

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

In the Matter of Instream Lease IL-137 Polk County)
County) FINAL ORDER 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

John A. Heffley Credit Shelter Trust of June 23, 2011
PO Box 580
Monmouth, OR 97361-0580
dstangier@cs.com

Findings of Fact

1. On January 20, 2018, the John A. Heffley Credit Shelter Trust of June 23, 2011 filed an application to renew instream lease IL-137, involving the entirety of Certificates 23604 and 37348 for instream use.
2. The lease application requested to protect water instream for five years, terminating on September 30, 2022. A Final Order approving this lease was issued by the Department on March 13, 2018, as evidenced by Special Order Volume 107, Page 875.
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.
4. On February 26, 2019, the Department received a request from Lisa L. Stangier, Successor Trustee of the John A. Heffley Credit Shelter Trust of June 23, 2011 to terminate the lease prior to the 2019 instream use period.
3. The lease was exercised during the 2018 water use period ending on September 30, 2018.

Conclusions of Law

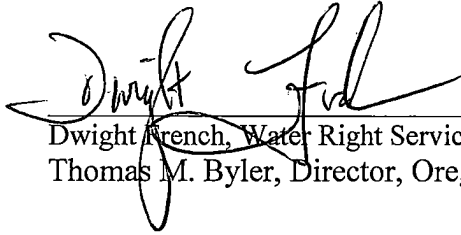
The Department concludes that terminating the lease in advance of the 2019 instream use period is consistent with OAR 690-077.

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 day MAR 11 2019.



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

Mailing date: MAR 12 2019

*This document was prepared by Sarah
Henderson. If you have any questions,
please call 503-986-0884.*