

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

In the Matter of the Proposed Short-Term)
Lease of Existing Water Rights for Instream)
Use, Certificates 72197 & 76714, Crook)
County, Oregon) DETERMINATION and
FINAL ORDER ON
PROPOSED INSTREAM
LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease all or a portion of certificate 72197, primary from the Deschutes River, and 76714, supplemental from Crane Prairie Reservoir, for instream purposes was submitted to the Department by:

Lessor #1
Edward Barnes
18460 Pinehurst Rd.
Bend, OR 97701

Lessor #2
Crook County Improvement District
2598 N Highway 97
Redmond, OR 97756

Lessee
Deschutes Resource Conservancy
PO Box 1560
Bend, OR 97709

2. The Department assigned this lease agreement number L-447.
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. The instream lease application incorrectly identified the amount of water to be leased instream. A total of 46.62 acre-feet of water shall be leased instream as follows:

<u>Rate (CFS)</u>	<u>Period</u>
0.08	April 1 to May 1 & October 1 to November 1
0.10	May 1 to May 15 & September 15 to October 1
0.13	May 15 to September 15

5. Certificate 76714 is supplemental to certificate 72197. The portion of Certificate 76714 being leased instream will only be protected instream if the full rate and duty under

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.

certificate 72197 are not available instream during the period in which water is being leased instream.

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 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.
8. The lease will terminate on October 31, 2007.

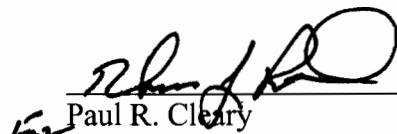
CONCLUSIONS OF LAW

The Department concludes that the lease 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 18th day of August, 2003.



Paul R. Cleary
Director