

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

This Lease Agreement is between:

**Lessor #1:**

*Christensen Farms  
Don and Laura Christensen, authorized agents  
17215 SW Christensen Road  
McMinnville, Oregon 97128*

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

**Lessee/Trustee:**

Oregon Water Resources Department  
158 12th Street. NE  
Salem OR 97310  
(503)378-8455

~I.~

- 1.1 Lessor #1 is the owner, or authorized agent for owner (Exhibit A), of property highlighted in Exhibit B.
- 1.2 Not Applicable. There are no other lessors
- 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. 50648, 64561,47042, 47567, 22486, 19861, 16716  
Permit No. 42508, 47681,39059, 40860,19363, 17684, 15807
- 1.4 **Subject Water Rights.** Lessor proposes to lease all / a portion of the water rights listed in 1.3, above.

The rights to be leased are further described as follows:

A portion of Certificate No.:50648

Permit No. 42508

Source: South Yamhill, Tributary Yamhill River

Priority date: May 4, 1977 Type of use: irrigation

Place of use: 25.4 Acres SW1/4 NW1/4

10.6 Acres SE1/4 NW1/4

1.1 Acres NE1/4 SW1/4  
4.8 Acres NW1/4 SW1/4  
As Projected Within Payne DLC 73  
1.3 Acres Lot 5 ( NE1/4 SW1/4)  
2.3 Acres SW1/4 SW1/4  
As Projected Within Payne DLC 71  
Section 26

4.4 acres SE1/4 SE1/4  
As Projected Within Hampton DLC 71  
Section 27

22.0 acres NE1/4 NE1/4 71  
As Projected Within Hampton DLC 71  
Section 34

23.1 acres NW1/4 NW1/4  
As Projected Within Hampton DLC 71  
Section 35

Township 5 South, Range 5 West

Number of Acres: 95.0  
Rate: 1.19  
Duty: 237.5 Acre Feet  
Season of Use: April 1 through September 30  
Point(s) of Diversion (POD): Lot 5 (NE1/4 SW1/4 ), Section 26, NW1/4 NW1/4 as  
projected within Hampton DLC 71, Section 35, T5S, R5W, WM, POD# 1 - 1340 feet North and  
1540 feet East, POD# 2 - 330 feet South and 1160 feet East both from SW Corner, Section 26.  
Conditions or other limitations, if any: None

A Portion of Certificate No. 64561  
Permit No. 47681  
Source: South Yamhill, Tributary Yamhill River  
Priority Date: July 8, 1983  
Type of Use: Irrigation  
Place of Use: 4.8 Acres NW1/4 SW1/4  
0.7 Acres NW1/4 SW1/4  
19.8 Acres SW1/4 SW1/4  
Both As Projected Within DLC 71  
Section 26  
Township 5 South, Range 5 West  
19.8 Acres SW1/4 NE1/4  
23.5 Acres SE1/4 NE1/4  
36.9 Acres NE1/4 SE1/4  
All As Projected Within DLC 73

1.0 Acre NE1/4 SE1/4  
As Projected Within DLC 71  
2.8 Acres NW1/4 SE1/4  
As Projected Within DLC 73  
0.1 Acre NW1/4 SE1/4  
2.9 Acres SW1/4 SE1/4  
27.1 Acres SE1/4 SE1/4  
All as Projected Within DLC 71  
Section 27

15.4 Acres NE1/4 NE1/4  
3.6 Acres NW1/4 NE1/4  
0.2 Acre SW1/4 NE1/4  
5.8 Acres SE1/4 NE1/4  
All As Projected Within DLC 71  
5.1 Acres SE1/4 SW1/4  
7.8 Acres SW1/4 SE1/4  
Section 34

Township 5 South, Range 5 West, W.M.

Number of acres: 158.8

Rate: 1.97

Duty: 397.0

Season of Use: April 1 through September 30

Point of Diversion (POD): SW1/4 SW1/4, As Projected Within DLC 71, Section 26; NW1/4 NW1/4, As Projected Within DLC 71, Section 35 T 5 S, R 5 W, East, Both from the SW corner of Section 26.

Conditions or other limitations, if any: None

Certificate No: 47042

Permit No: 39059

Source: South Yamhill, tributary of Yamhill

Priority Date: May 7, 1974 for 0.3 cfs, June 3, 1974 for 0.55 cfs.

Type of Use: Irrigation

Place of Use: 16.4 Acres SE1/4 NE1/4

1.0 Acre NE1/4 SE1/4

Both as Projected Within Hampton DLC 71

Section 34

0.9 Acre NE1/4 NW1/4

2.5 Acres NW1/4 NW1/4

35.5 Acres SW1/4 NW1/4

2.7 Acres SE1/4 NW1/4

3.2 Acres NW1/4 SW1/4

All As Projected Within Hampton DLC 71

Section 35

T 5 South, R 5 West, W.M.

Number of Acres: 68.2  
Rate: 0.85  
Duty: 170.5  
Season of Use: April 1 through September 30  
Point of Diversion (POD ): Lot 1 ( NW1/4 SW1/4 ), Section 35, T 5 South, R 5  
West, W.M., 2100 feet North and 840 feet East from the SW corner, Section 35.  
Conditions or other limitations, if any: None

Certificate No: 47567  
Permit No:40860  
Source:South Yamhill, tributary of Yamhill River  
Priority Date: July 6, 1976  
Type of Use: Irrigation  
Place of Use: 5.9 Acres SW1/4 NE1/4  
12.4 Acres SE1/4 NW1/4  
32.0 Acres NE1/4 SW1/4  
6.5 Acres NW1/4 SE1/4  
All as Projected Within Hampton 71  
0.7 Acre NE1/4 SW1/4  
2.4 Acres SE1/4 SW1/4  
0.1 Acre NW1/4 SE1/4  
Section 34  
Township 5 South, Range 5 West, W.M.

Number of Acres: 60.0  
Rate: 0.75 cfs  
Duty: 150 Acre Feet  
Season of Use: April 1 through September 30  
Points of Diversion: SE1/4 SW1/4, Section 34, T 5 South, R 5 West, W.M.; 50  
feet South and 120 feet East from SW corner, Hampton DLC 71.  
Conditions or other limitations, if any: None

Certificate No: 22486  
Permit No: 19363  
Source: South Yamhill, tributary of Yamhill River  
Priority Date: March 31, 1950  
Type of Use: Irrigation  
Place of Use: 17.1 Acres SW1/4 NE1/4  
4.0 Acres SE1/4 NE1/4  
3.8 Acres NE1/4 SE1/4  
3.1 Acres NW1/4 SE1/4  
All as Projected Within Hampton DLC 71  
Section 34  
Township 5 South, Range 5 West, W.M.

Number of Acres: 28.0  
Rate: 0.35  
Duty: 70 Acre Feet  
Season of Use: April 1 through September 30  
Points of Diversion: Lot 2 ( SE1/4 SE1/4 ), Section 34, Township 5 South, Range  
5 West, W.M.

Conditions or other limitations, if any: None

Certificate No: 19861  
Permit No: 17684  
Source: South Yamhill, tributary of Yamhill River  
Priority Date: April 18, 1947  
Type of Use: Irrigation  
Place of Use: 5.0 Acres SW1/4 NE1/4  
                  10.6 Acres NE1/4 SE1/4  
                  14.4 Acres NW1/4 SE1/4  
All as Projected Within Jacob Hampton DLC 71  
                  Section 34  
                  Township 5 South, Range 5 West, W.M.

Number of Acres: 30.0  
Rate: 0.38  
Duty: 75.0 Acre Feet  
Season of Use: April 1 through September 30  
Points of Diversion: NW1/4 SE1/4, Section 34 & NW1/4 SW1/4, Section 35, as  
projected in Jacob Hampton DLC 71, Township 5 South, Range 5 West, W.M.  
Conditions or other limitations, if any: None

Certificate No: 16716  
Permit No: 15807  
Source: South Yamhill, tributary of Yamhill River  
Priority Date: May 4, 1944  
Type of Use: Irrigation  
Place of Use: 12.8 Acres SE1/4 NE1/4  
                  6.5 Acres NE1/4 SE1/4  
                                  Section 34  
                  1.1 Acres SW1/4 NW1/4  
                  9.6 Acres NW1/4 SW1/4  
                                  Section 35  
All as Projected Within Jacob Hampton DLC 71  
                  Township 5 South, Range 5 West, W.M.

Number of Acres: 30.0  
Rate: 0.38  
Duty: 75.0

Season of Use: April 1 through September 30  
Points of Diversion: NW1/4 SW1/4, as projected on Jacob Hampton DLC 71,  
Section 35, Township 5 South, Range 5 West, W.M.  
Conditions or other limitations, if any: None

- 1.5 **Validity of Rights.** Lessor #1 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.** 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 (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:

Certificate No: 50648

South Yamhill

Tributary to Yamhill River in the Willamette Basin

Location: The point of diversion (#1 Near River mile 28.0 and #2 Near River mile 28.75 ) described in section 1.4 above to Deer Creek near river mile 25.5.

Priority Date: May 4, 1977

Use: Described in 2.1 above

Number of Acres: 95.0 acres, being 51.8 ( leased ), 20.6 ( leased in an other lease ) and 22.6 acres ( irrigated )

Total Volume: 237.5 acre feet, being 129.5 acre feet ( leased ), 51.5 ( leased in an other lease ) and 56.5 acre feet ( irrigated )

Rate: 1.19 cfs, being 0.65 cfs ( leased ), 0.26 cfs ( leased in an other lease ) and 0.28 cfs ( irrigated )

Period of Use: July 1 through September 30

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

A Portion of Certificate No: 64561

South Yamhill

Tributary to Yamhill River in the Willamette River Basin

Location: The point of diversion ( Near River mile 28.0, #2 Near River mile 28.75 and #3 River mile 31.5) described in section 1.4 above to Deer Creek near river mile 25.5.

Priority Date: July 8, 1983

Use: Described in 2.1 above

Number of Acres: 158.8 acres, being 37.9 acres ( leased ) and 120.9 acres ( leased in an other lease )

Total Volume: 397.0 acre feet, being 94.75 ( leased ) and 302.25 acre feet ( leased in an other lease )

Rate: 1.97 cfs, being 0.47 cfs ( leased ) and 1.50 ( leased in an other lease )

Period of Use: July 1 through September 30

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

Certificate No: 47042

South Yamhill

Tributary to Yamhill River in the Willamette River Basin

Location: The point of diversion ( Near River mile 29.4) described in section 1.4 above to Deer Creek near river mile 25.5

Priority Date: May 7, 1974

Use: Described in 2.1 above

Number of Acres: 68.2 acres

Total Volume: 170.50 acre feet  
Rate: 0.85 cfs  
Period of Use: July 1 through September 30

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

Certificate No: 47567  
South Yamhill  
Tributary to Yamhill River in the Willamette River Basin  
Location: The point of diversion ( Near River mile 31.5 ) described in

section 1.4 above to Deer Creek near river mile 25.5

Priority Date: July 6, 1976  
Use: Described in 2.1 above  
Number of Acres: 60.0 acres  
Total Volume: 150.0 acre feet  
Rate: 0.75 cfs

Period of Use: July 1 through September 30

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

Certificate No: 22486  
South Yamhill  
Tributary to Yamhill River in the Willamette River Basin  
Location: The point of diversion ( Near River mile 31.5 ) described in

section 1.4 above to Deer Creek near river mile 25.5

Priority Date: March 31, 1950  
Use: Described in 2.1 above  
Number of Acres: 28.0 acres  
Total Volume: 70.0 acre feet  
Rate: 0.35 cfs

Period of Use: July 1 through September 30

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

Certificate No: 19861  
South Yamhill  
Tributary to Yamhill River in the Willamette River Basin  
Location: The point of diversion ( Near River mile 31.5 ) described in

section 1.4 above to Deer Creek near river mile 25.5

Priority Date: April 18, 1947



Use: Described in 2.1 above  
Number of Acres: 30.0 acres  
Total Volume: 75.0 acre feet  
Rate: 0.38 cfs  
Period of Use: July 1 through September 30

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

Certificate No: 16716  
South Yamhill  
Tributary to Yamhill River in the Willamette River Basin  
Location: The point of diversion ( Near River mile 28.75 ) described in section 1.4 above to Deer Creek near river mile 25.5

Priority Date: May 4, 1944  
Use: Described in 2.1 above  
Number of Acres: 30.0 acres  
Total Volume: 75.0 acre feet  
Rate: 0.38 cfs  
Period of Use: July 1 through September 30

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

- 2.3 **Term of lease.** This Lease shall commence on July 1, 1999 and continue through September 30, 1999
- 2.4 **Compensation.** The Lessor has agreed to lease a subject water right for the sum of \$1.00, 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.** None
- 2.7 **Modification or termination provisions.** None

~III~

3 **Watermaster review.** By signature below, the watermaster for the district where the subject water right is located verifies that; to the best of the Watermasters knowledge:

3.1 Lessor #1 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: Lessor must insure that none of the acres ( owned or leased ) shown in Exhibit D will receive water during the term of the lease and that the rate for the irrigated acres are not exceeded during the term of the lease.

Watermaster: William Ferber District 16  
9.9.1999

William Ferber  
Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, Or. 97310  
( 503 ) 378-8455 Phone  
( 503 )378-6203 Fax

Date:

~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 #1 Dan Christensen Date: 9-28-99

#2 \_\_\_\_\_ Date: \_\_\_\_\_

So ordered by Trustee: Michael D. Reed Date: 9-28-99  
Director, Oregon Water Resources Department