

Lease Agreement Number: 186



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

Short Term Water Right Lease Agreement

For Leases of Existing Water Rights for Instream Use

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." If you need additional space to answer any of the questions, attach a separate sheet of writing paper and reference the section number and question.

1. APPLICANT INFORMATION

This Lease Agreement is between:

Lessor #1:

(Name, address and telephone number)

Running Y Resort, Inc.
5391 Running Y Road
Klamath Falls, OR 97601

Lessor #2,3, etc.:

(Name, address and telephone number)

The water right to be leased is located in Klamath (County)

Lessee:

(Name, address and telephone number)

Oregon Water Resources Department
158 12th Street NE, Salem, OR 97310

Trustee:

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

SECTION I

- 1.1 Lessor #1 is the owner, or authorized agent for owner (Exhibit A), of property highlighted in Exhibit B.
- 1.2 Lessor #2 is the (Check one) [If Agreement includes multiple lessors, complete same for each additional party.]:
 - Official representative of _____, the irrigation district which conveys water to the subject water rights.
 - Owner, or authorized agent for owner, of the storage facility which is the source of the subject water rights.
 - Another party with an interest in the subject water rights representing _____

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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 [Use additional sheet, if necessary]:

Certificate No. 64153 Permit No. 43460
Certificate No. 27808 Permit No. 4861
Page No. _____ Decree _____
Page No. _____ Decree _____

1.4 **Subject Water Rights.** Lessor proposes to lease all/a portion of the water rights listed in 1.3, above.

The right(s) to be leased are further described as follows:

Certificate / Permit No.: 64153/43460
Priority date: 7/21/1978 Type of use: Irrigation
Place of use: (Reference Attached Certificate)
(If original use is irrigation, include map of irrigated lands in Exhibit D.)
Number of acres, if for irrigation 83.6
Acre feet of storage: 250.8 Ac-Ft per Year
Rate: 1/40 CFS/AC Duty: 3 AC-FT/Year
Season of Use: Irrigation Season
Point(s) of Diversion (POD): 640' South, 400' West from N 1/4 Corner
Conditions or other limitations, if any: Section 32 T37S R8E

Reference Attachment for Certificate #27808

- 1.5 **Validity of Rights.** Lessor #1 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 690-77-0077.
- 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 to the subject water rights.
- 1.8 **Water use reporting.** The Trustee agrees to fulfill legal obligations related to water use reporting.

SECTION 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 (Select one):

- Mitigation of a deficiency in the water supply for an existing instream water right or minimum streamflow located _____

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Certificate No. _____ Permit No. _____
 Certificate No. _____ Permit No. _____
 Page No. _____ Decree _____
 Page No. _____ Decree _____

1.4 **Subject Water Rights.** Lessor proposes to lease all/a portion of the water rights listed in 1.3, above.

The right(s) to be leased are further described as follows:

Certificate / Permit No.: 27808/4861
 Priority date: 1/23/19-8/13/20 Type of use: Irrigation
 Place of use: Reference Attached Exhibit Map
 (If original use is irrigation, include map of irrigated lands in Exhibit D.)
 Number of acres, if for irrigation 28.2 acres
 Acre feet of storage: 84.6 Ac-Ft per Year
 Rate: 1/80 CFS/AC Duty: 3 AC-FT/AC-Year
 Season of Use: Irrigation
 Point(s) of Diversion (POD): SE1/4 SE1/4 SEC.29; NE1/4 NW1/4 SEC.32 T37S R8E
 Conditions or other limitations, if any: _____

1.5 **Validity of Rights.** Lessor #1 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.

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SECTION 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 (Select one):

Mitigation of a deficiency in the water supply for an existing instream water right or minimum streamflow located _____

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- 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:

Klamath River/Creek Certificate #64153
 Tributary to Pacific in the Klamath Basin.

Location Upper Klamath Lake downstream to the Mouth
 [Identify applicable points or reaches of instream use by river mile, description or map.]

Priority date: 7/21/1978

Use: Described in Section 2.1, above

Total volume: 250.8 AC-FT/Year

Rate in cfs: 1.2 CFS

Period of use: Irrigation Season

Conditions to prevent or mitigate injury, if any: _____

Reference Attachment for Certificate #27808

2.3 Term of lease. This Lease shall commence on April 2001
 (not before execution by the parties) and continue through October 2002.

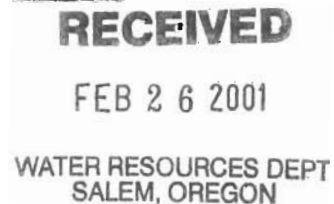
2.4 Compensation. The Lessor has agreed to lease subject water right for the sum of \$1.00, or other valuable considerations and for the benefit of the state of Oregon.

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.

Optional Provisions

2.6 Additional monitoring. Lessor/Lessee intends to manage and participate in the protection of the instream use by: (Describe plans)

2.7 Modification or termination provisions. (Describe any such provisions)



- 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:

Klamath River/Creek Certificate #27808

Tributary to Pacific in the Klamath Basin.

Location Upper Klamath Lake downstream to the Mouth
[Identify applicable points or reaches of instream use by river mile, description or map.]

Priority date: 1/23/1919 to 8/13/1920

Use: Described in Section 2.1, above

Total volume: 84.6 AC-Ft per Year

Rate in cfs: 0.353 CFS

Period of use: Irrigation Season

Conditions to prevent or mitigate injury, if any: _____

2.3 Term of lease. This Lease shall commence on _____
(not before execution by the parties) and continue through _____

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.

Optional Provisions

2.6 Additional monitoring. Lessor/Lessee intends to manage and participate in the protection of the instream use by: (Describe plans)

2.7 Modification or termination provisions. (Describe any such provisions)

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SECTION III

3.0 Watermaster review. By signature below, the watermaster for the district where the subject water right is located verifies that:

3.1 Lessor #1 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: (Describe. if any)

Watermaster: _____

District _____

(Address & telephone) _____

Date: _____

SECTION 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 #1: Jewel E Andrus Date: 2-22-01

Lessor #2: _____ Date: _____

Lessee: _____ Date: _____

So ordered by Trustee: _____ Date: _____

Please include the following exhibits:

- A. Copy of Property Deed/Power of Attorney Documentation (if needed)
- B. Tax Lot Map of Lessor's property
- C. Copies of certificates, permits and decreed rights to be leased
- D. Detailed map illustrating lands under subject rights to be leased
- E. Identification of public use to be served by instream use

Etc: Information related to Optional Provisions, such as Additional Monitoring or Modifications or Termination of lease

Other Exhibits As Needed:

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