

Lease Agreement Number 120

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

**Short-Term Water Right Lease Agreement
for Lease of Existing Water Rights Within an *Irrigation District*
in the *Deschutes Basin* for *Instream Use***

**MODIFICATION OF 1999 TWO YEAR AGREEMENT
TO REMOVE WITHDRAWN LANDS**

This Lease Agreement is between the Swalley Irrigation District (lessor), and Oregon Water Resources Department (lessee and trustee).

1.1 Lessor (the Irrigation District) is authorized by the property owners identified in the attachments to lease the identified portions of their water rights to the Water Resources Department (lessee and trustee) for instream flow purposes during the 2000 irrigation season. The irrigation season extends from April 1 to October 31.

1.2 List water right certificates, permits, or transfers eligible for transfer, that are affected by this lease:

certificate #, permit #, or transfer #	source	priority date(s)
<u>74145</u>	<u>Deschutes River</u>	<u>September 1, 1899</u>

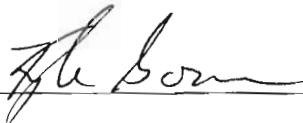
1.3 Lessor proposes to lease those portions of the rights identified in 1.2, as listed in the attachments to instream purposes.

1.4 Lessor attests that the subject water rights are legally valid rights of record and have been beneficially exercised within the last five years on the lands identified in the attachments.

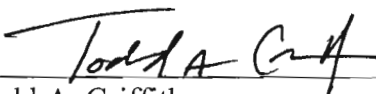
1.5 During the period of this lease, the Irrigation District agrees that water for the lands identified in the attachments shall be neither diverted nor delivered.

1.6 The Trustee agrees to fulfill legal obligations related to water use reporting on instream water rights.

- 2.1 **Purpose of Lease.** The public use served by the amount, timing and location of the instream use provided for under this lease is mitigation of a deficiency in water supply identified in Instream Water Right Application 70695, located from the North Canal Dam (at Bend) to Round Butte Dam (Lake Billy Chinook).
- 2.2 Instream Use created by this lease:
For an instream flow of 0.02 cubic feet per second and total volume of 7.75 acre feet in the Deschutes River from the North Canal Dam to Lake Billy Chinook during the 2000 irrigation season, from April 1 to October 31.
- 3.0 **Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation, to assure the water is delivered to and through the reach identified.
- 4.0 **Watermaster Review.** By signature below, the Watermaster for the Deschutes Basin verifies that the rights identified in the attachments are entitled to appropriate water under the rights listed in 1.2, and that during the term of this lease, use of said water for instream flow purposes is not reasonably expected to cause injury to other rights to use water from the Deschutes River.

Watermaster:  Watermaster District 11
Date: 2-7-00

I, Todd A. Griffith, Manager of the Swalley Irrigation District, declare that, to the best of my knowledge and belief, the information contained in this lease is true, correct and complete.

 Date 2-7-00
Todd A. Griffith
Swalley Irrigation District, PO Box 5126, BEND OR 97708

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 Date APR 05 2000
Martha O. Pagel (Trustee)
Director

Swalley Irrigation District
Recap of Legal Description

Modification of 1999 Two Year Agreement

17-12-08-SW/NE-02600	0.25 acres
17-12-22-SW/SW-	1.00 acres
17-12-28-NE/NW	0.17 acres

Total in-stream lease	1.42 acres
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