

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

In the Matter of Instream Lease IL-348,)	FINAL ORDER
Certificate 57891, Yamhill County)	TERMINATING 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 instream lease applications.

Lessor

Kathy Van Brocklin, Steve Morris,
Michael M. Morris, and Mitch Morris
23770 SW Dejong Road
Sheridan, OR 97378

Findings of Fact

1. On November 3, 2010, C. M. Morris Jr. filed an application to lease the entirety of Certificate 57891 for instream use. The Department assigned the instream lease application number IL-348.
2. The lease application requested to protect water instream for five years, terminating on September 30, 2015. A Final Order approving this lease was issued by the Department on July 14, 2011, as evidenced by Special Order Volume 84, Page 745.
3. The final order contained a condition allowing the Lessor and the Lessee to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department from all parties to the lease.
4. On April 29, 2014, the Department received a request from the current property owners, Kathy Van Brocklin, Steve Morris, Michael M. Morris, and Mitch Morris, to terminate the lease prior to the 2014 instream use period.
5. The lease was exercised during the 2011, 2012, and 2013 water use periods ending on September 30, 2013.

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.

Conclusions of Law

The Department concludes that terminating the lease in advance of the 2014 instream use period is consistent with OAR 690-077.

Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 5 day of May, 2014.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: MAY 06 2014

*This document was prepared by Amy
Bueno and if you have any questions,
please call 503-986-0898.*