BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Lease Application)	FINAL ORDER
IL-1184, Certificate 3922, Wallowa 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

Woody Wolfe 81544 HWY 82 Wallowa, OR 97885 woodywolfe@yahoo.com Lessee

The Freshwater Trust David Pilz 65 SW Yamhill ST, Suite 200 Portland, OR 97204

Findings of Fact

- 1. On June 21, 2011, the Freshwater Trust and Woody Wolfe filed an application to lease a portion Certificate 3922 for instream use. The Department assigned the instream lease application number IL-1184 (misidentified as IL-1158 within the lease order).
- 2. The lease application requested to protect water instream for five years, terminating on October 1, 2015. A Final Order approving this lease was issued by the Department on August 15, 2011, as evidenced by Special Order Volume 85, Page 88.
- 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 March 22, 2012, the Department received a request from Woody Wolfe and the Freshwater Trust to terminate the lease upon approval of Instream Transfer T-11351.
- 3. The lease was exercised during the 2012 water use period with the instream period beginning on May 12. However, termination of this lease and subsequent approval of the instream transfer do not result in injury or enlargement.

CONCLUSIONS OF LAW

The Department concludes that terminating the lease 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 Instream Lease described herein is TERMINATED an	ıd no
longer in effect.	

Dated at Salem, Oregon this 16 day of July, 2012.

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

This document was prepared by Laura Wilke and if you have any questions, please call 503-986-0884.

Mailing date: JUL 17 2012