

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

In the Matter of the Proposed Short-Term	)	TERMINATION OF
Lease of Existing Water Rights for Instream	)	INSTREAM LEASE
Use, Certificate 76358 & 76714, Deschutes	)	& FINAL ORDER
County, Oregon	)	

**FINDINGS OF FACT**

1. On April 7, 2003, a Short-Term Lease Application, which proposed to lease a portion of certificates 76358 and 76714 for instream purposes was submitted to the Department by:

Lessor #1  
Roy & Tereasa Harris  
106 D St.  
Coos Bay, OR 97420-4330

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

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

2. The Department assigned this lease agreement number L-390.
3. The lease application contained a provision allowing the Lessor to terminate the lease in any year of the lease, 30 days 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, Special Order Volume 57, Page 595.
5. On February 13, 2004, the Department received a request from the Lessors to terminate the lease prior to the lease being exercised on April 1.
6. Information received on February 13, 2004 also identified that Lessor #1 is now Michael and Annette Perry.
7. 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.

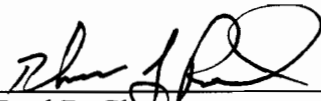
**CONCLUSIONS OF LAW**

The Department concludes that terminating the lease 30 days in advance of the lease being exercised, beginning April 1, 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Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.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 17<sup>th</sup> day of February, 2004.

*For*   
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Paul R. Cleary  
Director