

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

In the Matter of the Proposed Short-Term)	TERMINATION OF
Lease of Existing Water Rights for Instream)	INSTREAM LEASE
Use, Certificates 76358 and 76714,)	& FINAL ORDER
Deschutes County, Oregon)	

FINDINGS OF FACT

1. On April 20, 2004 a Short-Term Lease Application, which proposed to lease a portion of certificates 76358, for primary irrigation from the Deschutes River, and 76714, for supplemental irrigation from Crane Prairie Reservoir, for instream purposes was submitted to the Department by:

Lessor #1
Harry Family Revocable Trust
5170 SW Wickup Ave
Redmond, OR 97756

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

Lessee
Deschutes Resources Conservancy
PO Box 1560
Bend, OR 97709

2. The Department assigned this lease agreement number L-539.
3. The lease application contained a provision allowing the Lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season.
4. The lease application requested to protect water instream for five years, terminating on October 31, 2008. A Final Order approving this lease was issued by the Department on July 15, 2004 as evidenced by Special Order Volume 60, Page 641.
3. On January 5, 2005, the Department received a request from Lessor #1 and Lessor #2 to terminate the lease prior to the 2005 irrigation season.
4. The lease was exercised during the 2004 water use period ending on October 31, 2004.

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 2005 irrigation season is consistent with OAR 690-077.

ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 7th day of January, 2005.



Phillip C. Ward,
Director