

**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 5814, Wallowa County )  
FINAL ORDER WITHDRAWING PROPOSED INSTREAM LEASE )

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 #1**

Dave and Pat Murrill  
64819 Mawhin Road  
Enterprise, Oregon 97828

**Lessor #2**

Dave and Randi Jandt  
P.O. Box 82264  
Fairbanks, Alaska 99708

**Lessee**

Oregon Water Trust  
522 SW Fifth Avenue, Suite 825  
Portland, Oregon 97204  
[ryland@owt.org](mailto:ryland@owt.org)

**Findings of Fact**

1. On April 18, 2005, Dave and Pat Murrill, Dave and Randi Jandt, and the Oregon Water Trust filed an application to lease a portion of Certificate 5814 to instream use. The Department assigned the application number L-629, and withdrew \$100 from the Oregon Water Trust account to cover the application fee.
2. As part of the Department's review of the lease application, the Department requested additional information describing the instream reach where the applicant wanted the right protected instream.
3. On June 28, 2005, the Department received a request from the Oregon Water Trust to put the application on administrative hold. After discussing this request with the Oregon Water Trust, the Department has determined that it is more appropriate to withdraw the lease application. The Oregon Water Trust understands that it can resubmit the lease application at a future date.

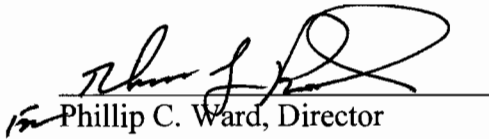
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review 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:

1. That the Short-Term Lease application L-629 is withdrawn.
2. The application fee of \$100 is refunded to the Oregon Water Trust account.

Dated at Salem, Oregon this 13<sup>th</sup> day of July 2005.

  
Phillip C. Ward, Director

Mailing date: JUL 15 2005