

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

In the Matter of the Proposed Lease of)	FINAL ORDER TERMINATING
Existing Water Rights for Instream Use,)	INSTREAM LEASE
Certificates 76358 and 76714, Deschutes)	
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
Robert Trumbull Brown
22855 Bear Creek Rd
Bend, OR 97701

Lessor #2
Central Oregon Irrigation District (COID)
2598 N Hwy 97
Redmond, OR 97756
transfers@coid.org

Lessee
Deschutes River Conservancy (DRC) (formerly Deschutes Resources Conservancy)
PO Box 1560
Bend, OR 97709
ghubert@deschutesrc.org

Findings of Fact

1. On April 25, 2005, COID, the DRC, and Robert Trumbull Brown filed an application to lease a portion of Certificates 76358 and 76714 to instream use. The Department assigned the application number L-639.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2009. A Final Order approving this lease was issued by the Department on May 31, 2005, as evidenced by Special Order Volume 64, Page 563.
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. On February 6, 2007, the Department received a request from COID, the DRC and Robert Trumbull Brown to terminate the lease prior to the 2007 irrigation season.
4. The lease was exercised during the 2005 and 2006 water use periods ending on October 31, 2006.

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.

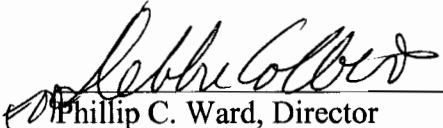
CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2007 irrigation season is consistent with OAR 690-077.

ORDER

Therefore, it is ORDERED that the Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 7th day of February 2007.


Phillip C. Ward, Director

Mailing date: FEB 12 2007