

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

In the Matter of the Proposed Short-Term)	DETERMINATION and
Lease of Existing Water Rights for Instream)	FINAL ORDER ON
Use, Certificates 75633, 22454, and 2734,)	PROPOSED INSTREAM
Crook County, Oregon)	LEASE

Short-term lease agreement number 268, which proposed to lease a portion of certificate 75633 and all of certificates 22454 and 2734 for instream purposes was submitted to the Department by:

Lessor
Butler Ranch Inc.
Route 1 Box 35-A
Terrebonne, OR 97760

Lessee
Deschutes Resources Conservancy
P.O. Box 1560
Bend, OR 97707-1560

Several modifications have been made to the lease application to correctly describe the instream use created by the lease.

The rates and volume of water to be protected has been modified for each certificate from what is described in Section 2.2 of the lease application form. The Department has determined that the rate at which water will be protected instream under certificate 75633 shall be limited to no more than 3.36 cubic feet per second (cfs) with a total volume of 537.6. The rate at which water will be protected instream under certificate 2734 shall be limited to 1.38 cfs with a volume 441.6 acre-feet. The rate at which water will be protected instream under certificate 22454 shall be limited to no more than 2.67 cfs with a volume of 428.0 acre-feet for primary protection and 1.19 cfs with a volume of 381.6 acre-feet for supplemental protection.

Supplemental water will only be served when the primary right is deficient so as not to exceed the seasonal duty with both rights.

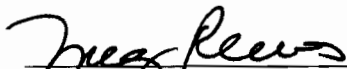
The instream lease will be protected from the east line of Section 22, 1300.0 feet south from the NE corner of Section 22, being within the NE 1/4 NE 1/4 Section 22, Township 14 South, Range

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

14 East, at River Mile 35.8 to the high water mark at Lake Billy Chinook at approximately River Mile 6.

The lease will terminate on November 30, 2001. The Department concludes that the lease is consistent with the requirements of ORS 537.348 and OAR Chapter 690, Division 77. Therefore, it is ORDERED that the Short-Term Lease described herein is APPROVED.

Dated at Salem, Oregon this 30th day of November, 2001.



Paul R. Cleary
Director