

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

In the Matter of Instream Lease IL-479,            )     FINAL ORDER  
Klamath 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**  
James Popson  
JaCox Ranches Oreg., LTD  
PO Box 435  
Fort Klamath, OR 97626  
[jamespopson@gmail.com](mailto:jamespopson@gmail.com)

**Lessee**  
Klamath Basin Rangeland Trust (KBRT)  
700 Main Street, Suite 201 A  
Klamath Falls, OR 97601  
[clambert@kbrt.org](mailto:clambert@kbrt.org)

**Findings of Fact**

1. On November 12, 2013, James Popson and the KBRT filed an application to renew instream lease IL-479, involving a portion of Certificates 10900, 10901 and 8679 (supplemental to Certificate 10901), and the entirety of Certificate 42822.
2. The lease application requested to protect water instream for five years, terminating on September 30, 2018. A Final Order approving this lease was issued by the Department on April 15, 2014, as evidenced by Special Order Volume 92, Page 125.
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. Instream Transfer T-11375 was also pending and its approval required the termination of IL-479.
4. On September 18, 2014, Instream Transfer T-11375 was approved by the Department, as evidenced by Special Order Volume 93, Page 422 through 440.
3. The lease was exercised during a portion of the 2014 water use period. The Department has identified that Instream Transfer T-11375 may be approved and Instream Lease IL-479 may be terminated in the same calendar year without injury or enlargement. The instream lease terminated upon approval of the Instream Transfer T-11375.

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 is consistent with OAR 690-077.

**Now, therefore it is ORDERED:**

The Instream Lease described herein is TERMINATED and no longer in effect as of September 18, 2014.

Dated at Salem, Oregon this 18<sup>th</sup> day of September, 2014.

  
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Dwight French  
Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

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

Mailing date: SEP 22 2014