

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

In the Matter of the Instream Lease IL-1033,) FINAL ORDER
Water Right Certificate 83964, Multnomah) TERMINATING INSTREAM
County) LEASE

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
Port of Portland
Attn: Dorothy Sperry
P.O. Box 3529
Portland, OR 97208

Findings of Fact

1. On March 3, 2010, the Port of Portland filed an application to lease all of Certificate 83964 for instream use. The Department assigned the instream lease application number IL-1033.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2014. A Final Order approving this lease was issued by the Department on April 21, 2010, as evidenced by Special Order Volume 80, Page 709.
3. 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.
4. On February 10, 2014, the Department received a written request from the Port of Portland to terminate the lease prior to the 2014 instream use period.
5. The lease was exercised during the 2010, 2011, 2012 and 2013 water use periods.

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.

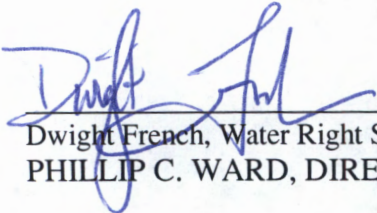
CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2014 instream use period is consistent with OAR 690-077.

ORDER

Therefore, it is ORDERED that the Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 14 day of February, 2014.


Dwight French, Water Right Services Division, for
PHILLIP C. WARD, DIRECTOR

*This document was prepared by
Steven Parrett and if you have any
questions, please call 503-986-0898.*

FEB 14 2014
Mailing date: _____