

Lease Agreement Number 148

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

This Lease Agreement is between:

**Lessor:**

Confederated Tribes of the Grand Ronde Community of Oregon  
9615 Grand Ronde Rd.  
Grand Ronde, Or. 97347  
(503) 879-2400  
1-800-422-0232

The water right to be leased is located in *Polk County*

**Lessee / 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 Lessor #2 is the (Check one) [If Agreement includes multiple lessors, complete same for each additional party.]: Not Applicable to this Lease
  - Official representative of \_\_\_\_\_, the irrigation district which conveys water to the subject water rights.
  - Owner, or authorized agent for owner, of the storage facility which is the source of the subject water rights.
  - Another party with an interest in the subject water rights representing \_\_\_\_\_
- 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 [Use additional sheet, if necessary]:

Certificate No. 12410, 49476, 24616 and 10973
- 1.4 **Subject Water Rights.** Lessor proposes to lease all or a portion of the water rights listed

in 1.3, above. The rights to be leased are further described as follows:

Certificate No: 12410

Source: Yamhill River Tributary of Willamette River

Priority Date: June 15, 1937

Type of Use: Irrigation

Place of Use:

12.0 acres in the SE1/4 SE1/4  
Section 8,  
13.5 acres in the NE1/4 NE1/4  
Section 18,  
3.5 acres NW1/4 NW1/4  
Section 17  
Township 6 South , Range 7 West, WM.

Number of Acres: 29.0

Rate: 0.36 cubic feet per second

Duty: 72.5 acre feet

Season of Use: April 1 through September 30

Points of Diversion: NE1/4 NE1/4, Section 18 Township 6 South, Range 7 West WM.

Conditions or other limitations, if any: None

Certificate No: 49476

Source: Yamhill River Tributary of Willamette River

Priority Date: October 24, 1930

Type of Use: Irrigation

Place of Use:

2.0 acres SE1/4 SE1/4  
Section 7,  
3.5 acres SW1/4 SW1/4  
Section 8  
7.0 acres NW1/4 NW1/4  
Section 17  
8.5 acres NE1/4 NE1/4  
Section 18  
Township 6 South , Range 7 West, WM.

Number of Acres: 21.0

Rate: 0.27 cubic feet per second

Duty: 52.5 acre feet

Season of Use: April 1 through September 30

Points of Diversion: NE1/4 SE1/4, Section 12 T. 6s, R 8w W.M.; NW1/4 NW1/4 Section 17, NE1/4 NE1/4 Section 18 Township 6 South, Range 7 West, WM.

Conditions or other limitations, if any: None

Certificate No.:24616

Sources: Yamhill River Tributary of Willamette River

Priority date: May 23, 1947

Type of use: Irrigation

Place of use:

3.5 acres SW1/4, SW1/4 as projected within Wm. Kuykendall DLC #57

4.6 acres SE1/4, SW1/4 as projected within Wm. Kuykendall DLC #57

Section 8

2.5 acres NE1/4, NW1/4 as projected within Wm. Kuykendall DLC #57

10.4 acres NE 1/4, NW1/4 as projected within Wm. Barden DLC #54

1.2 acres NW1/4, NW1/4 as projected within Wm. Barden DLC #54

1.9 acres NW1/4, NW1/w as projected within Wm. Kuykendall DLC #57

0.1 acres SW1/4, NW1/4 as projected within Wm. Barden DLC #54

5.8 acres SE1/4, SE1/4 as projected within Wm. Barden DLC #54

Section 17

Township 6 South, Range 7 West, WM.

Number of acres: 30.0

Rate: 0.38 cubic feet per second

Duty: 75.0 acre feet

Season of Use: April 1 through September 30

Point of Diversion (POD): NE1/4 NW1/4 as projected within Wm. Kuykendall DLC #57

and NE1/4, NW1/4 as projected within Wm. Barden DLC #54 of Section 17, Township 6

South, Range 7 West, WM.

Conditions or other limitations, if any: None

Certificate No: 10973

Source: Yamhill River Tributary of Willamette River

Priority Date: August 23, 1930

Type of Use: Irrigation

Place of Use: 7 acres in the SW1/4 SW1/4

Section 8,

8 acres in the NW1/4 NW1/4

Section 17,

Township 6 South , Range 7 West, WM.

Number of Acres: 15.0

Rate: 0.20 cubic feet per second

Duty: 37.5 acre feet

Season of Use: April 1 through September 30

Points of Diversion: NE1/4 NW1/4 and NW1/4 NW1/4, Section 17 Township 6 South, Range 7 West WM.

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.
- 1.6 **Lease.** Lessor agrees to lease the water rights listed in 1.4 for instream use for the term of this Agreement to Lessee / 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 <sup>Lessor</sup> ~~Lessee~~ 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 Lessee / 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 (Select one):

- Mitigation of a deficiency in the water supply for an existing instream water right or minimum streamflow located \_\_\_\_\_.
- Mitigation of a deficiency in water supply identified in an application for an instream water right or *Diack* flow located \_\_\_\_\_.
- A specific use or need identified by DEQ, Parks or ODFW and further described in *Exhibit E*.
- 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:

A Portion of Certificate No. 12410

South Yamhill River

Tributary to Willamette River in the Willamette Basin.

Location : The point of diversion ( Near River mile 51.5 ) described in section 1.4 above to Hwy # 22 Bridge river mile 50.0.

Priority date of: June 15, 1937

Use: Described in Section 2.1, above

Number of Acres: 29.0 acres, being 4.77 acres leased

Total volume: 72.5 acre feet, being 11.9 acre feet leased

Rate in cfs: 0.36 cfs, being 0.060 cfs leased

Period of use: April 1 through September 30

Conditions to prevent or mitigate injury, if any: The instream flow will be allocated on a daily average basis up to the described rate from April 1 until September 30, or until such time that the total duty for the irrigation season is met. The exact acres to be shown in Exhibit D.

A Portion of Certificate No. 49476

South Yamhill River

Tributary to Willamette River in the Willamette Basin.

Location : The point of diversion ( Near River mile 51.5 ) described in section 1.4 above to Hwy # 22 Bridge river mile 50.0.

Priority date of: October 24<sup>th</sup>, 1930

Use: Described in Section 2.1, above

Number of Acres: 21.0 acres, being 5.90 acres leased

Total volume: 52.5 acre feet, being 14.8 acre feet leased

Rate in cfs: 0.27 cfs, being 0.074 cfs

Period of use: April 1 through September 30

Conditions to prevent or mitigate injury, if any: The instream flow will be allocated on a daily average basis up to the described rate from April 1 until September 30, or until such time that the total duty for the irrigation season is met. The exact acres to be shown in Exhibit D.

A Portion of Certificate No. 24616

Yamhill River

Tributary to Willamette River in the Willamette Basin

Location: The point of diversion ( Near River mile 51.5 ) described in section 1.4 above to Hwy # 22 Bridge river mile 50.0

Priority Date: May 23<sup>rd</sup>, 1947

Use: Described in Section 2.1, above

Number of acres: 30 acres, being 1.40 acres leased

Total Volume: 75 acre feet, being 3.50 ac ft leased

Rate: 0.38 cfs, being 0.018 cfs leased

Period of Use: April 1 through September 30

Conditions to prevent or mitigate injury, if any: The instream flow will be allocated on a daily average basis up to the described rate from April 1 until September 30, or until such time that the total duty for the irrigation season is met. The exact acres to be shown in Exhibit D.

A Portion of Certificate No. 10973

Yamhill River

Tributary to Willamette River in the Willamette Basin

Location: The point of diversion ( Near River mile 51.5 ) described in section 1.4 above to Hwy # 22 Bridge river mile 50.0.

Priority Date: August 23, 1930

Use: Described in Section 2.1, above

Number of Acres: 15.0, being 0.391 acres leased

Total Volume: 37.5 acre feet, being 0.978 ac ft leased

Rate: 0.20 cfs, being 0.005 cfs leased

Period of Use: April 1 through September 30

Conditions to prevent or mitigate injury, if any: The instream flow will be allocated on a daily average basis up to the described rate from April 1 until September 30, or until such time that the total duty for the irrigation season is met. The exact acres to be shown in Exhibit D.

- 2.3 **Term of lease.** This Lease shall commence on April 1<sup>st</sup>, 2000 (not before execution by the parties) and continue through September 30<sup>th</sup>, 2000.
- 2.4 **Compensation.** The Lessor has agreed to lease a 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 Lessee / 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: (Describe plans)
- 2.7 **Modification or termination provisions.** (Describe any such 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: (Describe, if any)

Watermaster District #16

William Ferber  
Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, Or. 97310

Watermaster: William Ferber Date: 9.14.2000

~IV.~

The Undersigned Lessor, Lessee / Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete.

Lessor: Ed Karam - Vice Chairman Date: 9-13-00

So ordered by Lessee / Trustee: [Signature] Date: SEP 14 2000  
for Director, Oregon Water Resources Department

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 all certificates, permits and decreed rights to be leased

Other Exhibits As Needed:

- Exhibit D: Detailed map illustrating lands under subject rights to be leased
- Exhibit E: Identification of public use to be served by instream use
- Exhibits F, etc:  
Information related to Optional Provisions, such as Additional Monitoring or Modifications or Termination of lease