BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Lease IL-232)	FINAL ORDER
Deschutes County)	TERMINATING INSTREAM
		LEASE

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Victor & Ruth Banke 21500 SW Caleb Payne Rd. McMinnville, OR 97128

Findings of Fact

- 1. On November 10, 2014, Victor and Ruth Banke filed an application to lease the entirety of Certificate 22520 for instream use. The Department assigned the instream lease application number IL-232.
- The lease application requested to protect water instream for five years, terminating on September 30, 2019. A Final Order approving this lease was issued by the Department on March 12th, 2015, as evidenced by Special Order Volume 95, Page 235.
- 3. The final order contained a condition allowing the Lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department.
- 4. On May 31, 2018, the Department received a request from Daniel and Sheila Banke, to terminate the lease prior to the 2018 instream use period.
- 3. The lease was exercised during the 2015, 2016, and 2017 water use periods ending on September 30, 2017.

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 2018 instream use period is consistent with OAR 690-077.

Now, therefore it is ORDERED:

Mailing date: ______ JUN 0 1 2018

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon,	JUN 0 1 2018
Whit The	
Dwight French, Water Right Se	rvices Administrator, for
Thomas M. Byler, Director, O	Oregon Water Resources Department

This document was prepared by Tamera Smith. If you have any questions, please call 503-986-0898.