

Lease Agreement Number

9830.02

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

This Lease Agreement is between:

Lessor #1:

Willamette Industries, Inc.
(J. Edward Henricks - Authorized Agent)
2730 Pacific Blvd. SE
Albany, OR 97321
(541) 926-7771

The water right to be leased is located in LANE County

Lessee/Trustee:

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

~I~

- 1.1 Lessor #1 is the owner, or authorized agent for owner (Exhibit A), of property highlighted in Exhibit B.
- 1.2 Not Applicable. There are no other lessors.
- 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. 14717 Permit No. Not Applicable
- 1.4 **Subject Water Rights.** Lessor proposes to lease all of the water right listed in 1.3, above.

The right to be leased is further described as follows:

Certificate No.: 1-17

Priority date: October 29, 1941

Type of use: Circulation through condensers in steam turbine power plant

Place of use: Condensers in the NE1/4 NE1/4, Section 8, T 18S, R6W, W.M.

Condensers in the SE1/4 NE1/4, Section 8, T18S, R6W, W.M.

Number of acres, if for irrigation N/A

Acre feet of storage: N/A

Rate: 5.57 cfs - Noti Creek

Duty: N/A

Season of Use: Year round

Point of Diversion (POD): NE1/4 NE1/4, Section 8, T 18S, R 6W, W.M.

Conditions or other limitations, if any: Reservoir will still fill but the lease amount of 5.57 cfs will flow over the spillway directly into Noti Creek.

- 1.5 **Validity of Rights.** Lessor attests that the subject water right is 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 identified in Exhibit D.
- 1.6 **Lease.** All Lessors agree to lease the 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.

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- 2.1 **Public Use.** The public use served by the amount, timing and location of the instream use provided for under this lease is (Select one):
- ☐ Mitigation of a deficiency in the water supply for an existing instream water right or minimum streamflow located_____.
 - ☐ Mitigation of a deficiency in water supply identified in an application for an instream water right or *Diack* flow located_____.
 - ☒ A specific use or need identified by DEQ, Parks or ODFW and further described in *Exhibit E*.
 - ☐ Provided by evidence contained in Exhibit E, such as a signed statement by Lessee, or other party, 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:

Noti Creek Tributary to Willamette River in the Willamette Basin.

To be maintained downstream from Vaughn Pond to the mouth of Noti Creek

Priority date: October 29, 1941

Total volume: N/A

Rate in cfs: 5.57 cfs

Period of use: Year-round

Conditions to prevent or mitigate injury, if any: Water cannot be withdrawn from the pond.

2.3 **Term of lease.** This Lease shall commence on September 1, 1998 (not before execution by the parties) and continue through September 1, 2000.

2.4 **Compensation.** The Lessor has agreed to lease subject water right for the sum of \$1.00, 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: N/A

2.7 **Modification or termination provisions.** None

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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 rights 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:

Michael Mattick
Lane County Courthouse
Environmental Health Dept.
Eugene, Oregon 97401
(541) 682-3620

District 2

Date:

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The Undersigned Lessor, Lessee/Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete.

Lessor : J. Edward Hemrichs Date: Aug. 12, 1998

So ordered by Lessee/Trustee: G. H. Hight Date: 9/26/98

Exhibits:

Exhibit A: Copy of Property Deed
Exhibit B: Tax Lot Map of Lessor's property
Exhibit C: Copy of certificate right to be leased
Exhibit D: Detailed map illustrating lands under subject right to be leased
Exhibit E: Identification of public use to be served by instream use