

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

In the Matter of the Proposed Short-Term) FINAL ORDER
Lease of Existing Water Rights for Instream) TERMINATING INSTREAM
Use, Certificate 38089, Klamath County) 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

Stephen Hess
P.O. Box 111
Beatty, OR 97621

Findings of Fact

1. On September 17, 2012, Stephen Hess, filed an application to renew instream lease IL-350 involving a portion of Certificate 38089.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2017. A Final Order approving this lease was issued by the Department on April 24, 2013, as evidenced by Special Order Volume 89, Page 477.
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 November 12, 2013, the Department received a request from the Stephen Hess, to terminate the lease prior to the 2014 instream use period.
3. The lease was exercised during the 2013 water use period ending on October 31, 2013.

CONCLUSIONS OF LAW


The Department concludes that terminating the lease in advance of the 2014 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.

ORDER

Therefore, it is ORDERED that the Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 13th day of December, 2013.



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

Mailing date: DEC 16 2013