

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

In the Matter of Instream Lease IL-1472)
Deschutes County)
)
)
)

FINAL ORDER
TERMINATING INSTREAM
LEASE

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department’s procedures and criteria for evaluating instream lease applications.

Lessor Pooled Instream Lease for several water right holders	Co-Lessor Central Oregon Irrigation District (COID) 1055 SW Lake Court Redmond, OR 97756
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Lessee
Deschutes River Conservancy (DRC)
PO Box 1560
Bend, OR 97709

Findings of Fact

1. On May 7, 2015, the DRC and COID, on behalf of several water right holders, filed an application to lease a portion of Certificate 83571 for instream use. The Department assigned the instream lease application number IL-1472.
2. The lease application requested to protect water instream for three years, terminating on October 31, 2017. A Final Order approving this lease was issued by the Department on June 17, 2015, as evidenced by Special Order Volume 96, Page 262.
3. The final order contained a condition allowing the Lessor and the Lessee to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department.
4. On February 10, 2017, the Department received a request from the DRC and COID, on behalf of several water right holders, to terminate the lease prior to the 2017 instream use period.
3. The lease was exercised during the 2015 and 2016 water use period ending on October 31, 2016.

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.


Conclusions of Law

The Department concludes that terminating the lease in advance of the 2017 instream use period is consistent with OAR 690-077.

Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 3 day of March, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: MAR 08 2017

This document was prepared by Kate Fitzgerald. If you have any questions, please call 503-986-0898.