

Lease Agreement Number 158

**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:

YoungLife
One Muddy Road
P.O. Box 220
Antelope, OR 97001
(541)489-3215

The water right to be leased is located in Jefferson County

Lessee:

State of Oregon

Trustee:

Oregon Water Resources Department
158 12th Street NE
Salem OR 97310
(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. 25709
- 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.: 25709

Source: Muddy Creek

Priority date: 1880

Type of use: irrigation

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

1.0 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

15.3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35

1.9 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$

0.4 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 36

Township 9 South, Range 18 East, W.M.

3.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1)

3.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2)

Section 2

Township 10 South, Range 18 East, W.M.

Number of acres, 25.4 acres

Rate: full rate at 1/40 cfs per acre from April 1 - June 1, and 1/80 cfs per acre from June 1 to Sept. 30.

Duty: 101.6 ac-ft: A quantity of water limited to one acre foot per acre during any calendar month prior to June 1st, and not to exceed, during the irrigation season, four acre feet per acre.

Season of Use: April 1st - September 30th

Point(s) of Diversion (POD): Hinkle Ditch as shown on the adjudication map

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.
- 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: provided by evidence contained in Exhibit E, such as a signed statement by Oregon Department of Fish and Wildlife, 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:

Muddy Creek, tributary John Day River in the John Day Basin

Location: From Township 10 South, Range 18 East, W.M. Section 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the mouth

Priority date: 1880

Use: Described in Section 2.1, above

Total volume: 101.6 ac-ft; A quantity of water limited to one acre foot per acre during any calendar month prior to June 1st, and not to exceed, during the irrigation season, four acre feet per acre.

Season of Use: April 1st - September 30th

Rate in cfs: April 1 - June 1: 0.635 cfs

June 1 - September 30: 0.317 cfs

Conditions to prevent or mitigate injury, if any:

The instream flow will be allocated on a daily average basis of 0.423 cfs from April 9 to May 31. The instream flow will be allocated on a daily average basis up to described rate of 0.317 cfs from June 1 to September 30, or until such time that the total duty for the irrigation season is met. The instream rate use period has been diminished to 145 days and the rate from April to May has been reduced so that the total duty and the monthly duty prior to June 1 is not exceeded.

2.3 **Term of lease.** This Lease shall commence on April 1, 2000 (not before execution by the parties) and continue through September 30, 2001.

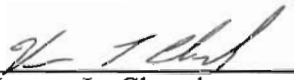
2.4 **Compensation.** The Lessor has agreed to lease subject water right for the sum of \$1.00, or other valuable considerations and for the benefit of the state of Oregon.

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.

~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: Vern Church District: 21



Vernon L. Church
P.O. Box 427
(541) 384-4207

Date: 8-18-2000

~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: Brian Date: 8/28/00

So ordered by Trustee: Theresa J. [Signature] Date: SEP 14 2000

Exhibits:

- Exhibit A: Proof of property ownership/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