

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

In the Matter of Instream Lease IL-853,)	FINAL ORDER TERMINATING
Certificates 16125, 50907, 34514, and)	INSTREAM LEASE IL-853
43252,)	
Jackson County)	

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

R D Jensen
14773 East Evans Creek Road
Rogue River, Oregon 97537

Lessee

The Freshwater Trust
c/o David Pilz
65 SW Yamhill St., Suite 300
Portland, Oregon 97204

Findings of Fact

1. On June 22, 2007, R. D. Jensen and the Oregon Water Trust (*now The Freshwater Trust*) filed an Instream Lease Application, which proposed to lease all of Certificates 16125, 34514, 43252 and 50907 for instream use. The Department assigned the application number IL-853.
2. On August 17, 2007 the Department issued Special Order Volume 73, pages 76 through 79. which approved the Instream Lease Application IL-853.
3. On March 31, 2011 David Pilz of The Freshwater Trust requested the Department to a portion of Instream Lease IL-853.
4. On April 1, 2011 David Pilz of The Fresh Water Trust amended the termination request to include the entire lease.
5. Instream Lease IL-853 was exercised during the 2010 leasing season.

CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2011 irrigation season 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.

ORDER

Therefore, it is ORDERED that the Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 6 day of April 2011.



Dwight French, Water Rights Services Administrator for
Phillip C. Ward, Director

Mailing date: APR 12 2011