

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

In the Matter of the Lease of Existing Water)
Rights for Instream Use, Certificate 7168,)
Klamath County)

FINAL ORDER TERMINATING
INSTREAM LEASE

Authority

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

Lynne Richardson-Cabral
Jean Richardson
21910 Sprague River Road
Chiloquin, Oregon 97824

Findings of Fact

1. On October 3, 2006, Lynne Richardson-Cabral and Jean Richardson filed an application to lease a portion of Certificate 7168 to instream use. The Department assigned the instream lease application number L-788.
2. The lease application contained a provision allowing the lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season, and with notification to the Department by May 1st of the year the lease is requested to be terminated.
3. The lease application requested to protect water instream for four years, terminating on October 1, 2010. A Final Order approving this lease was issued by the Department on November 30, 2006, as evidenced by Special Order Volume 70, Page 453.
4. On April 28, 2008, the Department received a request from the lessor as part of a new lease application (IL-919) to terminate the existing lease (L-788) prior to water being protected instream during the 2008 irrigation season.
5. The lease was exercised during the 2007 water use period ending on September 30, 2007.

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.

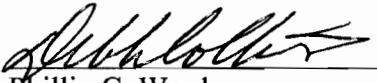
CONCLUSIONS OF LAW

The Department concludes that terminating the lease at the end of the 2007 irrigation season is consistent with OAR 690-077.

ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 28th day of May, 2008.


Phillip C. Ward
Director

Mailing date: JUN 1 8 2008