

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

In the Matter of the Proposed Short-Term) CORRECTING ORDER ON
Lease of Existing Water Rights for Instream) INSTREAM LEASE
Use, Certificate 74145, 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 short-term instream lease applications.

Lessor #1
Jeffrey M. Heath
20620 Bemis Lane
Bend, OR 97701

Lessor #2
Swalley Irrigation District (SID)
64672 Cook Ave, Suite #1
Bend, OR 97701

Lessee
Deschutes River Conservancy (DRC)
PO Box 1560
Bend, OR 97709
danielle@deschutesrc.org

Findings of Fact

1. On April 24, 2006, Jeffrey Heath, SID and the DRC filed an instream lease application to lease a portion of Certificate 74145 to instream use. The Department assigned the application number L-722. The instream lease was approved by the Department on June 5, 2006, as evidenced by Special Order Volume 68, Page 570.
2. Subsequent to issuing the order, the Department identified that the Lessee was misidentified as the Deschutes Water Exchange Mitigation Bank. This correcting order is issued to clarify that the Lessee is the Deschutes River Conservancy.
3. The Department has also identified a scrivener’s error in the description of the original place of use of the portion of the water right leased to instream use. The correct description of the original place of use is as follows (correction shown in italics):

Place of Use:

IRRIGATION OF 10.0 ACRES						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	12 E	WM	16	SE SW	<i>1701</i>	10.0

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.

3. All other conditions of the Final Order (Special Order Volume 68, Pages 570-572) remain the same.

CONCLUSIONS OF LAW

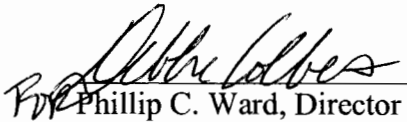
The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077. The lease agreement conforms to the applicable provisions of OAR 690-077-0015.

ORDER

Therefore, it is ORDERED:

1. Therefore, it is ORDERED that the Short-Term Lease, as described in Special Order Volume 68, Page 570, with the above modification is APPROVED.
2. The former place of use shall no longer receive water as part of these rights during the term of the lease.
3. The lease shall terminate on October 31, 2006.

Dated at Salem, Oregon this 19th day of June 2006.


Phillip C. Ward, Director

Mailing date: JUN 28 2006