

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

In the Matter of the Proposed Short-Term        )       CORRECTING FINAL  
Lease of Existing Water Rights for Instream    )       ORDER  
Use and Preliminary and Final Award of        )  
Mitigation Credits, Certificate 43547, Crook    )  
County, Oregon

**FINDINGS OF FACT**

1. Emmett Ranch LLC, Lessor, and Deschutes Water Exchange Mitigation Bank, Lessee, submitted a Short-Term Lease Application and Mitigation Credit Project on June 17, 2004. The Instream Lease Application was assigned lease agreement number L-579 and Mitigation Credit Project MP-26. The Department issued an order approving the Short-Term Lease and Mitigation Credit Project on August 2, 2004. The order was filed at Special Order Volume 61, Page 2.
2. Subsequent to issuance of the order, the Department identified that the Certificate number identified in the Instream Lease Application and subsequent Final Order was incorrectly identified as Certificate 47267. The correct Certificate is 43547. The Department finds that the instream lease requires modification to correctly identify the certificate being leased instream as 43547.
3. All other conditions of the original Final Order (Special Order Volume 61, Page 2) remain the same.
4. The Preliminary and Final Award of Mitigation Credits made in Special Order Volume 61, Page 2 remain the same.
5. The Department finds that the lease, as modified above, will not result in injury or enlargement.

**CONCLUSIONS OF LAW**


The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

**ORDER**

Therefore, it is ORDERED that the Short-Term Lease and Mitigation Credit Project, as described in Special Order Volume 61, Page 2 with the above modification is APPROVED.

Dated at Salem, Oregon this 16<sup>th</sup> day of September, 2004.

  
for Phillip C. Ward, Acting Director