

Lease Agreement Number 233

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WATER RESOURCES DEPT.
SALEM, OREGON

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*

TWO YEAR AGREEMENT

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

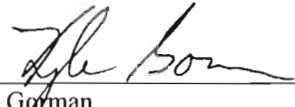
- 1.1 Lessor (the Irrigation District) is authorized by the property owners identified in the attachments to lease the identified portions of their water rights to the Water Resources Department (lessee and trustee) for instream flow purposes during the 2001 & 2002 irrigation season. The irrigation season 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>

Type of Right: Irrigation


- 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 (165 river miles at Bend) to Round Butte Dam (120 river miles Lake Billy Chinook).

- 2.2 **Instream Use created by this lease:** For an instream flow of
Season #1 = 0.002 cfs
Season #2 = 0.002cfs
Season #3 = 0.004 cubic feet per second and total volume of 1.37 acre feet in the Deschutes River from the North Canal Dam to Lake Billy Chinook from April 1 to October 31.
- 2.3 **Term of lease.** This Lease shall commence upon execution by the parties and continue through October 31, 2001, or this lease may be terminated by either Swalley Irrigation District or the Oregon Water Resources Department upon written notice to the other party. The effective date of the termination shall not be during the irrigation season (April 1 to October 31).
- 2.4 **Compensation:** NA.
- 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 District 11  Date 4-12-01
 Kyle Gorman

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 4-13-01
 Todd A. Griffith

So ordered by Trustee:  Date August 17, 2001
 Director, Oregon Water Resources Department

Attached: Exhibit G's and recap

Swalley Irrigation District
 PO Box 5126
 Bend OR 97708-5126

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