

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

In the Matter of the Proposed Short-Term) FINAL ORDER
Lease of Existing Water Rights for Instream) TERMINATING INSTREAM LEASE
Use, Certificates 85385, 85384, and 85390,)
Deschutes 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

Deschutes River Conservancy (DRC)
P.O. Box 1560
Bend, OR 97709
gen@deschutesriver.org

Findings of Fact

1. On April 21, 2009, the DRC filed an application to lease a portion of certificate 85385, 85384, and 85390 for instream use. The Department assigned the application number IL-992.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2013. A Final Order approving the lease was issued by the Department on July 13, 2009, as evidenced by Special Order Volume 78, Page 317. A reconsideration order was issued modifying the original final order by the Department on August 24, 2009, as evidenced by Special Order Volume 78, Page 687.
3. The final order contained a condition allowing the Lessor to terminate the lease in any year of the lease with notice submitted to the Department at least 30 days prior to the beginning of the instream period.
4. On January 25, 2011, the Department received a request from the Lessor to terminate the lease prior to water being protected instream in 2011.
5. The instream lease IL-992 was exercised during the 2009 and 2010 water use periods ending on October 31, 2010.

CONCLUSIONS OF LAW

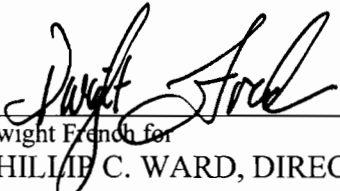
The Department concludes that terminating instream lease IL-992 in advance of the 2011 instream season is consistent with OAR 690-077.

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 26 day of January, 2011.



Dwight French for
PHILLIP C. WARD, DIRECTOR

*This document was prepared by Laura
Wilke and if you have any questions,
please call 503-986-0884.*

JAN 27 2011

Mailing date: _____