

Lease Agreement Number 102

Old Lease

Lease by Casino
\$1.5 - 50.0

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

This Lease Agreement is between:

Lessor #1:

Confederated Tribes of the Grand Ronde
9615 Grand Ronde Rd.
Grand Ronde, Or. 97347
(503) ~~897-2400~~ 879 99
1-800-422-0232

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

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 Lessor #2 is the (Check one) [If Agreement includes multiple lessors, complete same for each additional party.]:

- 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. 12351	Permit No. 11719
Certificate No. 10973	Permit No. 9838

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:

Certificate No.:12351

Permit No. 11719

Sources: Yamhill River Tributary of Willamette River

Priority date: 06/05/1935

Type of use: Irrigation

Place of use: 1.7 acres in the NE1/4, SW1/4

Section 8

Township 6 South, Range 7 West, WM.

Being within the William Kuykendall D. L. C. No. 57

3.5 acres in the NE1/4, SW1/4

0.3 acres in the SW1/4, NW1/4

Section 8

Township 6 South, Range 7 West, WM,

Being within Avery D. Babcock D. L. C. No. 58

Number of acres, if for irrigation: 5.5

Acre feet of storage: None

Rate: 0.15 cubic feet per second

Duty: 13.75 acre feet

Season of Use: April 1 through September 30

Point of Diversion (POD): SE1/4 NW1/4 of Section 8, Township 6 South, Range 7 West, WM. Being within Avery D. Babcock D. L. C. No. 58.

Conditions or other limitations, if any: None

Certificate No: 10973

Permit No: 9838

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 #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:
All of Certificate No. 12351
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 5, 1935
Use: Described in Section 2.1, above
Number of Acres: 5.5
Total volume: 13.75
Rate in cfs: 0.15
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.

All 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: The point of diversion (Near River mile 51.5) described in section 1.4 above to
Hwy # 22 Bridge river mile 50.0.
Number of Acres: 15.0
Total Volume: 37.5
Rate: 0.20
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 August 1, 1999

(not before execution by the parties) 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.** 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 #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: (Describe, if any)

Watermaster District #16

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

Watermaster: _____ 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: _____ Date: _____

Lessee: _____ Date: _____

So ordered by Trustee: _____ Date: _____

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