

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

In the Matter of the Short-Term Lease of            )     FINAL ORDER TO  
Existing Water Right for Instream Use,            )     TERMINATE  
Certificates 76358 and 76714, Deschutes         )     INSTREAM LEASE  
County, Oregon   )

**FINDINGS OF FACT**

1. On April 7, 2003, a Short-Term Lease Application, which proposed to lease a portion of certificates 76358 (primary) and 76714 (supplemental) for instream purposes was submitted to the Department by:

Lessor #1  
Central Oregon Irrigation District  
2598 N. Hwy 97  
Redmond, OR 97756

Lessor #2  
The Canyons Land & Cattle Co.  
1336 NE Eby Ave.  
Terrebonne, OR 97760

Lessee  
Deschutes River Conservancy  
P.O. Box 1560  
Bend, OR 97709

2. The Department assigned this lease agreement number L-378.
3. The lease application requested to protect water instream for five years, terminating on October 31, 2007. A Final Order approving this lease was issued by the Department on May 19, 2003, as evidenced by Special Order Volume 57, Page 615. The final order contains a condition allowing the Lessor (Lessor #1 or Lessor #2) to terminate the lease prior to water being protected instream in any year that the lease is in effect.
4. On February 28, 2006, the Department received a request from Lessor #1 and Lessor #2 to terminate the lease prior to the 2006 irrigation season.
5. The lease was exercised during through the 2005 water use period, ending on October 31, 2005.

**CONCLUSIONS OF LAW**

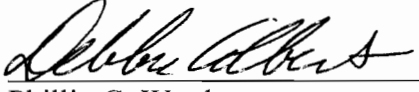
The Department concludes that terminating the lease in advance of the 2006 irrigation season is consistent with OAR 690-077.

**ORDER**

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.

Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 1<sup>ST</sup> day of March, 2006.

  
for Phillip C. Ward  
Director

Mailing Date MAR 03 2006