

Lease Agreement Number: 240

**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:**

Deborah Thompson  
1441 Brownsboro-Meridian Road  
Eagle Point, OR 97524  
(541) 826-8646

The water rights to be leased are located in Jackson County.

**Lessee:**

Oregon Water Trust  
111 SW Naito Parkway  
Suite 404  
Portland, OR 97204  
(503) 226-9055 – Phone  
(503) 226-3480 – Fax

**Trustee:**

Oregon Water Resources Department  
158 12<sup>th</sup> 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 Nos. 17163, 17170, and 17164.

**1.4 Subject Water Rights.** Lessor proposes to lease the water rights listed in 1.3, above.

The rights to be leased are further described as follows:

Water Right Certificate No.: 17163

Source: Little Butte Creek, tributary to Rogue River

Priority date:

Tract 1: 1885

Tract 2: 1908

Type of use: Irrigation

Place of use:

Tract 1: T 35 S, R 1 E, W.M., Section 31, SE ¼ SE ¼ - 3.0 acres

Tract 2: T 35 S, R 1 E, W.M., Section 31, SE ¼ SE ¼ - 7.5 acres

Number of acres, if for irrigation: 10.5 acres

Rate:

Tract 1: 0.08 cfs

Tract 2: 0.19 cfs

Duty: Not Applicable

Season of use: April 1 to October 1

Point(s) of Diversion (POD): Bieberstedt Ditch

Conditions or other limitations, if any: None

Water Right Certificate No.: 17170

Source: Little Butte Creek, tributary to Rogue River

Priority date:

Tract 1: 1885

Tract 2: 1908

Type of use: Irrigation

Place of use:

Tract 1: T 35 S, R 1 E, W.M., Section 31, SW ¼ SE ¼ - 1.5 acres

Tract 2: T 35 S, R 1 E, W.M., Section 31, SW ¼ SE ¼ - 10.0 acres

Number of acres, if for irrigation: 11.5 acres

Rate:

Tract 1: 0.04 cfs

Tract 2: 0.25 cfs

Duty: Not Applicable

Season of use: April 1 to October 1

Point(s) of Diversion (POD): Bieberstedt Ditch

Conditions or other limitations, if any: None

Water Right Certificate No.: 17164

Source: Little Butte Creek, tributary to Rogue River

Priority date: 1885

Type of use: Irrigation

Place of use:

T 36 S, R 1 E, W.M., Section 6, NE ¼ NE ¼ - 22.0 acres

T 36 S, R 1 E, W.M., Section 6, NW ¼ NE ¼ - 10.0 acres  
Number of acres, if for irrigation: 32.0 acres  
Rate: 0.80 cfs  
Duty: Not Applicable  
Season of use: April 1 to October 1  
Point(s) of Diversion (POD): Bieberstedt Ditch  
Conditions or other limitations, if any: None

- 1.5 Validity of Rights.** Lessor 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.** Lessor 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.
- 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.

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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 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:
- Certificate No. 17163  
Little Butte Creek, tributary to Rogue River, in the Rogue River Basin  
Location: POD to mouth of Little Butte Creek  
Priority date:  
    Tract 1: 1885  
    Tract 2: 1908  
Use: Described in Section 2.1, above  
Total volume: Not Applicable

Rate:

Tract 1: 0.08 cfs

Tract 2: 0.19 cfs

Period of use: April 1 to October 1

Conditions to prevent or mitigate injury, if any: None

Certificate No. 17170

Little Butte Creek, tributary to Rogue River, in the Rogue River Basin

Location: POD to mouth of Little Butte Creek

Priority date:

Tract 1: 1885

Tract 2: 1908

Use: Described in Section 2.1, above

Total volume: Not Applicable

Rate:

Tract 1: 0.04 cfs

Tract 2: 0.25 cfs

Period of use: April 1 to October 1

Conditions to prevent or mitigate injury, if any: None

Certificate No. 17164

Little Butte Creek, tributary to Rogue River, in the Rogue River Basin

Location: POD to mouth of Little Butte Creek

Priority date: 1885

Use: Described in Section 2.1, above

Total volume: Not Applicable

Rate: 0.80 cfs

Period of use: April 1 to October 1

Conditions to prevent or mitigate injury, if any: None

- 2.3 Term of lease.** This Lease shall commence on April 1, 2001 (not before execution by the parties) and continue through October 1, 2001.
- 2.4 Compensation.** The Lessor has agreed to lease subject water right for cash, 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.** Lessee intends to manage and participate in the protection of the instream use by: possibly collecting information for calculating stream discharge.

**2.7 Modification or termination provisions.** None

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**3.0 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 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: Larry Menteer

District: 13

  
Larry Menteer

Larry Menteer  
10 S. Oakdale, Rm. 106  
Medford, OR 97501  
(541) 774-6880 – Phone  
(541) 776-7187 – Fax

Date: 9-17-01

~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: Deborah Thompson Date: 9-12-01

Lessee: Edward My Holden (for Edgar W Moore Trust) Date: 8-31-01

So ordered by Trustee: [Signature] Date: SEPTEMBER 21, 2001

Exhibits:

- Exhibit A: Proof of property ownership
- 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