

**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) FINAL ORDER WITHDRAWING
Use, Certificates 83727 and 79212, Jackson) PROPOSED INSTREAM LEASE
County, Oregon)

Authority

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

David L. and Lana J. Claussen
4262 Colver Rd
Phoenix, Oregon 97535
david@flysuperior.com

Lessor #2

Talent Irrigation District (TID)
P.O. Box 467
Talent, Oregon 97540

Lessee

Oregon Water Trust (OWT)
65 SW Yamhill, Suite 300
Portland OR 97204

Findings of Fact

1. On November 25, 2008, David and Lana Claussen, Talent Irrigation District, and OWT filed an application to lease a portion of Certificates 83727 and 79212 to instream use. The lease application also identified the Bureau of Reclamation as a Lessor. However, the Bureau did not sign the application form. The Department assigned the application number IL-958.
2. On December 2, 2008, the Department provided notice of the lease application pursuant to OAR 690-077-0077(6). No comments were filed in response to this notice.
3. On March 2, 2009, the OWT requested, on behalf of the Lessors, to withdraw this lease application.

CONCLUSIONS OF LAW

The Department concludes that this lease has been withdrawn and does not result in the protection of any instream flow pursuant to OAR 690-077-0077.

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That the Short-Term Lease application described herein is withdrawn.

Dated at Salem, Oregon this 9th day of March, 2009.

William S. Ferber
By Phillip C. Ward, Director

Mailing date: MAR 12 2009