

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

In the Matter Instream Lease IL-48,)
Certificate 1343,)
Wheeler County)

FINAL ORDER TERMINATING
INSTREAM LEASE IL-48

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
U.S. Bureau of Land Management
P.O. Box 550
Prineville, Oregon 97754

Findings of Fact

1. On April 12, 2007 the U.S. Bureau of Land Management filed an application to renew Instream Lease L-48. The Department assigned the application number IL-48.
2. On May 10, 2007 the Department issued Special Order Volume 71, pages 774 through 776, which approved the renewal of Instream Lease IL-48.
3. On December 28, 2010 Mike McKay, a regional hydrologist, for the United States Bureau of Land Management requested, by email, that the Department terminate Instream Lease IL-48 because the right leased under IL-48 has been included as part of Instream Lease Application IL-1098, which should effective during the 2011 season.
4. On January 4, 2011 H. P. Faver, Field Manager for the Prineville District of the United States Bureau of Land Management requested the Department to terminate Instream Lease IL-48, in writing, for the same reasons explained by Mr. McKay.
5. Instream Lease IL-48 was exercised during the 2010 irrigation season ending.

CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2011 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Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.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 7 day of January 2011.


Philip C. Ward, Director

Mailing date: JAN 10 2011