

**BEFORE 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 PROPOSED
Use, Certificate 72196, Deschutes County )	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 short-term instream lease applications.

**Lessor #1**  
Green Prairie Ranch, LLC  
1128 SW Rimrock Way  
Redmond, OR 97756

**Lessor #2**  
LaPine Cooperative Water Association  
PO Box 97  
LaPine, OR 97736

**Lessee**  
Deschutes River Conservancy (DRC)  
PO Box 1560  
Bend, OR 97709  
[ghubert@deschutesrc.org](mailto:ghubert@deschutesrc.org)

**Findings of Fact**

1. On May 10, 2006, the DRC, LaPine Cooperative Water Association, and Green Prairie Ranch filed an application to lease a portion of Certificate 72196 to instream use. The Department assigned the application number L-743.
2. The right to be leased is as follows:
  - Certificate:** 72196
  - Priority Date:** April 30, 1902
  - Acres:** 29.0 acres
  - Season of Use:** April 1 to November 1
  - Quantity:** 0.363 Cubic Feet per Second (CFS) April 1 to May 23 &  
August 20 to November 1  
0.725 CFS May 23 to August 20
  - Duty:** 116.0 Acre-Feet (AF)
  - Source:** Little Deschutes River, tributary to the Deschutes River

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.

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
22 S	10 E	WM	31	NE NE	3700	5.0
22 S	10 E	WM	31	SE NE	3700	11.5
22 S	10 E	WM	31	NE SE	3700	11.0
22 S	10 E	WM	31	SE SE	3700	1.5

**Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23 S	9 E	WM	34	SW SW	550 feet North & 1150 feet East from the SW Corner of Section 34

- The lease application includes the information required under OAR 690-077-0077(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(6). No comments were received.
- The instream use as proposed in the lease application has been modified to prevent injury and enlargement and is as follows:  
Little Deschutes River tributary to the Deschutes River

**Instream Reach 1:** From POD (as described in Finding of Fact #2) to the mouth of the Little Deschutes River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
72196	4/30/1902	0.496	115.9	June 1 – August 19
		0.363		August 20 – October 10

**Instream Reach 2:** From the confluence of Little Deschutes River and the Deschutes River to Lake Billy Chinook

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
72196	4/30/1902	0.46	107.8	June 1 – August 19
		0.34		August 20 – October 10

- Other conditions to prevent injury and enlargement are:

The segment of the Deschutes River between the confluence with the Little Deschutes River and Bend is a loosing reach. A 7% loss factor has been applied to Reach #2 to account for this loss.

The total volume protected instream shall not exceed 116.0.

- Based upon review of the application, comments received, information provided by the Department’s Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. This finding is made through an abbreviated review recognizing that the lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
- If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to

determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.

8. The lease will terminate on October 31, 2006.

### CONCLUSIONS OF LAW


The Department concludes that the lease 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. That the Short-Term Lease as described herein 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 22<sup>nd</sup> day of June 2006.

  
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Phillip C. Ward, Director

Mailing date: JUN 28 2006