

Lease Agreement Number: 109

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

This Lease Agreement is between:

**Lessor #1:**

Robert C. & Jane S. Lamb  
9735 SW McDonald  
Tigard, Or. 97224  
( 503 ) 639-7205

The water right to be leased is located in *Polk County*

**Lessee/Trustee:**

Oregon Water Resources Department  
158 12th Street. NE  
Salem OR 97310  
(503)378-8455

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~I~

1.1 Lessor #1 is the owner, or authorized agent for owner (Exhibit A), of property highlighted in Exhibit B.

1.2 Not Applicable. There are no other lessors

Certificate No. 19730 Permit No. 15470

Certificate No. 24649 Permit No. 20598

1.4 **Subject Water Rights.** Lessor proposes to lease a portion of the water rights listed in 1.2, above.

The rights to be leased are further described as follows:

Certificate No./Permit No.: 19730 / 15470

Sources: Little Luckiamute River Tributary of Luckiamute River

Priority date: September 12, 1942

Type of use: Irrigation

Place of use:

1.5 acres in NE 1/4 SW 1/4, Section 22, as projected on Frederick Waymire DLC #47

9.8 acres in NW 1/4 SW 1/4, Section 22, as projected on Frederick Waymire DLC #47

19.6 acres in SW 1/4 SW 1/4, Section 22, as projected on Frederick Waymire DLC #47

12.8 acres in SE 1/4 SW 1/4, Section 22, as projected on Frederick Waymire DLC #47

2.3 acres in SE 1/4 SE 1/4, Section 21, as projected on Frederick Waymire DLC #47

All in T. 8 S., R 6 W., W.M.

Number of acres, if for irrigation: 46.0 Acres  
Rate: 0.575 Cubic Feet per Second  
Duty: 115 Acres Feet  
Season of Use: April 1 through September 30  
Point(s) of Diversion (POD): SW SW & SE SW, Section 22, as projected within  
Frederick Waymire DLC #47, Township 8 South, Range 6 West, WM  
Conditions or other limitations, if any:

Certificate No: 24649 / Permit No: 20598  
Source: Little Luckiamute River a tributary of Luckiamute River  
Priority Date: July 16, 1951  
Type of Use: Irrigation  
Place of Use:

0.9 acres NE 1/4 SE 1/4  
0.8 acres SE 1/4 SE 1/4  
Section 21  
0.2 acres SE 1/4 NW 1/4  
19.8 acres NE 1/4 SW 1/4  
24.8 acres NW 1/4 SW 1/4  
0.8 acres SW 1/4 SW1/4  
4.6 acres SE 1/4 SW1/4  
Section 22

All as projected within Waymire DLC # 47  
Town 8 South, Range 6 West, W.M.

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Number of Acres: 51.9  
Rate: 0.65 cubic feet per second  
Duty: 129.8 acres feet  
Season of Use: April 1 through September 30  
Points of Diversion: SW 1/4 SW 1/4 as projected within Waymire DLC #47, Section 22,  
Township 8 South, Range 6 West, W.M.  
Conditions or other limitations, if any:

- 1.5 **Validity of Rights.** Lessor #1 attests that the subject water rights are legally valid by having been beneficially used according to the terms of the right or permit.
- 1.6 **Lease.** All Lessors agree to lease the water rights 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 690-77-077.
- 1.7 **Suspension of original use.** During the period of the lease, the owner agrees to suspend

use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

- 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 (Select one):

- Mitigation of a deficiency in the water supply for an existing instream water right or minimum streamflow located \_\_\_\_\_.
- Mitigation of a deficiency in water supply identified in an application for an instream water right or *Diack* flow located \_\_\_\_\_.
- A specific use or need identified by DEQ, Parks or ODFW and further described in *Exhibit E*.
- Provided by evidence contained in Exhibit E, such as a signed statement by Lessee, or other party, explaining how the lease would benefit recreation, scenic attraction, aquatic and fish life, wildlife habitat and ecological values, pollution abatement, navigation or other public uses.

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

A portion of Certificate No. 19730

Little Luckiamute River

Tributary to Luckiamute River in the Willamette River Basin.

Location (reach or point). Point of diversion #1 ( SW 1/4 SW 1/4 Near River Mile 11.4 )

POD #2 ( SE 1/4 SW 1/4 Near River Mile 11.35 )

[Identify applicable points or reaches of instream use by river mile, description or map.]

Priority date of: September 12, 1942

Use: Described in Section 2.1, above

Number of Acres: 46.0 acres, being 36.4 acres ( leased ) 9.4 acres ( irrigated )

Total volume: 115 acre feet, being 91.5 ( leased ) 23.5 ( irrigated )

Rate in cfs: 0.575 cfs, being 0.458 cfs ( leased ) 0.117 cfs ( irrigated )

Period of use: April 1 through September 30

Conditions to prevent or mitigate injury, if any: The instream flow will be allocated on a daily average basis up to the described rate from April 1 until October 31, or until such time that the total duty for the irrigation season is met. The exact acres to be shown in Exhibit D.

A portion of Certificate No. 24649

Little Luckiamute River

Tributary to Luckiamute River in the Willamette River Basin.

Location (reach or point). Point of diversion SW 1/4 SW 1/4 Near River Mile 11.4

[Identify applicable points or reaches of instream use by river mile, description or map.]

Priority date of: July 16, 1951

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Use: Described in Section 2.1, above

Number of Acres: 51.9 acres, being 15.0 acres ( leased ) 36.9 acres ( irrigated )

Total volume: 129.8 acre feet, being 37.5 acre feet ( leased ) 92.3 acre feet ( irrigated )

Rate in cfs: 0.65 cfs, being 0.188 cfs ( leased ) 0.462 cfs ( irrigated )

Period of use: April 1 through September 30

Conditions to prevent or mitigate injury, if any: The instream flow will be allocated on a daily average basis up to the described rate from April 1<sup>st</sup> until October 31, or until such time that the total duty for the irrigation season is met. The exact acres to be shown in Exhibit D.

- 2.3 **Term of lease.** This Lease shall commence on April 1<sup>st</sup>, 2002 (not before execution by the parties) and continue through September 30<sup>th</sup>, 2003.
- 2.4 **Compensation.** The Lessor has agreed to lease a subject water right for the sum of \$1.00, or other valuable considerations and for the benefit 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 the reach past junior downstream users, 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.** Lessor/Lessee intends to manage and participate in the protection of the instream use by: (Describe plans)
- 2.7 **Modification or termination provisions.** (Describe any such provisions)

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- 3.0 **Watermaster review.** By signature below, the watermaster for the district where the subject water right is located verifies that: The water rights that are subject of this lease are valid to the best of his knowledge.
- 3.1 Lessor #1 is currently entitled to appropriate water under the water rights described in Section 1.4.
- 3.2 A suitable control is/will be in place so that WRD staff may regulate use of water under the subject right to ensure water is not diverted or applied on lands to which subject 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.

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3.4 Necessary conditions to the proposed instream use: (Describe, if any)

District #16 Watermaster \_\_\_\_\_ Date: \_\_\_\_\_

William Ferber  
Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, Or. 97301

~IV.~

The Undersigned Lessor/s, 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 #1: Robert C. Lamb Date: 10/26/2000

Lessor #2: Jane S. Lamb Date: 10-26-00

So ordered by Trustee: [Signature] Date: 11-16-00  
Director, Oregon Water Resources Department

Exhibits:

- Exhibit A: Copy of Property Deed/Power of Attorney Documentation (if needed)
- Exhibit B: Tax Lot Map of Lessor's property
- Exhibit C: Copies of all certificates, permits and decreed rights to be leased

Other Exhibits As Needed:

- Exhibit D: Detailed map illustrating lands under subject rights to be leased
- Exhibit E: Identification of public use to be served by instream use
- Exhibits F: Information related to Optional Provisions, such as Additional Monitoring or Modifications or Termination of lease

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