

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

In the Matter of the Proposed Short-Term	)	TERMINATION OF
Lease of Existing Water Rights for Instream	)	INSTREAM LEASE
Use, Certificates 76358 and 76714,	)	& FINAL ORDER
Deschutes County, Oregon	)	

**FINDINGS OF FACT**

1. On April 7, 2003, a Short-Term Lease Application, which proposed to lease a portion of certificates 76358 and 76714 for instream purposes, was submitted to the Department by:

Lessor #1

Kim D. Ward, LLC  
60801 Bresterhaus Rd.  
Bend, OR 97701

Lessor #2

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

Lessee

Deschutes Resource Conservancy (now known as the Deschutes River Conservancy)  
PO Box 1560  
Bend, OR 97709

2. The Department assigned this lease agreement number L-388.
3. The lease application contained a provision allowing the Lessor to terminate the lease in any year of the lease, prior to the lease being exercised.
4. The lease application requested to protect water instream for five years, terminating on October 31, 2007. A Final Order approving this lease was issued by the Department on May 19, 2003, Special Order Volume 57, Page 599.
5. On June 13, 2005, the Department received a request from Lessor #1 and Lessor #2 to terminate the lease at the end of the 2005 irrigation season.
6. The lease was exercised during the 2003 and 2004 water use period and will continue through the 2005 water use period, ending on October 31, 2005.

<p>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.</p>
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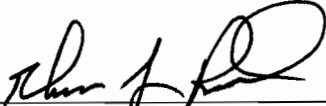
## CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of the 2006 irrigation season is consistent with OAR 690-077.

## ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED effective November 1, 2005, and will no longer be in effect.

Dated at Salem, Oregon this 14<sup>th</sup> day of June, 2005.

  
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For Phillip C. Ward,  
Director