

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

In the Matter of the Short-Term Lease of) FINAL ORDER TO
Existing Water Right for Instream Use,) TERMINATE
Certificates 75488 and 75486, Crook County,) INSTREAM LEASE
Oregon

FINDINGS OF FACT

1. On April 19, 2004, a Short-Term Lease Application, which proposed to lease a portion of certificates 76358 (primary) and 76714 (supplemental) for instream purposes and to provide mitigation for Limited License LL-765 was submitted to the Department by:

Lessor
City of Prineville
400 NE Third Street
Prineville, OR 97754

2. The Department assigned this lease agreement number L-541.
3. The lease application requested to protect water instream for five years, terminating on November 30, 2008. A Final Order approving this lease was issued by the Department on June 2, 2004, as evidenced by Special Order Volume 60, Page 171. The final order contains a condition allowing the Lessor to terminate the lease prior to water being protected instream in any year that the lease is in effect.
4. On February 17, 2006, the Department received a request from the Lessor to terminate the lease prior to any water being protected instream within the 2006 irrigation season.
5. The lease was exercised through the 2005 water use period, ending on November 30, 2005.

CONCLUSIONS OF LAW


The Department concludes that terminating the lease in advance of any water being protected instream during the 2006 irrigation season is consistent with OAR 690-077.

<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 137-004-0080 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.</p>

ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 24th day of February, 2006.

For 
Phillip C. Ward
Director

Date Mailed FEB 27 2006