

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

In the Matter of Instream Lease IL-846,) FINAL ORDER
Deschutes County) TERMINATING INSTREAM
) LEASE

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor	Lessee
City of Sisters	Deschutes River Conservancy (DRC)
PO Box 39	700 NW Hill Street, Ste. 1
Sisters, OR 97759	Bend, Oregon 97703
pbertagna@ci.sisters.or.us	gen@deschutesriver.org

Findings of Fact

1. On May 7, 2012, the DRC and City of Sisters filed an application to renew instream lease IL-846, involving a portion of Certificate 81663.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2016. A Final Order approving this lease was issued by the Department on July 19, 2012, as evidenced by Special Order Volume 88, Page 116.
3. The final order contained a condition allowing the Lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department.
4. On February 8, 2016, the Department received a request from the City of Sisters to terminate the lease prior to the 2016 instream use period.
5. The lease was exercised during the 2012, 2013, 2014 and 2015 water use period ending on October 16, 2015.

Conclusions of Law

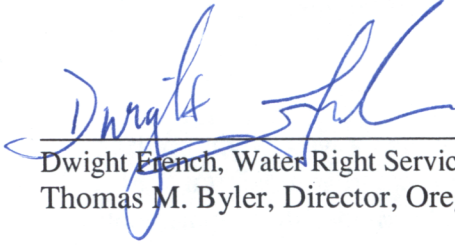
The Department concludes that terminating the lease in advance of the 2016 instream use period is consistent with OAR 690-077.

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.

Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 22 day of February, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: FEB 25 2016

*This document was prepared by Sarah
Henderson and if you have any
questions, please call 503-986-0890.*