

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

In the Matter of Instream Lease IL-1252,)	FINAL ORDER
Deschutes 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

Curtin Mitchell
2400 Charnelton St
Eugene, OR 97405

Findings of Fact

1. On June 28, 2012, Curtin Mitchell filed an application to lease a portion Certificate 53236 for instream use. The Department assigned the instream lease application number IL-1252.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2016. A Final Order approving this lease was issued by the Department on August 28, 2012, as evidenced by Special Order Volume 88, Page 456.
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 January 25, 2016, the Department received a request from Curtin Mitchell to terminate the lease prior to the 2016 instream use period.
5. The lease was exercised during the 2012, 2013, 2014, 2015 water use periods ending on October 31, 2015.

Conclusions of Law

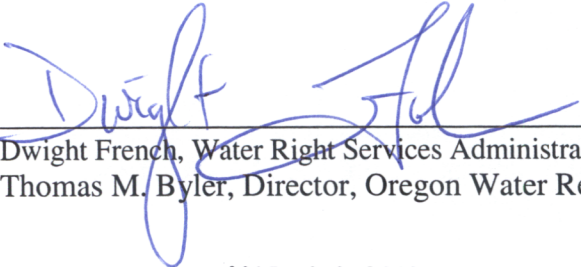
The Department concludes that terminating the lease in advance of the 2016 instream use period is consistent with OAR 690-077.

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.

Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 10 day of March, 2016.



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

Mailing date: MAR 11 2016

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