

**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
Certificates 76358 and 76714, Deschutes)	INSTREAM LEASE
County, Oregon)	

FINDINGS OF FACT

1. On January 26, 2005, a Short-Term Lease Application, which proposed to lease a portion of certificates 76358 (primary) and 76714 (supplemental) for instream purposes was submitted to the Department by:

Lessor #1
George and Barbara Cutting
21232 Dove Lane
Bend, OR 97702

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-600.
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.
4. 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 February 24, 2005, Special Order Volume 63, Page 269.
5. On December 9, 2005, the Department received a request from Lessor #1 and Lessor #2 to terminate the lease prior to the 2006 irrigation season.
6. 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Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.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 13th day of December, 2005.

Phillip C. Ward

FOR Phillip C. Ward,
Director

Sent- DEC 16 2005