

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

In the Matter of the Lease of Existing Water )	SUPERSEDING FINAL ORDER
Rights for Instream Use, Certificates 76358 )	TERMINATING
and 76714, Deschutes County )	INSTREAM LEASE

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**  
Gene Hoskin  
PO Box 1769  
Redmond, OR 97756

**Lessor #2**  
Central Oregon Irrigation District (COID)  
1055 SW Lake Court  
Redmond, OR 97756  
[transfers@coid.org](mailto:transfers@coid.org)

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

**Findings of Fact**

1. This superseding Final Order is being issued to clarify which instream lease is terminated at the request of the Lessors.
2. On April 24, 2003, COID, the DRC, and Sarah Short (the original water right holder) filed an application to lease a portion of Certificates 76358 and 76714 to instream use. The Department assigned the instream lease application number L-371.
3. 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, as evidenced by Special Order Volume 57, Page 627.
4. 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 notice to the Department. On February 12, 2007, the Department received a request from Gene Hoskin (the new water right holder) and COID to terminate the lease prior to the 2007 irrigation season.

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.

5. The lease was exercised during the 2003, 2004, 2005, and 2006 water use periods ending on October 31, 2006.
6. On February 15, 2007, the Department issued a Final Order terminating this instream lease as evidenced by Special Order Volume 71, Page 152. However, the instream lease application number was misidentified in Finding of Fact #2 of that order as L-710. The correct instream lease application number is L-371.


### 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 Instream Lease (L-371) described herein is TERMINATED and no longer in effect and that Special Order Volume 71, Page 152, is superseded by this order.

Dated at Salem, Oregon this 27<sup>th</sup> day of February 2007.

  
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Phillip C. Ward, Director

MAR 02 2007

Mailing date: \_\_\_\_\_