

**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, Certificates 25435, 38665, 38880 and	)	LEASE IL-1099
47874 Wasco and Wheeler Counties	)	

**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**

BUREAU OF LAND  
MANAGEMENT  
PRINEVILLE DISTRICT  
3050 NE 3<sup>RD</sup> ST.  
PRINEVILLE, OR 97754

**Findings of Fact**

1. On November 24, 2010, the Bureau of Land Management; Prineville District filed an application to lease portions of Certificates 25435, 38665, 38880 and 47874 for instream use. The Department assigned the instream lease application number IL-1099.
2. The lease application requested to protect water instream for five years, terminating at the end of the 2015 irrigation season.
3. A Final Order approving this lease was issued by the Department on October 26, 2011, recorded in Special Order Volume 85, Pages 592 – 597.
4. 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 from all parties to the lease.
5. On October 24, 2012, the Department received a request from the Lessor to terminate the lease prior to the 2013 instream use period.
6. The lease was exercised during the 2011 and 2012 irrigation seasons ending on October 31, 2012.

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 the request to terminate the lease is consistent with OAR 690-077.

**ORDER**

Therefore, it is ORDERED that the Instream Lease IL-1099 described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 7 day of June, 2013.

  
\_\_\_\_\_  
Dwight French, Water Right Services Division Administrator, for  
PHILIP C. WARD, DIRECTOR

**JUN 10 2013**

Mailing date: \_\_\_\_\_