminate the lease effective immediately.
4. The lease was exercised during the 2005 water use period ending on November 30, 2005.

CONCLUSIONS OF LAW

The Department concludes that terminating the lease at the end of the 2005 irrigation season is consistent with OAR 690-077.

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.

ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 16th day of February, 2006.

For Phillip C. Ward

Phillip C. Ward
Director

Mailing date: FEB 16 2006