

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

In the Matter of Instream Lease IL-1413,	)	FINAL ORDER
Grant 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**

Mark A. Hoeffner  
48 Wnuk Road  
White Salmon, WA 98672

**Lessee**

The Freshwater Trust  
1782 South Main Street  
Union, OR 97883

**Findings of Fact**

1. On February 2, 2015, Mark A. Hoeffner and The Freshwater Trust filed an application to renew instream lease IL-1352, involving a portion of Certificate 87479 for instream use.
2. 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 10, 2015, as evidenced by Special Order Volume 95 Page 222-225.
3. The final order contained a condition allowing the Lessor and/or 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.
4. On December 8, 2016, the Department received a request from Mark A. Hoeffner to terminate the lease prior to the 2017 instream use period.
3. The lease was exercised during the 2015 and 2016 water use period ending on September 30, 2016.

**Conclusions of Law**

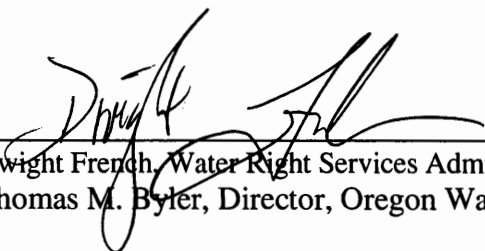
The Department concludes that terminating the lease in advance of the 2017 instream use period is consistent with OAR 690-077.

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.

**Now, therefore it is ORDERED:**

The Instream Lease described herein is **TERMINATED** and no longer in effect.

Dated at Salem, Oregon this 15 day of December, 2016.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: DEC 19 2016

*This document was prepared by Kate Fitzgerald. If you have any questions, please call 503-986-0898.*