

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

In the Matter of Instream Lease of Existing) FINAL ORDER TERMINATING
Water Rights for Instream Use, Certificates) INSTREAM LEASE
76358 and 76714, 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

Central Oregon Irrigation District (COID)
1055 SW Lake Court
Redmond, OR 97756
lauraw@coid.org

Lessee

Deschutes Resources Conservancy (DRC)
P.O. Box 1560
Bend, Oregon 97709
ghubert@deschutesrc.org

Findings of Fact

1. On June 29, 2004, COID and the DRC (now known as the Deschutes River Conservancy) filed an application to lease a portion of Certificates 76358 and 76714 to instream use. The Department assigned the application number L-584.
2. On July 28, 2004, the proposed instream lease was approved as evidenced by Special Order Volume 60, Page 877.
3. On August 23, 2005, the same portion of Certificate 76358 leased to instream use was transferred to instream use under transfer application T-9883 as evidenced by Special Order Volume 66, Page 131. Also, the same portion of Certificate 76714 leased to instream use was cancelled as part of that order.
4. The Department finds that the instream lease, as exercised, results in enlargement pursuant to OAR 690-077-0077(4).

CONCLUSIONS OF LAW

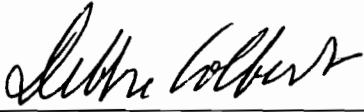
The Department concludes that terminating the lease is necessary in order to prevent enlargement consistent with OAR 690-077-0077(4).

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 25th day of April 2007.



PM Phillip C. Ward, Director

Mailing date: APR 27 2007