

Lease Agreement Number: 113

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

This Lease Agreement is between:

**Lessor:**

Carl and Judy Seehawer  
6925 Buckhorn Road  
Roseburg, OR 97470  
(541) 672-1296

The water rights to be leased are located in Douglas 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 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739-Phone  
(503) 378-2496-Fax

**I.**

- 1.1 Lessor is the owner (*Exhibit A*) of property highlighted in *Exhibit B*. The contract of sale is attached.
- 1.2 Section 1.2 is not applicable.
- 1.3 *Exhibit C* contains a copy of the certificated rights attached to the property in *Exhibit B*. The rights are listed below as follows:  
A portion of Certificate No. 59984
- 1.4 **Subject Water Rights.** Lessor proposes to lease a portion of the rights in Certificate No. 59984, listed in 1.3, above.

The rights are further described as follows:

Water Right Identification No.: 59984

Source: North Fork Deer Creek

Priority date: September 26, 1910

Type of use: Irrigation

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

T 27 S, R 4 W, Section 14, SW1/4SW1/4 - 8.6 acres (not to be leased)

T 27 S, R 4 W, Section 15, SE1/4SE1/4 - 10.0 acres (not to be leased)

T 27 S, R 4 W, Section 22, NE1/4NE1/4 - 2.8 acres (1.4 of which are to be leased)

T 27 S, R 4 W, Section 22, NW1/4NE1/4 - 7.7 acres (all to be leased)

Total acres - 28.5 acres (9.1 of which are to be leased)

Rate: 0.361 cfs (0.114 cfs of which is to be leased)

Duty: Not applicable

Season of use: March 1 to October 31

Point of Diversion (POD):

T 27 S, R 4 W, Section 15, SE ¼ SE ¼, 920 feet North and 10 feet West, and 170 feet North and 570 feet West, both from SE corner, Section 15.

Conditions or other limitations, if any: None

- 1.5 **Validity of Rights.** Lessor attests that the water rights to be leased are legally valid by having been beneficially used according to the terms of the right or permit. If the right is for irrigation, beneficial use must have occurred in the last five years on all lands indicated in *Exhibit D.*
- 1.6 **Lease.** All lessors agree to lease the subject 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.

## 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:

provided by evidence contained in Exhibit E, such as a signed statement by lessee, or other party, explaining how the lease will benefit recreation, scenic attraction, aquatic and fish life, wildlife habitat and ecological values, pollution abatement, navigation or other public use.

- 2.2 **Instream use created by lease.** The instream use to be created is described as follows:

A portion of Certificate No. 59984  
North Fork Deer Creek, a tributary of Deer Creek, in the Umpqua Basin  
Location: POD to mouth of North Fork Deer Creek  
Priority date: September 26, 1910  
Use: Described in Section 2.1, above  
Total volume: Not applicable  
Rate in cfs: 0.114 cfs  
Period of use: March 1 - October 31  
Conditions to prevent or mitigate injury, if any: None

- 2.3 **Term of lease.** This Lease shall commence on March 1, 2000 (not before execution by the parties) and continue through October 31, 2001.
- 2.4 **Compensation.** Lessor has agreed to lease the subject water rights herein to the Oregon Water Trust for cash and other considerations and for the benefit of the people 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.** If the contract of sale is revoked and the seller repossesses the property, then this lease agreement is terminated.

### 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 is currently entitled to appropriate water under the water rights described in Section 1.4.
- 3.2 A suitable control is in place so that WRD staff may regulate use of water under the subject rights to ensure water is not diverted or applied on lands to which the 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.

Necessary conditions to the proposed instream use: None

Watermaster:

District: 15

Dave Williams  
Field Operations, WRD  
1036 SE Douglas, Room 306  
Roseburg, OR 97470  
(541) 440-4255 - Phone  
(541) 440-6264 - Fax



Date:

2-14-2000

IV.

The Undersigned Lessor, 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: Carl Seehawer

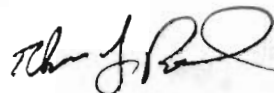
Date: 3-20-00

Lessor: Judy & Seehawer

Date: 3-20-00

Lessee: Edul Poole FOR OREGON WATER TRUST

Date: February 16, 2000

So ordered by Trustee: 

Date: APR 04 2000

Director, Oregon Water Resources Department

Effective Date of Lease Agreement:

Exhibits:

- Exhibit A: Proof of property ownership (Contract of Sale)
- Exhibit B: Tax lot map of Lessor's property
- Exhibit C: Copy of the certificates, permits, and decreed rights to be leased
- Exhibit D: Detailed map illustrating lands under subject right and to be leased
- Exhibit E: Identification of public use to be served by instream use