

**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, Certificate 74145, Deschutes County,	)	PROPOSED INSTREAM
Oregon,	)	LEASE
	)	

**FINDINGS OF FACT**

1. A Short-Term Lease Application, which proposed to lease a portion of certificate 74145 for instream purposes was submitted to the Department by:

Lessor #1  
Dale Korish  
P.O. Box 1535  
Bend, OR 97701

Lessor #2  
Swalley Irrigation District  
P.O. Box 5126  
Bend, OR 97708-5126

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

2. The Department assigned this lease agreement number L-462.
3. The lease application includes the required information under OAR 690-077-0077(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(6). No comments were received.
4. Water leased instream shall be protected from the Swalley Main Canal, POD #3, to Lake Billy Chinook.
5. The lessor shall have the option of terminating the lease each year, prior to the lease being exercised, with 30 days written notice to the Department.
6. Based upon review of the application and information provided by the Department's Watermaster, the Department finds that the lease, as proposed, will not result in injury or enlargement.
7. The lease will terminate on October 31, 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

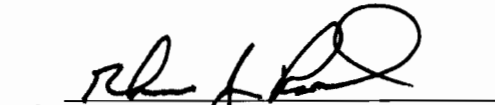
## CONCLUSIONS OF LAW

The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

### ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is APPROVED.

Dated at Salem, Oregon this 4<sup>th</sup> day of August, 2003.

  
Paul R. Cleary  
Director