

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

In the Matter of the Lease of Existing Water)	FINAL ORDER
Rights for Instream Use, Certificate 72197,)	TERMINATING INSTREAM LEASE
Crook 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 #1

Joyce Coats
63285 Skyline Ranch Rd.
Bend, OR 97701

Lessor #2

Crook County Improvement District (CCID)
PO Box 564
Terrebonne, OR 97760

Lessee

Deschutes River Conservancy (DRC)
P.O. Box 1560
Bend, Oregon 97709
gen@deschutesriver.org

Findings of Fact

1. On June 11, 2007, the DRC, CCID, and Joyce Coats filed an application to lease a portion of Certificate 72197 to instream use. The Department assigned the instream lease application number IL-840.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2011. A Final Order approving this lease was issued by the Department on July 20, 2007, as evidenced by Special Order Volume 72, Page 665.
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. On January 14, 2008, the Department received a request from the Lessors and the Lessee to terminate the lease prior to the 2008 irrigation season.
4. The lease was exercised during the 2007 water use period ending on October 31, 2007.

<p>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.</p>

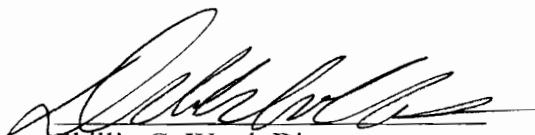
CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2008 irrigation season is consistent with OAR 690-077.

ORDER

Therefore, it is ORDERED that the Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 4th day of February 2008.


Phillip C. Ward, Director

Mailing date: FEB 06 2008