

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

In the Matter of Instream Lease IL-968,) FINAL ORDER
Certificate 83571, Deschutes County) TERMINATING INSTREAM
) LEASE

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 #1

City Redmond
716 SW Evergreen Ave
Redmond, OR 97756-2242

Lessor #2

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

Lessee

Deschutes River Conservancy
P.O. Box 1560
Bend, OR. 97709
gen@deschutesriver.org

Findings of Fact

1. On March 19, 2009, the City of Redmond and COID with the DRC filed an application to lease a portion Certificate 83571 for instream use. The Department assigned the instream lease application number IL-968.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2013. A Final Order approving this lease was issued by the Department on May 20, 2009, as evidenced by Special Order Volume 77, Page 813.
3. The final order contained a condition allowing the Lessor and the Lessee to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department from all parties to the lease.
4. On February 16, 2012, the Department received a request from the DRC , COID, and the City of Redmond to terminate the lease prior to the 2012 instream use period.
5. The lease was exercised during the water use period ending on October 31, 2011.

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.

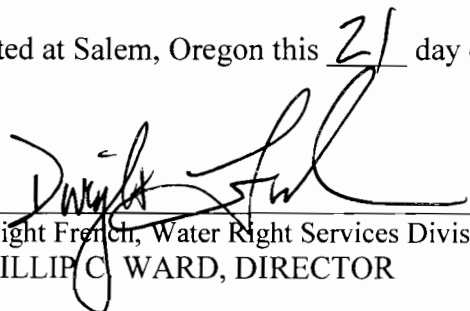
CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2012 instream use period is consistent with OAR 690-077.

ORDER

Therefore, it is ORDERED that the Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 21 day of February, 2012.



Dwight French, Water Right Services Division, for
PHILLIP C. WARD, DIRECTOR

Mailing date: FEB 24 2012