

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

In the Matter of Instream Lease Application )	FINAL ORDER
IL-1015, Certificates 276 and 30561, )	TERMINATING INSTREAM LEASE
Deschutes and Crook County )	

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**

Squaw Creek Canyon Estates  
Ron Remund  
17807 Mountain View Rd.  
Sisters, OR 97759

**Lessee**

Deschutes River Conservancy (DRC)  
P.O. Box 1560  
Bend, Oregon 97709  
[gen@deschutesriver.org](mailto:gen@deschutesriver.org)

**Findings of Fact**

1. On June 30, 2009, the DRC and Squaw Creek Canyon Estates filed an application to lease all of Certificates 276 and 30561 for instream use. The Department assigned the application number IL-1015.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2013. A Final Order approving this lease was issued by the Department on August 12, 2009, as evidenced by Special Order Volume 78, Page 621. A correcting final order was issued by the Department on August 27, 2009, as evidenced by Special Order Volume 78, Page 749.
3. The final order contained a condition allowing the Lessor to terminate the lease in any year of the lease, at least 30 days prior to the date (April 1) on which water begins to be protected instream each year.
4. On February 19, 2010, the Department received a request from the Lessor and Lessee to terminate the lease prior to water being protected instream in 2010.
5. The lease was exercised during the 2009 water use period ending on October 31, 2009.

**CONCLUSIONS OF LAW**

The Department concludes that terminating the lease in advance of the 2010 instream season is consistent with OAR 690-077.

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.

## ORDER

Therefore, it is ORDERED that the Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 24<sup>th</sup> day of February 2010.

  
for Phillip C. Ward, Director

Mailing date: MAR 08 2010