

RECEIVED

MAY 13 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

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

This Lease Agreement is between:

**Lessor:**

George P. Ryan Trust & Arletha M. Ryan Trust  
15 Touchstone  
Lake Oswego, OR 97035  
(503) 636-8838

The water rights to be leased are located in Polk County.

**Lessee:**

Oregon Water Trust  
111 SW Naito Parkway  
Suite 404  
Portland, OR 97204  
(503) 226-9055-Phone  
(503) 226-3480-Fax

**Trustee**

Oregon Water Resources Department  
158 12th Street NE  
Salem, OR 97310  
(503) 378-3739-Phone  
(503) 378-8130-Fax

**I.**

- 1.1 Lessor is the owner of property (*Exhibit A*) highlighted in *Exhibit B*.
- 1.2 Section 1.2 is not applicable.
- 1.3 *Exhibit C* contains copies of all certificated, decreed or permitted rights attached to the property in *Exhibit B*. Those rights are listed below as follows:  
  
Certificate Nos.: 21312 and 36341
- 1.4 **Subject Water Rights.** Lessor proposes to lease all of the water rights listed in 1.3, above.

RECEIVED

MAY 13 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

The rights to be leased are further described as follows:

Water Right Identification No.: 21312

Source: Little Luckiamute River tributary of Luckimute River

Priority dates: December 8, 1949

Type of use: Irrigation

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

T 8S, R6W, S 26, NW $\frac{1}{4}$  NW $\frac{1}{4}$  - 0.4 acre - As projected within Brown DLC No. 46

T 8S, R6W, S 26, SW $\frac{1}{4}$  NW $\frac{1}{4}$  - 1.0 acre - As projected within Brown DLC No. 46

T 8S, R6W, S 27, NE $\frac{1}{4}$  NE $\frac{1}{4}$  - 12.4 acres - As projected within Brown DLC No. 46

T 8S, R6W, S 27, SE $\frac{1}{4}$  NE $\frac{1}{4}$  - 6.2 acres - As projected within Brown DLC No. 46

Number of acres, if for irrigation: 20 acres

Rate: 0.25 cfs

Duty: 50 acre-feet (2½ acre feet per acre)

Season of use: Irrigation season of each year

Point(s) of Diversion (POD): NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Brown DLC on D.L.C. No. 46, Section 27, Township 8 South, Range 6 West, W.M.

Conditions or other limitations, if any: None

Water Right Identification No.: 36341

Source: Little Luckiamute, tributary to the Willamette River

Priority dates: April 4, 1966

Type of use: Irrigation

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

T 8S, R 6W, S 26, SW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Lee DLC 45 - 7.6 acres

T 8S, R 6W, S 26, SW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Brown DLC - 8.8 acres

T 8S, R 6W, S 27, SE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Brown DLC 46 - 15.4 acres

Number of acres, if for irrigation: 31.8 acres

Rate: 0.40 cfs

Duty: 79.5 acre feet (2½ acre feet per acre)

Season of use: Irrigation season of each year

Point(s) of Diversion (POD): SW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Brown DLC 46, Section 26, T 8S, R 6W, WM. Diversion points located: 1180 feet North and 400 feet West; 670 feet North and 200 feet West from NW Corner, Smith DLC 43.

Conditions or other limitations, if any: None

- 1.5 **Validity of Rights.** Lessor attests that the subject water rights are legally valid by having been beneficially used according to the terms of the rights within the last five years immediately preceding the 1999 irrigation year and, if the rights are for irrigation, on all lands indicated in *Exhibit D.*
- 1.6 **Lease.** Lessor agrees 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:

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:

No. 21312

Little Luckiamute River

Tributary to Luckiamute River

Location: P.O.D. to Mouth of Little Luckiamute River

Priority date: December 8, 1949

Use: Instream (described in Section 2.1, above)

Total volume: 50.0 acre feet

Rate: 0.25 cfs

Period of use: April 1 - 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 June 1 until September 8, or until such time that the total duty for the irrigation season is met.

No. 36341

Little Luckiamute River

Tributary to Willamette River

Location: P.O.D. to Mouth of Little Luckiamute River

Priority date: April 4, 1966

Use: Instream (described in Section 2.1, above)

Total volume: 79.5 acre feet

Rate: 0.40 cfs

Period of use: April 1 - 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 June 1 until September 8, or until such time that the total duty for the irrigation season is met.

**RECEIVED**

**MAY 13 1999**

**WATER RESOURCES DEPT.  
SALEM, OREGON**


- 2.3 **Term of lease.** This Lease shall commence on April 1, 1999 (not before execution by the parties) and continue through September 30, 1999.
- 2.4 **Compensation.** Lessor has agreed to lease 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 the reach past junior downstream users (to the highway 223 bridge at approximately river mile 8,) 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 water right is located verifies that:
- 3.1 Lessor is currently entitled to appropriate water under the water rights 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 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.
- 3.4 Necessary conditions to the proposed instream use: None

Watermaster:   
 Bill Ferber  
 Oregon Water Resources Department  
 158 12th Street NE

District: 16

Salem, OR 97310  
(503) 378-3739-Phone  
(503) 378-8130-Fax

**RECEIVED**

**MAY 13 1999**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

Date:

**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: *George P. Byson, Trustee*

Date: *4/19/99*

Lessor: *Altha M. Byson, Trustee*

Date: *4/19/99*

Lessee: *Andrew Purkey*

Date: *4/16/99*

So ordered by Trustee:  
*Rufus R. Suley*

Date: *6/22-99*

Director, Oregon Water Resources Department

Effective Date of Lease Agreement:

Exhibits:

- Exhibit A: Proof of property ownership (copy of property deed)
- Exhibit B: Map of Lessor's property
- Exhibit C: Copies of all certificates, permits and decreed rights attached to property shown in Exhibit B
- Exhibit D: Detailed map illustrating lands irrigated by subject rights
- Exhibit E: Identification of public use to be served by instream use