

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

In the Matter of the Termination of Instream     )     FINAL ORDER TERMINATING  
Lease IL-420, Certificates 75567 and 80352     )     INSTREAM LEASE  
Coos 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**

Gary L. Larsen  
54135 Echo Valley Road  
Myrtle Point, OR 97458

**Findings of Fact**

1. On June 25, 2010 Gary Larsen filed an application to lease all of Certificates 75567 and 80352 for instream use. The Department assigned the instream lease application number IL-420.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2014. The Department issued a Final Order approving this lease on July 22, 2010 as evidenced by Special Order Volume 81, Page 441.
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 April 16, 2012 Gary Larsen requested the Department to terminate the lease project prior to the 2012 instream use period.
5. The lease was exercised during the 2011 water use period.

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.

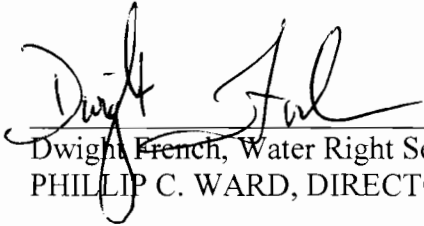
**CONCLUSIONS OF LAW**

The Department concludes that terminating the lease in advance of the 2012 instream use period is consistent with OAR 690-077.

**ORDER**

Therefore, it is ORDERED that the Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 25 day of April, 2012



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

**APR 26 2012**

Mailing date: \_\_\_\_\_

The order approving this was prepared by Kody Thurgood. If you have any questions about the information in this document, you may reach me at 503-986-0892 or [Kody.J.Thurgood@wrds.state.or.us](mailto:Kody.J.Thurgood@wrds.state.or.us)