

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

In the Matter of the Proposed Short-Term) CORRECTING FINAL
Lease of Existing Water Rights for Instream) ORDER
Use, Certificate 72197 and 76714, Deschutes)
County, Oregon)

FINDINGS OF FACT

1. Dean and Patricia Mills, Lessor #1, Crook County Improvement District, Lessor #2, and Deschutes Water Exchange Mitigation Bank, Lessee, submitted a Short-Term Lease Application June 24, 2004. The Instream Lease Application was assigned lease agreement number L-581. The Department issued an order approving the Short-Term Lease on July 26, 2004. The order was filed at Special Order Volume 60, Page 777.
2. Subsequent to issuance of the Final Order, the Department identified that the certificate and priority date for the primary water right being leased was incorrectly identified as certificate 76358, with priority dates of October 31, 1900 and December 2, 1907. The correct primary water right is certificate 72197, with a priority date of October 31, 1900. Water has been leased instream as follows:

Reach: From the POD (SE NE, Section 29, T17S, R12E, W.M., North 36° 45" West, 1-56.8 feet from the East 1/4 Corner, Section 29) on the Deschutes River to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
72197 (primary)	October 31, 1900	Season 1: 0.49 CFS Season 2: 0.62 CFS Season 3: 0.78 CFS	April 1 through Oct. 31	214	287.89 AF
76714 (supplemental)	February 28, 1913	Sufficient quantities may be protected instream to make up any deficiency of the primary right	April 1 through Oct. 31	214	87.72 AF

3. All other conditions of the original Final Order, identified above, remain the same.
4. The Department finds that the lease, as modified above, will not result in injury or enlargement.

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.

CONCLUSIONS OF LAW

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

ORDER

Therefore, it is ORDERED that the Short-Term Lease, as described in Special Order Volume 60, Page 777, with the above modifications is APPROVED.

Dated at Salem, Oregon this 5th day of August, 2004.

for Phillip C. Ward
Phillip C. Ward, Acting Director