FORE 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, Certificates 76358 and 76714,	)	PROPOSED INSTREAM
Deschutes County, Oregon	)	LEASE

FINDINGS OF FACT

1. A Short-Term Lease Application, which proposed to lease all or a portion of certificates 76358, primary from the Deschutes River, tributary to the Columbia River, and 76714, supplemental from Crane Prarie Reservoir, tributary to the Deschutes River, for instream purposes was submitted to the Department by:

Lessor #1
High Mountain Properties LLC
520 NE Shoshone DR
Redmond, OR 97756

Lessor #2
Central Oregon Irrigation District
2598 N. Hwy 97
Redmond, OR 97756

Lessee
Deschutes Resource Conservancy
P.O. Box 1560
Bend, OR 97709

2. The Department assigned this lease agreement number L-370.

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. On May 13, 2003, the Watermaster conducted an on-site visit and found that the owner had not suspended use of water allowed under the subject water rights. Consequently, the lease agreement does not meet the requirements of OAR 690-077-0077 to avoid enlargement of the water right or injury to other water rights.
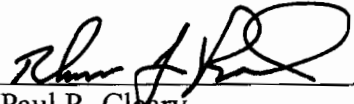
CONCLUSIONS OF LAW

The Department concludes that the lease will result in injury and 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 DENIED.

Dated at Salem, Oregon this _19_ᵗʰ day of May, 2003.

(signature)

Paul R. Cleary
Director