

Lease Agreement Number 239

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WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

This Lease Agreement is between:

Lessor:

Robert Jon (Jack) Grover
3101 Washington St.
Vancouver, WA 98660
Phone (360) 696-4676
Fax (360) 696-1441

The water right to be leased is located in Sherman County

Lessee:

State of Oregon

Trustee:

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

~I~

- 1.1 Lessor is the owner, or authorized agent for owner (Exhibit A), of property highlighted in Exhibit B.
- 1.2 Section 1.2 is not applicable.
- 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. 68064
- 1.4 **Subject Water Rights.** Lessor proposes to lease all of the water rights listed in 1.3, above.

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

Certificate No.: 68064

Source: John Day River

Priority date: December 27, 1982

Type of use: irrigation

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

12.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (all leased by Grover)

9.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ (all leased by Grover)

3.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ (all leased by Grover)

Section 11

4.3 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (all leased by BLM)

Section 12

Township 1 South, Range 19 East, W.M.

Number of acres: 25.9 acres of irrigation for land owned/controlled by Lessee (remaining 4.3 acres authorized under Cert. 68094 are owned/controlled by the BLM)

Rate: 0.76 cfs (0.647 cfs leased)

Duty: 129.5 ac-ft not to exceed, during the irrigation season, five acre feet per acre.

Season of Use: April 1st - September 30th

Point(s) of Diversion (POD): SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 1 South, Range 19 East, W.M.; 2200 feet South and 3010 feet West from the Northeast corner of Section 11.

Conditions or other limitations, if any: None

1.5 **Validity of Rights.** Lessor #1 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
- ☐ that the water right is not subject to forfeiture under ORS 540.610.

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 690-77-077.

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 rights.

1.8 **Water use reporting.** The Trustee agrees to fulfill legal obligations related to water use reporting.

~II~

JUN 21 2001

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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: provided by evidence contained in Exhibit E, such as a signed statement by Oregon Department of Fish and Wildlife, 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:

John Day River, tributary Columbia River in the John Day Basin
Location: SE¼ NW¼, Section 11, Township 1 South, Range 19 East, W.M.; 2200 feet South and 3010 feet West from the Northeast corner of Section 11 to the mouth
Priority date: December 27, 1982
Use: Described in Section 2.1, above
Total volume: 129.5 ac-ft not to exceed, during the irrigation season, five acre feet per acre.
Season of Use: April 1st - September 30th
Rate in cfs: 0.647 cfs
Conditions to prevent or mitigate injury, if any:
- 2.3 **Term of lease.** This Lease shall commence on April 1, 2001 (not before execution by the parties) and continue through September 30, 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.
- 2.6 **Modification or termination provisions.** Lessor shall have an option of terminating lease for the 2002 irrigation season with written notice 30 days prior to April 1, 2002.

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

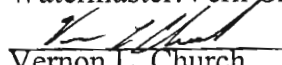
3.1 Lessor is currently entitled to appropriate water under the water rights described in Section 1.4.

3.2 A suitable control is/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 reasor same source.

3.4 Necessary conditions

Watermaster: Vern Ch


Vernon L. Church
P.O. Box 427
(541) 384-4207

Date: 6-19-01

Tom,

We received this lease last year, but never got a map showing the acreage they were leasing (~~the~~ only a portion of the certificate is being leased) until this year.

Bob

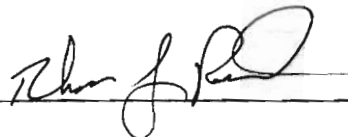
The Undersigned Lessor/s, L belief, the information contain...

Lessor:



Date: 6-15-01

So ordered by Trustee:



Date: 4/5/2002

Exhibits:

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