

**Short-Term Water Right Lease Agreement
for
Leases of Existing Water Rights for Instream Use**

Lease agreement # 31

This Lease Agreement is between:

Lessor:

Rogue River Valley Irrigation District
3139 Merriman Road
Medford, OR 97501
(541) 773-6127-Phone
(541) 773-5420-Fax

The water right to be leased is located in Jackson County.

Lessee:

Oregon Water Trust
147 Central Avenue
Ashland, OR 97520
(541) 488-6906

Trustee

Oregon Water Resources Department
158 12th Street NE
Salem OR 97310
(503) 378-3739-Phone
(503) 378-2496-Fax

I.

- 1.1 Lessor is the entity that holds the water rights for the property highlighted in *Exhibit B*.
- 1.2 Section 1.2 is not applicable .
- 1.3 *Exhibit C* contains a copy of the certificated right attached to the property in *Exhibit B*.
The right is listed below as follows:

Certificate No. 17213
- 1.4 **Subject Water Rights.** Lessor proposes to lease a portion of the water right listed in 1.3, above.

RECEIVED

MAY 27 1999

WATERMASTER
DISTRICT 13

RECEIVED

JUN 1 1999

WATER RESOURCES DEPT
SALEM, OREGON

Vol 53

1011

The portion of the right to be leased is further described as follows:

Water Right Identification No.: 17213

Source: North and South Forks of Little Butte Creek

Priority date: September 14, 1899

Type of use: Irrigation

Place of use: (map of irrigated lands is in *Exhibit D.*)

T 36S, R 1W, S 29, in the NW $\frac{1}{4}$ -6.09 acres

T 36S, R 1W, S 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$ -4.09 acres

T 37S, R 1W, S 6, NE $\frac{1}{4}$ SE $\frac{1}{4}$ -20 acres

T 37S, R 1W, S 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$ -1.51 acres

T 37S, R 1W, S 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$ -0.85 acres

Number of acres, if for irrigation: 32.54 acres

Rate: 0.23 cfs

Duty: None

Season of use: April 1-October 1

Point of Diversion (POD): N. Fork Little Butte diversion location is on line between SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ T 36S, R 2E, S 20.

S. Fork Little Butte diversion location is N. 30' 50" west 1325' from SE corner of T 36S, R 2E, S 29.

Conditions or other limitations, if any: None

- 1.5 **Validity of Rights.** Lessor attests that the subject portion of the water right is legally valid by having been beneficially used according to the terms of the right within the last five years immediately preceding the 1999 irrigation year and, if the right is for irrigation, on all subject lands indicated in *Exhibit D.*
- 1.6 **Lease.** Lessor agrees to lease the subject portion of the water right listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-77-0077.
- 1.7 **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject portion of the water right and under any water right that is supplemental to the subject portion of the water right.
- 1.8 **Water use reporting.** The Trustee agrees to fulfill legal obligations related to water use reporting.

II.

- 2.1 **Public Use.** The public use served by the amount, timing and location of the instream use provided for under this lease is:

specific uses and needs identified in *Exhibit E* as signed off by ODFW.

2.2 **Instream use created by lease.** The instream use to be created is described as follows:

South Fork Little Butte Creek, tributary to Little Butte Creek in the Rogue Basin

Location: RM 1.4 to mouth of South Fork Little Butte Creek

Priority date: September 14, 1899

Use: Described in Section 2.1, above

Total volume: None

Rate in cfs: 0.23 cfs

Period of use: April 1-October 1

Conditions to prevent or mitigate injury, if any: None

2.3 **Term of lease.** This Lease shall commence on April 1, 1999 (not before execution by the parties) and terminate on October 1, 1999.

2.4 **Compensation.** Lessor has agreed to lease the subject portion of the water right herein to the Oregon Water Trust for cash and other considerations and for the benefit of the people of the state of Oregon.

2.5 **Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through to the mouth of South Fork Little Butte Creek, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). No party is required to continuously measure the flow of the waterway described in Section 2.2.

Optional Provisions

2.6 **Additional monitoring.** Lessee intends to manage and participate in the protection of the instream use by: possibly collecting information for calculating stream discharge.

2.7 **Modification or termination provisions.** None

III.

3 **Watermaster review.** By signature below, the watermaster for the district where the subject portion of the water right is located verifies that:

3.1 Lessor is currently entitled to appropriate water under the subject portion of the water right described in Section 1.4.

3.2 A suitable control is in place so that WRD staff may regulate use of water under the subject portion of the water right to ensure water is not diverted or applied on lands to

WJ 53 - 1013

which subject portion of right is attached.

3.3 Allocation of water to the new instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source.

3.4 Necessary conditions to the proposed instream use: None

Watermaster: Larry Menteer

District: 13

Larry Menteer
Larry Menteer 5-27-99

Larry Menteer
Field Operations Division
10 South Oakdale
Medford, Oregon 97501
(541) 776-7056-Phone
(541) 776-7189-Fax

Date:

IV.

The Undersigned Lessor, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete.

Lessor: *Jim Holt*

Date: 5-25-99

Lessee: *Andrew Parkley*

Date: May 21, 1999

So ordered by Trustee: *Rufus D. Swaley*

Date: July 1, 1999

Director, Oregon Water Resources Department

Effective Date of Lease Agreement:

Exhibits: B through D are on record at OWRD. E is attached.

- Exhibit B: Map of the property on which Lessor holds water rights
- Exhibit C: Copy of the certificate attached to property shown in Exhibit B
- Exhibit D: Detailed map illustrating lands irrigated by subject portion of right
- Exhibit E: Identification of public use to be served by instream use