

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

In the Matter of the Lease of Existing Water     )  
Rights for Instream Use, Certificate(s) 36796    )  
and 50623, Polk County                             )     **FINAL ORDER TERMINATING  
INSTREAM LEASE**

**Authority**

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**

Confederated Tribes of the Grande Ronde Community of Oregon  
9615 Grande Ronde Road  
Grande Ronde, Oregon 97347  
eric.scott@grandronde.org

**Findings of Fact**

1. On June 30, 2006, the Confederated Tribes of the Grande Ronde Community of Oregon filed an application to lease all of Certificates 36796 and 50623 to instream use. The Department assigned the instream lease application number L-781.
2. The lease application contained a provision allowing the lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season.
3. The lease application requested to protect water instream for three years, terminating on September 30, 2008. A Final Order approving this lease was issued by the Department on August 17, 2006, as evidenced by Special Order Volume 69, Page 618.
4. On March 24, 2008, the Department received a request from the lessor to terminate the lease prior to water being protected instream during the 2008 irrigation season.
5. The lease was exercised during the 2006 and 2007 water use periods ending on September 30, 2007.

**CONCLUSIONS OF LAW**

The Department concludes that terminating the lease at the end of the 2007 irrigation season 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Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 16<sup>th</sup> day of May, 2008.



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Phillip C. Ward *PCW*  
Director

Mailing date: MAY 27 2008