

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

In the Matter of the Short-Term Lease of            )     **FINAL ORDER TO**  
Existing Water Right for Instream Use,            )     **TERMINATE**  
Certificate 76358, Deschutes County, Oregon    )     **INSTREAM LEASE**

**FINDINGS OF FACT**

1. On February 11, 2005, a Short-Term Lease Application, which proposed to lease a portion of certificate 76358 for instream purposes was submitted to the Department by:

Lessor #1  
Pansie V. Michel Trust  
c/o Shirley Miller  
20140 Putnum Lane  
Bend, OR 97701

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

Lessee  
Deschutes Resources Conservancy  
700 NW Hill Street  
Bend, OR 97701

2. The Department assigned this lease agreement number L-602.
3. The lease application requested to protect water instream for five years, terminating on October 31, 2009. A Final Order approving this lease was issued by the Department on April 13, 2005, as evidenced by Special Order Volume 64, Page 35. The final order contains a condition allowing the Lessor (Lessor #1 or Lessor #2) to terminate the lease prior to water being protected instream in any year that the lease is in effect.
4. On February 7, 2006, the Department received a request from Lessor #1 and Lessor #2 to terminate the lease prior to the 2006 irrigation season.
5. The lease was exercised during the 2005 water use period, ending on October 31, 2005.

**CONCLUSIONS OF LAW**


The Department concludes that terminating the lease in advance of the 2006 irrigation 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Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 10<sup>th</sup> day of February, 2006.

*FOR*   
\_\_\_\_\_  
Phillip C. Ward  
Director