

cc: OWT
Watermaster
Special Order
Lease

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WATER RESOURCES DEPT.
SALEM, OREGON

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

Lease agreement # 82.

This Lease Agreement is between:

Lessor:

Mountain Grove Center for New Education
785 Barton Road
Glendale, OR 97442
(541) 830-3215-Phone

The water right to be leased is located in Douglas County.

Lessee:

Oregon Water Trust
111 SW Naito Parkway
Suite 404
Portland, OR 97204
(503) 226-9055-Phone
(503) 226-3480-Fax

Trustee

Oregon Water Resources Department
158 12th Street NE
Salem OR 97310
(503) 378-3739-Phone
(503) 378-2496-Fax

I.

- 1.1 Lessor is the owner (*Exhibit A*) of property highlighted in *Exhibit B*.
- 1.2 Section 1.2 is not applicable .
- 1.3 *Exhibit C* contains a copy of the certificated right attached to the property in *Exhibit B*.
The right is listed below as follows:

Certificate No. 75528
- 1.4 **Subject Water Rights.** Lessor proposes to lease a portion of the water right listed in 1.3, above.

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The right, of which a portion is to be leased, is further described as follows:

Water Right Identification No.: 75528
Source: Woodford Creek, Spring, and Unnamed Stream
Priority date: 1890
Type of use: Irrigation
Place of use: (map of irrigated lands is in *Exhibit D.*)

WOODFORD CREEK:

T 32S, R 5W, S29, NW ¼ SW ¼-0.8 acre
T 32S, R 5W, S29, SW ¼ SW ¼-2.4 acres
T 32S, R 5W, S30, NE ¼ SE ¼-13.6 acres (6.6 of which are to be leased)
T 32S, R 5W, S30, SE ¼ SE ¼-4.0 acres

SPRING:

T 32S, R 5W, S32, NW ¼ NW ¼-0.3 acre
T 32S, R 5W, S32, SW ¼ NW ¼-0.3 acre

UNNAMED STREAM:

T 32S, R 5W, S32, NE ¼ SW ¼-0.6 acre
Number of acres, if for irrigation: 22 acres (15 of which are to be leased)
Rate: 0.31 cfs (0.21 of which is to be leased)
Duty: None

Season of use: April 1-October 1

Point of Diversion (POD):

WOODFORD CREEK - NE ¼ SE ¼, SECTION 30, T 32 S, R 5 W, W.M.; 1320 FEET NORTH AND 940 FEET WEST FROM THE SE CORNER OF SECTION 30.

SPRING - SE ¼ NW ¼, SECTION 32, T 32 S, R 5 W, W.M.; 1320 FEET SOUTH AND 1580 FEET EAST FROM THE NW CORNER OF SECTION 32.

UNNAMED STREAM - NE ¼ SW ¼, SECTION 32, T 32 S, R 5 W, W.M.; 3550 FEET SOUTH AND 2450 FEET EAST FROM THE NW CORNER OF SECTION 32.

Conditions or other limitations, if any: None

- 1.5 **Validity of Rights.** Lessor attests that the subject portion of the water right to be leased is legally valid by having been beneficially used according to the terms of the right within the last five years immediately preceding the 1999 irrigation year and, if the right is for irrigation, on the subject portion of the lands indicated in *Exhibit D.*
- 1.6 **Lease.** Lessor agrees to lease the subject portion of the water right 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 portion of the water right and under any water right that is supplemental to the subject portion of the water right.

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- 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:

specific uses and needs identified in *Exhibit E* as signed off by ODFW.

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

No. 75528

Woodford Creek, Spring, and Unnamed Stream, tributary to Cow Creek in the Umpqua Basin

Location: POD's to mouth of Woodford Creek

Priority date: 1890

Use: Described in Section 2.1, above

Total volume: None

Rate in cfs: 0.31 cfs (0.21 cfs of which is to be leased)

Period of use: April 1-October 1

Conditions to prevent or mitigate injury, if any: None

- 2.3 **Term of lease.** This Lease shall commence on April 1, 1999 (not before execution by the parties) and continue through October 1, 2000.

- 2.4 **Compensation.** Lessor has agreed to lease the subject portion of the water right herein to the Oregon Water Trust for cash and other considerations and for the benefit of the people 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.** Lessee intends to manage and participate in the protection of the instream use by: possibly collecting information for calculating stream discharge.
- 2.7 **Modification or termination provisions.** None

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III.

- 3 **Watermaster review.** By signature below, the watermaster for the district where the subject portion of the water right is located verifies that:
- 3.1 Lessor is currently entitled to appropriate water under subject portion of the water right described in Section 1.4.
- 3.2 A suitable control is in place so that WRD staff may regulate use of water under the subject portion of the right to ensure water is not diverted or applied on lands to which subject portion of the 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: None

Watermaster:
Dave Williams

District: 15

Field Operations, WRD
1036 SE Douglas, Room 306
Roseburg, OR 97470
(541) 440-4255-Phone
(541) 440-6264-Fax

Date: 5-24-99

IV.

The Undersigned Lessor, 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: 5/3/99

Lessee:

Date:

May 11 1999

So ordered by Trustee:

Date:

6/25-99

Director, Oregon Water Resources Department

Effective Date of Lease Agreement: