# DEFORE THE WATER RESOURCES, DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Lease IL-1501	)	FINAL ORDER TERMINATING
Polk County	)	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

Helen Gordon George and Helen Gordon, Trust 13860 S. Pacific Highway West Monmouth, Oregon 97361

### Co-Lessor

Sandy Gordon Kangas, Trustee George W. Gordon irrevocable Trust Helen J. Gordon Revocable Trust 13860 S. Pacific Highway West Monmouth, Oregon 97361

## Findings of Fact

- 1. On August 17, 2020, Helen Gordon and Sandy Gordon Kangas, filed an application to renew instream lease IL-1501, involving the entirety of Certificates 21211, 67086, 67087, and 67088 and a portion of Certificate 65796.
- 2. The lease application requested to protect water instream for five years, terminating on September 30, 2025. A Final Order approving this lease was issued by the Department on October 5, 2020, as evidenced by Special Order Volume 117, Page 635.
- 3. The final order contained a condition allowing the Lessors 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 March 31, 2023, the Department received a request from Sandy Gordon Kangas to terminate the lease prior to the 2023 instream use period.
- 3. The lease was exercised during the 2020, 2021, and 2022 water use periods ending on September 30, 2022.

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 2023 instream use period is consistent with OAR 690-077.

## Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this day APR 0 7 2023

Lisa J. Jaramillo, Transfer and Conservation Section Manager for

DQUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

Mailing date: APR 1 0 2023

This document was prepared by Sarah Henderson. If you have any questions, please call 503-979-9872.