

Lease Agreement Number (assigned by WRD): L-482

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

**Short-Term Water Right Lease Agreement
Pursuant to ORS 537.348(2) and OAR 690-077-0077
for
Leases of Existing Water Rights for Instream Use**

This Lease Agreement is between:

Lessor #1:

(Name) Richard Huhtanen and Karen Scholler
(Mailing address) P.O. Box 848
(City, State, Zip Code) Veneta, OR 97487
(Telephone number) (541) 935-5440
cell (541) 554-9112

Lessor#2, 3, etc.

N/A

The water right to be leased is located in Lane County

Lessee (if different than Oregon Water Resources Department):

(Name) Not Applicable
(Mailing address) _____
(City, State, Zip Code) _____
(Telephone number) _____

Trustee:

Oregon Water Resources Department
158 12th Street NE
Salem OR 97301
(503) 378-8455

~I~

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17 N, Range 6 W, Section 34 and Tax Lot number 700 and 900. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

1.2 Lessor #2 is the (Check one):

- Not applicable
- Official representative of _____, the irrigation district which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing _____.

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- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 43367

Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

- 1.4 **Subject Water Rights.** Lessor proposes to lease the water rights listed in 1.3. The right(s) to be leased are further described as follows:

Certificate No.: 43367

Priority date: 4/16/1968 Type of use: Irrigation

Legal Season of Use: March 1 to October 31

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T 17, R 6, Section 34, NE 1/4 SW 1/4 - 19.50 acres to be leased

Enter additional places of use here, using format above:

T17, R6, sec 34, NW1/4, SW 1/4, 10.3 acres;

T17, R6, sec 34, NW1/4, SE 1/4, 7.7 acres.

Total = 37.5 acres

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Page ____ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 32.5 37.5 BR

Acre-feet of storage, if applicable: na

Total rate associated with leased rights (cfs): one eightieth x 37.5 = .47 cfs

(Use additional lines if there is more than one rate associated with the water right.)

Total duty associated with leased rights (AF): 2.5 x 37.5 = 93.75

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: existing minimum flow policies

If you need to enter another leased right, please use the additional water rights form.

- 1.5 **Validity of Rights.** Lessor(s) attests (mark one) that:

- the water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- the water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~

- 2.1 **Public Use.** This lease will increase streamflows which will benefit:

- 3.1 Accuracy.** 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. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 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 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 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. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

Lessor #1: _____

Date: _____

#2 _____

Date: _____

For additional Lessors, type in space for signature and date

Lessee: _____

Date: _____

- 3.5** Allocation of water to the 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. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Other Attachments As Needed:

- Attachment 1: Tax Lot Map of Lessor's Property (required if landowner is not the sole landowner to lands for which the subject water rights are appurtenant)
- Attachment 2: Detailed map illustrating lands under subject rights to be leased (required if only part of a right is being leased instream).
- Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.5 is checked)
- Attachment 4: Split Season Instream Use Form

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