

Lease Agreement Number 134

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

This Lease Agreement is between:

Lessor:

Marion County
Solid Waste Management Dept.
388 State Street Suite # 735
Salem, Or. 97301
503-588-5169 ext. 5919

The water right to be leased is located in MARION County

Trustee:

Oregon Water Resources Department
158 12th Street. NE
Salem OR 97310-4172
(503) 378-8455

~I~

- 1.1 Lessor is the owner, or authorized agent for owner (Exhibit A), of property 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 No. 66484, 24642
- 1.4 **Subject Water Rights.** Lessor proposes to lease all of the water rights listed in 1.3, above.

The right(s) to be leased are further described as follows:

Certificate No.: 66484
Source: Willamette River & Willamette River Project
Priority date: March 17th, 1977

Type of use: Irrigation

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

	Primary	Supplemental
SW1/4 SE1/4	12.4 Acres	
SE1/4 SE1/4	19.0 Acres	6.3 Acres
Section 30		
SW1/4 SW1/4		17.4 Acres
SE1/4 SW1/4		0.8 Acres
Section 29		
NE1/4 NW1/4		1.0 Acres
NW1/4 NW1/4		8.9 Acres
Section 32		
Township 7 South, Range 3 West, W.M.		

Number of acres, if for irrigation: 31.4 acres & 34.4 acres supplemental

Rate: 0.56

Duty: 78.5 acre ft. & 86.0 acre ft. for supplemental

Season of Use: March 1st through October 31st

Point(s) of Diversion (POD): SW 1/4 SW 1/4, section 29, SE 1/4 SE 1/4, section 30 T 7s. R3w, W.M.; 1 - 720 Feet East and 660 Feet North, 2 - 1100 Feet North and 1240 Feet West, All from the SE corner of section 30.

Certificate No.: 24642

Source: Willamette River tributary of Columbia River

Priority date: February 6th, 1951

Type of use: Irrigation

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

22.8 acres SW1/4 SW1/4
Section 29
9.2 acres Lot 1 (SE1/4 SE1/4)
Section 30
3.0 acres Lot 1 (NE1/4 NE1/4)
Section 31
20.0 acres N1/2 Lot 7 (NW1/4 NW1/4)
Section 32

Township 7 South, Range 3 West, W.M.

Number of acres, if for irrigation: 55.0

Rate: 0.70

Duty: 137.5 acre ft.

Season of Use: March 1st through October 31st

Point(s) of Diversion (POD): SW 1/4 SW 1/4, section 29, Township 7 South, Range 3 West, W.M.;

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 right or permit. If the right is for irrigation, beneficial must have occurred in the last five years on all lands indicated in Exhibit D.

- 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:

A specific use or need identified by DEQ, Parks or ODFW and further described in *Exhibit E*.

- 2.2 **Instream use created by lease.** The instream use to be created is described as follows:
All of primary Water Right Certificate #: 66484
Willamette River, tributary to Columbia River in the Lower Willamette River Basin
Location: (POD)SW 1/4 SW 1/4, section 29, SE 1/4 SE 1/4, section 30 T 7s, R3w, W.M.; 1 - 720 Feet East and 660 Feet North, 2 - 1100 Feet North and 1240 Feet West, All from the SE corner of section 30.
Priority date: March 17th, 1977
Use: Described in Section 2.1, above
Number of Acres: 31.4 acres leased
Total volume: 78.5 acre feet
Rate in cfs: 0.56 cfs
Period of use: March 1st through October 31st

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 March 1st until October 31st, or until such time that the total duty for the irrigation season is met. The exact acres to be leased are shown in Exhibit D.

A Portion of Water Right Certificate #: 24642
Willamette River, tributary to Columbia River in the Lower Willamette River Basin
Location: (POD)SW 1/4 SW 1/4, section 29, Townahip 7 South, Range 3 West, W.M.
Priority date: February 6th, 1951
Use: Described in Section 2.1, above
Number of Acres: 55.0 acres being 32.6 acres leased, 22.4 acres irrigated
Total volume: 137.5 acre feet being 81.5 acre ft leased, 56.0 acre ft irrigated
Rate in cfs: 0.70 cfs being 0.41 cfs leased, 0.29 cfs irrigated
Period of use: March 1st through October 31st

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 March 1st until October 31st, or until such time that the total duty for the irrigation season is met. The exact acres to be leased are shown in Exhibit D.

- 2.3 **Term of lease.** This Lease shall commence on March 1st, 2002 (not before execution by the parties) and continue through October 31st, 2004.
- 2.4 **Compensation.** The Lessor has agreed to lease 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:

2.7 **Modification or termination provisions.**

+ Need to Change
Term from 3/1/02 - 10/31/04
to 3/1/02 - 10/31/03

~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/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.
- 3.4 Necessary conditions to the proposed instream use:

Watermaster: William E Ferber District: #16
8.22.2000

William Ferber
Oregon Water Resources Department
158 12th Street NE
Salem, Or. 97310-4172
(503) 378-8455 Phone
(503) 378-6203 Fax

Date: 8.22.2000

~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: [Signature] Date: 8-2-00

So ordered by Trustee: [Signature] Date: 8/25/2000

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 certificates, permits and decreed rights to be leased
- Exhibit D: Detailed map illustrating lands under subject rights to be leased
- Exhibit E: Identification of public use to be served by instream use