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WATER RESOURCES DEPT.
SALEM, OREGON

Short-Term Water Right Lease Agreement
for

LA # 9915.02 => 78 Leases of Existing Water Rights for Instream Use

This Lease Agreement is between:

Lessor:

William R. and Barbara J. Arsenault
Paradise Creek Ranch
P.O. Box 550
Elkton, OR 97436
(541) 584-2272-Phone

The water right to be leased is located in Douglas 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 (*Exhibit A*) of property highlighted in *Exhibit B*.
- 1.2 Section 1.2 is not applicable.
- 1.3 *Exhibit C* contains a copy of the certificated right attached to the property in *Exhibit B*.
The right is listed below as follows:

Certificate No. 54158
- 1.4 **Subject Water Rights.** Lessor proposes to lease the water right listed in 1.3, above.

The right is further described as follows:

Water Right Identification No.: 54158

Source: Paradise Creek

Priority date: May 27, 1976

Type of use: Irrigation

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

T 22S, R 8W, S 10, Lot 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$ -9.6 acres

T 22S, R 8W, S 10, Lot 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ -11.3 acres

T 22S, R 8W, S 11, Lot 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ -10.4 acres

Number of acres, if for irrigation: 31.3

Rate: 0.25 cfs

Duty: 78.25 acre-feet

Season of use: March 1 to October 31

Point of Diversion (POD):

Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 11, T22S, R8W, WM; 1800 feet South and 100 feet East from NW Corner, Section 11.

Conditions or other limitations, if any: None

- 1.5 **Validity of Rights.** Lessor attests that the water right to be leased is legally valid by having been beneficially used according to the terms of the right within the last five years immediately preceding the 1999 irrigation year and, if the right is for irrigation, on the lands indicated in *Exhibit D*.
- 1.6 **Lease.** Lessor agrees to lease the subject water right 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 right and under any water right that is supplemental to the subject water right.
- 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.

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

No. 54158

Paradise Creek, tributary to the Umpqua River

Location: RM 2 to mouth

Priority date: May 27, 1976

Use: Described in Section 2.1, above

Total volume: 78.25 acre-feet

Rate in cfs: 0.25 cfs

Period of use: May 1-October 5

Conditions to prevent or mitigate injury, if any: None

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2.3 **Term of lease.** This Lease shall commence on March 1, 1999 (not before execution by the parties) and continue through October 31, 2000.

2.4 **Compensation.** Lessor has agreed to lease the subject 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, 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 subject water right 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:

Dave Williams

Field Operations, WRD

Rm 306 Courthouse

Roseburg, OR 97470-1719

(541) 440-4255-Phone

(541) 440-6264-Fax

District: 15

Date:

5-11-99

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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:

William R. Assenault

Date:

4/5/99

Lessor:

Barbara J. Assenault

Date:

4-5-99

Lessee:

Arthur Parker

Date:

4-12-99

So ordered by Trustee:

Rafael A. Sulez

Date:

6/10-99

Director, Oregon Water Resources Department

Effective Date of Lease Agreement:

Exhibits:

Exhibit A: Proof of property ownership

Exhibit B: Map of Lessor's property

Exhibit C: Copy of the certificate attached to property shown in Exhibit B

Exhibit D: Detailed map illustrating lands irrigated by subject right and portion to be leased

Exhibit E: Identification of public use to be served by instream use