

**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 76358, Crook and) Deschutes County)	CORRECTING ORDER ON 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 short-term instream lease applications.

Lessor #1
 Pooled Instream Lease for several landowners
 (described in Findings of Fact #2)

Lessor #2
 Central Oregon Irrigation District (COID)
 1055 SW Lake Court
 Redmond, OR 97756
lauraw@coic.org

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

Findings of Fact

1. On June 29, 2006, the DRC and COID filed a pooled instream lease application to lease a portion of Certificate 76358 to instream use. The Department assigned the application number L-777. The instream lease was approved by the Department on August 1, 2006, as evidenced by Special Order Volume 69, Page 208.
2. Subsequent to issuing the order, the Department identified a scrivener’s error in the description of the instream use created by the lease. This correcting order is issued to clarify the volume of water that may be protected instream. The correct description of the instream use is as follows (correction shown in italics):

Deschutes River tributary to the Columbia River

Instream Reach: From POD #1 (as described in Finding of Fact #2) to Lake Billy Chinook

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (af)	Period Protected Instream
76358	10/31/1900	Season 1: 0.457 Season 2: 0.609 Season 3: 1.127	<i>361.91</i>	April 1 through October 26

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.

3. All other conditions of the Final Order (Special Order Volume 69, Pages 208 through 210) remain the same.

CONCLUSIONS OF LAW

The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077. The lease agreement conforms to the applicable provisions of OAR 690-077-0015.

ORDER

Therefore, it is ORDERED:

1. Therefore, it is ORDERED that the Short-Term Lease, as described in Special Order Volume 69, Page 208, with the above modification is APPROVED.
2. The former place of use shall no longer receive water as part of these rights during the term of the lease.
3. The lease shall terminate on October 31, 2006.

Dated at Salem, Oregon this 2nd day of August 2006.



Phillip C. Ward, Director

Mailing date: AUG 07 2006