

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

In the Matter of the Proposed Short-Term)
Lease of Existing Water Rights for Instream)
Use, Certificate 74145, Deschutes County,)
Oregon)

CORRECTING FINAL
ORDER

FINDINGS OF FACT

1. Swalley Irrigation District, Lessor #2, and Deschutes Water Exchange Mitigation Bank, Lessee, submitted several Short-Term Lease Application, which were assigned lease agreement numbers L-554, L-556, L-557, L-558, L-559, L-560, L-561, L-563, and L-564. The Department issued Final Orders approving these Short-Term Lease applications on July 12, 2004. The orders approving each of these leases along with Lessor #1 are identified below:

<u>Lease Number</u>	<u>Order Number</u>	<u>Lessor #1</u>
L-554	Special Order Volume 60, Page 463	Roger C. Graham Etux
L-556	Special Order Volume 60, Page 458	Marial B. Gertz
L-557	Special Order Volume 60, Page 453	Jane Spink
L-558	Special Order Volume 60, Page 448	Trinity Evalgical Lutheran Church of Bend
L-559	Special Order Volume 60, Page 443	White Rock LLC
L-560	Special Order Volume 60, Page 438	Basil S. & Elfriede L Karras
L-561	Special Order Volume 60, Page 433	Multiple Landowners (Pooled Lease)
L-563	Special Order Volume 60, Page 428	Sidney S. & Marguerite Wilson
L-564	Special Order Volume 60, Page 423	Topliff Family Revocable Trust

2. Subsequent to issuance of the Final Orders, the Department identified that the source of water for these leases was incorrectly identified as the Crooked River. The correct source of water is the Deschutes River, tributary to the Columbia River.
3. All other conditions of the original Final Orders, identified above, remain the same.
4. The Department finds that the lease, as modified above, will not result in injury or enlargement.

CONCLUSIONS OF LAW

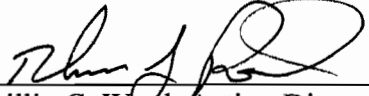
The Department concludes that the leases, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

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.

ORDER

Therefore, it is ORDERED that the Short-Term Leases, as described in Special Orders, identified above, with the above modifications are APPROVED.

Dated at Salem, Oregon this 28th day of July, 2004.


Phillip C. Ward, Acting Director