

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

This Lease Agreement is between:

Lessor #1:

*Mt. Hood Community College
26000 SE Stark Street
Gresham, Or. 97030
503-491-6997*

The water right to be leased is located in *Multnomah 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. 45796	Permit No. R-5058
Certificate No. 45797	Permit No. 32935

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. 45796

Permit No.:R-5058

Source: Kelley Creek a tributary of Beaver Creek

Priority date: October 31st, 1967

Type of use: irrigation

Place of use: SW1/4 NE1/4

SE1/4 NE1/4

Both as projected within Taylor DLC 59

Section 2

T. 1S., R.3E., W. M.

Number of acres, if for irrigation: 17.4 acres

Acre feet of storage: 10.2 acre feet

Duty: Not to exceed 10.2 Acre feet per irrigation season

Season of Use: Storage, Fill once per year not to exceed 10.2 acre feet per irrigation season

Point(s) of Diversion (POD): None

Conditions or other limitations, if any: None

The rights to be leased are further described as follows:

Certificate No. 45797

Permit No.:32935

Source: Kelley Creek and reservoir a tributary of Beaver Creek

Priority date: October 31st, 1967

Type of use: irrigation

Place of use: 1.3 acres NW1/4 SW1/4

As projected within Taylor DLC 59

Section 1

1.6 acres SE1/4 NE1/4

As projected within Lewellyn DLC 60

2.4 acres SE1/4 NE1/4

8.6 acres NE1/4 SE1/4

3.5 acres NW1/4 SE1/4

All projected within Taylor DLC 59

Section 2

T. 1S., R.3E., W. M.

Number of acres, if for irrigation: 17.4 acres

Rate: 0.21 cubic feet per second

Duty: 43.5 acre feet

Season of Use: March 1st through October 31st.

Point(s) of Diversion (POD): SE1/4 NE1/4, as projected within Taylor DLC 59, Section

2, T. 1 S., R. 3 E., W. M., 380 feet South and 980 feet East from the NW Corner, Taylor
DLC 59

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. 45796 / Permit No. R-5085
Reservoir constructed under Certificate No. 45796
Kelly Creek Tributary to Beaver Creek in the Sandy Basin.
Location: Point of diversion, approximately ½ mile upstream from mouth of Kelley
Creek
Priority date of: October 31, 1967
Use: Described in Section 2.1 above

Total Volume: 10.2 acre-feet

Period of use: Storage Fill once per year , not to exceed 10.2 acre feet per irrigation season

Conditions to prevent or mitigate injury, if any: None

Certificate No. 45797 / Permit No. 32935

Kelly Creek Reservoir constructed under Certificate No. 45796 Tributary to Beaver Creek in the Sandy Basin.

Location: The point of diversion (near river mile 3/4) described in Section 1.4 above to mouth of Kelly Creek.

Priority date of: October 31, 1967

Use: Described in Section 2.1 above

Total Volume: 43.5 acre-feet

Number of Acres: 17.4

Rate in cfs: 0.21 cubic feet per second

Season of use: April 1st trough September 30th

Point of Diversion (POD): SE1/4 NE1/4, as projected within Taylor DLC 59, Section 2, T. 1 S., R. 3 E., W. M., 380 feet South and 980 feet East from the NW Corner, Taylor DLC 59

Conditions to prevent or mitigate injury, if any: Store water Starting January 1st till 10.2 acre-foot level is reached. Let live flow pass from June 1st through June 30th, use irrigation until June 30th. Release stored water starting July 1st. Install staff plates in reservoir and outlet channel.

- 2.3 **Term of lease.** This Lease shall commence on March 1st , 2000 and continue through October 31st , 2000.
- 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: The lessor agrees to install a staff plate in both the reservoir and in outlet of reservoir so watermaster can regulate accordingly.

Watermaster District # 20
 Juno Pandian
 256 Warner-Mill Road
 Oregon City, Or. 97045
 503-657-6811

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: _____ Date: _____

So ordered by Trustee: _____ Date: _____
 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: