

**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, Certificate(s) 76358 and 76714,         )  
Deschutes County, Oregon                        )

TERMINATION OF  
INSTREAM LEASE  
& FINAL ORDER

**FINDINGS OF FACT**

1. On April 7, 2003, a Short-Term Lease Application, which proposed to lease a portion of certificates 76358, for primary irrigation from the Deschutes River, and 76714, for supplemental irrigation from Crane Prairie Reservoir, for instream purposes was submitted to the Department by:

Lessor #1  
Richard and Judith Scorza  
3569 W. Antler Ave.  
Redmond, OR 97756

Lessor #2  
Central Oregon Irrigation District  
2598 N Hwy 97  
Redmond, OR 97756

Lessee  
Deschutes Resources Conservancy  
700 NW Hill Street  
Bend, OR 97701

2. The Department assigned this lease agreement number L-375.
3. The lease application contained a provision allowing the Lessor to terminate the lease in any year of the lease, prior to the lease being exercised.
4. The lease application requested to protect water instream for five years, terminating on October 31, 2007. A Final Order approving this lease was issued by the Department on May 19, 2003.
3. On February 3, 2004, the Department received a request from the Lessor #2 to terminate the lease prior to the 2004 irrigation season.
4. The lease was exercised during the 2003 water use period ending on October 31, 2003.

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.

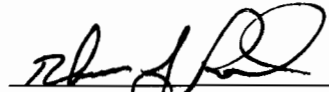
## CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2004 irrigation season is consistent with OAR 690-077.

## ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 4<sup>th</sup> day of February, 2004.

  
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For Paul R. Cleary  
Director