

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

Lease Agreement #: 185

This Lease Agreement is between:

Lessor:

Bill Eddins
1515 E. 21st St.
The Dalles, OR 97058
(541) 296-2895-Phone

Carmen Eddins
3611 Mt. Aclare
San Diego, CA 92111
(619) 565-0283

The water rights to be leased are located in Wasco 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) 378-2496-Fax

I.

- 1.1 Lessor is the owner 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 Nos.: 5604 and 65609

- 1.4 **Subject Water Rights.** Lessor proposes to lease a portion of 5604 and all of 65609 listed in 1.3, above.

The rights to be leased are further described as follows:

Water Right Identification No.: 5604

Source: Fifteenmile Creek

Priority date: 1869

Type of use: Irrigation and Domestic

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

T 1N, R 15E, S 30, NE $\frac{1}{4}$ SW $\frac{1}{4}$ -11.5 acres

T 1N, R 15E, S 30, SW $\frac{1}{4}$ SW $\frac{1}{4}$ -1.7 acres (not included in lease)

T 1N, R 15E, S 30, SE $\frac{1}{4}$ SW $\frac{1}{4}$ -10.1 acres

T 1N, R 15E, S 30, NW $\frac{1}{4}$ SE $\frac{1}{4}$ -3.74 acres

T 1N, R 15E, S 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$ -0.6 acres

T 1N, R 15E, S 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$ -1.6 acres (not included in lease)

Number of acres, if for irrigation: 29.24 (25.94 to be leased)

Rate: Shall not exceed 1 acre-foot per 30 day period prior to July 1 and shall not exceed $\frac{3}{4}$ acre-foot per 30 day period after July 1 and flow rate shall not exceed 1/40 cubic foot per second after July 1.

Duty: 3 acre feet per acre

Season of use: Irrigation season

Point(s) of diversion (POD): NW 1/4 NW1/4 Section 31, T 1 S, R 15 E, WM

Conditions or other limitations, if any: None

Water Right Identification No.: 65609

Source: Fifteenmile Creek

Priority date: July 3, 1984

Type of use: Primary Irrigation

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

T 1N, R 15E, S 30, NE $\frac{1}{4}$ SW $\frac{1}{4}$ -1.4 acres ✓

T 1N, R 15E, S 30, SE $\frac{1}{4}$ SW $\frac{1}{4}$ -5.2 acres ✓

T 1N, R 15E, S 30, NE $\frac{1}{4}$ SE $\frac{1}{4}$ -7.0 acres ✓

T 1N, R 15E, S 30, NW $\frac{1}{4}$ SE $\frac{1}{4}$ -27.0 acres ✓

T 1N, R 15E, S 30, SW $\frac{1}{4}$ SE $\frac{1}{4}$ -0.7 acre ✓

Total number of acres, if for irrigation: 41.3

Rate: 0.52 cfs

Duty: 3 acre-feet during the irrigation season

Season of use: Irrigation season only

Points of diversion (POD):

NE¼ SW¼, SE¼ SW¼, SECTION 30, T 1 N, R 15 E, W.M.; 850 FEET SOUTH AND 1560 FEET WEST, 1900 FEET SOUTH AND 2390 FEET WEST, BOTH FROM NORTHEAST CORNER, NW ¼ SE ¼, SECTION 30.

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 and that the water right is not subject to forfeiture under ORS 540.610.
- 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 (Certificate 65572) 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:

provided by evidence contained in Exhibit E, such as a signed statement by lessee, or other party, explaining how the lease will benefit recreation, scenic attraction, aquatic and fish life, wildlife habitat and ecological values, pollution abatement, navigation or other public use.

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

No.: 5604

Fifteenmile Creek, tributary to the Columbia River

Location: RM 20 to 2.75 (confluence of Eightmile Creek)

Priority date: 1869

Use: Described in section 2.1, above

Total volume: 3 acre feet per acre (77.82 total)

Rate: 0.32 cfs

Period of use: Irrigation season

Conditions to prevent or mitigate injury (if any): The instream flow will be allocated on a daily average basis at 0.32 cfs from June 1 through September 30, or until such time that the total duty for the irrigation season is met or unless regulated off by the watermaster for prior rights.

No.: 65609

Fifteenmile Creek, tributary to the Columbia River

Location: RM 20 to 2.75 (confluence of Eightmile Creek)

Priority date: July 3, 1984

Use: Described in section 2.1, above

Total volume: 3 acre feet per acre (123.9 af)

Rate: 0.52 cfs

Period of use: Irrigation season

Conditions to prevent or mitigate injury (if any): The instream flow will be allocated on a daily average basis at 0.50 cfs from June 1 until September 30, or until such time that the total duty for the irrigation season is met or unless regulated off by the watermaster for prior rights.

- 2.3 **Term of lease.** This Lease shall commence on June 1, 2001 (not before the date of final execution by the parties) and continue through September 30, 2002.
- 2.4 **Compensation.** Lessor has agreed to lease the water rights 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, 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 rights are 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 rights to ensure water is not diverted.
- 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 Toll

District: 3

Larry Toll
421 E. 7th St.
Courthouse Annex B, Room 218
The Dalles, OR 97058
(541) 298-4110

Date: 2/15/01

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 #1: *Andr Thomson, Conservator*

Date: 2-5-01

Lessor #2: *Cameron H. Ellis*

Date: 2-7-01

Lessee: *OREGON WATER TRUST, by
Edward J. Galus*

Date: 01/31/01

So ordered by Trustee: *[Signature]*

Date: April 3, 2001

Director, Oregon Water Resources Department

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