

Lease Agreement Number 145

**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:

Chris Billman
50984 NW Cox Rd.
Forest Grove, Or. 97116-1128
503-357-2365

RECEIVED

SEP 14 2000

WATER RESOURCES DEPT.
SALEM, OREGON

The water right to be leased is located in Washington County

Trustee:

Oregon Water Resources Department
158 12th Street. NE
Salem OR 97310
(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. 63757
- 1.4 **Subject Water Rights.** Lessor proposes to lease all of the water rights listed in 1.3, above.

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

Certificate No.: 63757
Source: Gales Creek, tributary Tualatin River in the Lower Willamette River Basin
Priority date: April 28th, 1982
Type of use: irrigation
Place of use (map of irrigated lands is in Exhibit D):

NE1/4 SE1/4 0.1 Acres
NW1/4 SE1/4 7.0 Acres
SW1/4 SE1/4 2.8 Acres
SE1/4 SE1/4 0.2 Acres
All as Projected Within DLC 62
Section 17
Township 1 North, Range 4 West, W.M.

Number of acres, if for irrigation: 10.1 Acres

Rate: 0.13 cfs

Duty: 25.25 Acre Feet

Season of Use: May 1st, to July 30st, then September 16th, to September 30th.

Point(s) of Diversion (POD): SW1/4 SE1/4, As Projected Within DLC 62, Section 17, T1N, R4W, W.M.; 900 feet North and 130 feet East from Southwest Corner Of DLC 62.

Conditions or other limitations, if any: None

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

A specific use or need identified by DEQ, Parks or ODFW and further described in *Exhibit E*.

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

All of Certificate: 63757

Gales Creek, tributary Tualatin River in the Lower Willamette River Basin

Location: SW1/4 SE1/4, As Projected Within DLC 62, Section 17, T 1N, R \$W, W.M.; 900 feet north and 130 feet east from the southwest corner of DLC 62.

Priority date: April 28th, 1982

Use: Described in Section 2.1, above

Total volume: 25.25 Acre feet

Rate in cfs: 0.13 cfs

Period of use: May 1st, through July 30th, and September 17th through September 30th.

Conditions to prevent or mitigate injury, if any: The reach in which this lease will be protected is from POD (RM 9.75, SW1/4 SE1/4 as projected within DLC 62, section 17, T 1N, R4W, W.M.; 900 feet north and 130 feet east from the southwest corner of DLC 62.) To RM 2.4 (OWRD's gaging station).

- 2.3 **Term of lease.** This Lease shall commence on September 17th, 2000 (not before execution by the parties) and continue through September 30th, 2001.
- 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.

Optional Provisions

- 2.6 **Additional monitoring.** Lessor/Lessee intends to manage and participate in the protection of the instream use by:
- 2.7 **Modification or termination provisions.**

~III~

- 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 reasonably expected to cause injury to other rights to use water from the same source.

3.4 Necessary conditions to the proposed instream use:

Watermaster: *Darrell Hedin* District: # 18

Darrell Hedin
111 NE Lincoln # 220-L
Hillsboro, Or. 97124

Date: *9-12-00*

~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: *Chris B. Billman* Date: *7-25-00*

So ordered by Trustee: *[Signature]* Date: *9-15-2000*

Exhibits:

- Exhibit A: Copy of Property Deed/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