

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

In the Matter of the Proposed Lease of            )     ORDER WITHDRAWING AN  
Existing Water Rights for Instream Use,         )     INSTREAM LEASE APPLICATION  
Certificates 38455, Klamath County             )

**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 instream lease applications.

**Lessor**

Owens and Hawkins  
P.O. Box 426  
Fort Klamath, Oregon 97626

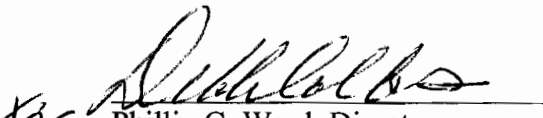
**Findings of Fact**

1. On November 19, 2007, Owens and Hawkins filed an instream lease application for a portion of Certificate 38455. The Department assigned the application number IL-884.
2. On February 28, 2008, Gerald H. Hawkins, requested on behalf of Owens and Hawkins that instream lease application IL-884 be withdrawn.

**Now, therefore, it is ORDERED:**

Instream lease application IL-884, in the name of Owens and Hawkins, is withdrawn and of no further force or effect. Any unearned fees will be refunded.

Dated at Salem, Oregon this 10<sup>th</sup> day of March 2008.

  
Phillip C. Ward, Director

Mailing date: APR 04 2008

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.