

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

In the Matter of the Proposed Short-Term	)	DETERMINATION and
Lease of Existing Water Rights for Instream	)	FINAL ORDER ON
Use, Certificate(s) 68394 and 68395, Crook	)	PROPOSED INSTREAM
County, Oregon	)	LEASE

**FINDINGS OF FACT**

1. A Short-Term Lease Application, which proposed to lease a portion of certificates 68394, primary from Ochoco Creek, tributary to the Crooked River, and 68395, supplemental from the Crooked River, tributary to the Deschutes River, for instream purposes was submitted to the Department by:

Lessor #1  
Walt Williams  
P.O. Box 6467  
Bend, OR 97708

Lessor #2  
Ochoco Irrigation District  
1001 N. Deer Street  
Prineville, OR 97754

Lessee  
Deschutes Water Exchange  
PO Box 1560  
Bend, OR 97709

2. The Department assigned this lease agreement number L-367.
3. The lease application includes the required information under OAR 690-077-0077(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(6).
4. Certificate 68395 is supplemental to certificate 68394. The portion of Certificate 68395 being leased instream will only be protected instream if the full rate and duty under certificate 68394 are not available instream during the period in which water is being leased instream, being May 1 through October 15.
5. The lease will terminate on November 30, 2003.

**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 described herein is APPROVED.

Dated at Salem, Oregon this 12<sup>th</sup> day of May, 2003.

  
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Paul R. Cleary  
Director