

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

In the Matter of Instream Lease IL-1639) FINAL ORDER TERMINATING
Multnomah 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

Port of Portland
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Portland, OR 97208-3529
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Findings of Fact

1. On November 1, 2017, the Port of Portland, filed an application to renew instream lease IL-1033, involving Certificate 83964 for instream use, the Department re-assigned the lease number IL-1639 to differentiate from original application.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2022. A Final Order approving this lease was issued by the Department on January 19, 2018, as evidenced by Special Order Volume 107, Page 496.
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 April 5, 2022, the Department received a request from the agent GSI Water Solutions, Inc. on behalf of the Port of Portland to terminate the lease prior to the 2022 instream use period.
3. The lease was exercised during the 2018, 2019, 2020, and 2021 water use period ending on October 31, 2021.

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 2022 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The Instream Lease described herein is TERMINATED and no longer in effect.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 15 2022.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: APR 18 2022

This document was prepared by Stacy Phillips. If you have any questions, please call 503-986-0898.