

**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 74146 & 74147, Deschutes)	& FINAL ORDER
County, Oregon)	

FINDINGS OF FACT

1. On April 23, 2003, a request to renew Short-Term Lease Application L-129, which proposed to lease a portion of certificates 74146 and 74147 for instream purposes was submitted to the Department by:

Lessor #1
Bend Metro Parks and Recreation District
200 Pacific Park Lane
Bend, OR 97701

Lessor #2
Tumalo Irrigation District
64697 Cook Avenue
Bend, OR 97701

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

2. This Department previously assigned this lease agreement number L-129. This lease has been in effect since March 31, 1994.
3. The lease renewal 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 15, 2007. A Final Order approving this lease was issued by the Department on May 28, 2003, Special Order Volume 57, Page 811.
5. On February 23, 2004, the Department received a request from the Lessors to terminate the lease prior to the lease being exercised on April 15.
6. 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.

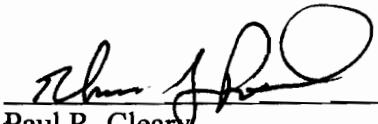
CONCLUSIONS OF LAW

The Department concludes that terminating the lease 30 days in advance of the lease being exercised, beginning April 15, 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Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.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 24th day of February, 2004.


for Paul R. Cleary
Director