

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

In the Matter of Instream Lease IL-1527) FINAL ORDER
Union County) TERMINATING 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

Martinus Tromp Van Holst
Joanna Tromp Van Holst
Frances Tromp Van Holst
Mark Tromp Van Holst
PO Box 125
Imbler, OR 97824

Findings of Fact

1. On March 21, 2016, Martinus Tromp Van Holst, Joanna Tromp Van Holst, Frances Tromp Van Holst and Mark Tromp Van Holst filed an application to lease a portion of Certificate 42442 for instream use. The Department assigned the instream lease application number IL-1527.
2. The lease application requested to protect water instream for five years, terminating on September 30, 2020. A Final Order approving this lease was issued by the Department on May 5, 2016, as evidenced by Special Order Volume 100, Page 369.
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 12, 2018, the Department received a request from Martinus Tromp Van Holst, Joanna Tromp Van Holst, Frances Tromp Van Holst, and Mark Tromp Van Holst to terminate the lease and mitigation credit project prior to the 2018 instream use period.
3. The lease was exercised during the 2016 and 2017 water use period ending on October 31, 2017.

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.

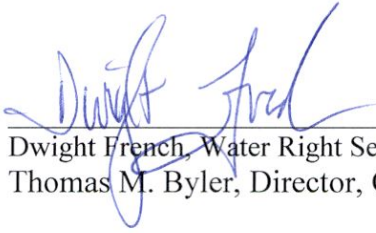
Conclusions of Law

The Department concludes that terminating the lease in advance of the 2018 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 **MAR 22 2018** .



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: **MAR 22 2018**

*This document was prepared by
Tamera Smith. If you have any
questions, please call 503-986-0898.*