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Lease Agreement No. 9727.02

WATER RESOURCES DEPT.  
SALEM, OREGON

## SHORT TERM WATER RIGHT LEASE AGREEMENT

(Leases of Existing Water Rights For In-stream Use)

This LEASE AGREEMENT is made between:

**(Lessor(s) #1)(name, address and phone #),**

Willamette Industries, Inc.  
2730 Pacific Blvd, S.E.  
P.O. Box 907  
Albany, Or. 97321

and

**(Lessee) / (Trustee)**

Oregon Water Resources Department  
158 12th Street NE  
Salem, OR 97310  
378-8455

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

I.

1.1 Lessor(s) #1 is/are the owner(s) or authorized agent for the owner(*Exhibit A*), of property shown 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 described as follows:  
Certificate/Permit # No. 47185

**1.4 Subject Water Rights.** Lessor proposes to lease all of the water right listed in 1.3, above.

The right to be leased is further described as follows:

Water Right Identification #: C - 47185  
Source: South Santiam River  
Priority date of: April 29, 1976

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Type of use: Manufacturing  
Place of use: (*Exhibit D*, if applicable)

NE1/4 - SE1/4  
Section 28  
As projected within W. Pickins DLC 43  
Township 13 South, Range 1 East, W.M.

Rate: 0.25 Cubic Foot per Second  
Duty: None  
Season: Year Long

Point(s) of diversion (POD): NW 1/4 - NW1/4 Section 28, T. 13 S., R. 1 E.,  
W.M.  
Conditions or other limitations, if any: None

- 1.5 Validity of the Rights.** Lessor attests that the subject water right is legally by having been used beneficially used according to the terms of the right within the last five years, if the right is for irrigation, on all lands identified in *Exhibit D*.
- 1.6 Lease.** Lessor agrees to lease the water right(s) 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 Suspending the original use.** During the period of the lease the owner agrees to suspend the use of water under the original right, or the portion of the right that is leased, and any supplemental right for the same use on the same property.
- 1.8 Water use Reporting.** The Trustee agrees to fulfill legal obligations related to water use reporting.

II.

- 2.1 Public Use:** The amount, timing and location of the in-stream use provided for under this lease will serve public uses (s) as indicated by: (check one)
- deficiencies in the water supply for an instream water right # C -  
unsatisfied needs identified in an application for an instream water right or  
Diack flow,  
 specific uses and needs identified in *Exhibit E* as signed off by ODFW,  
PARKS, or DEQ.

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another specified piece of evidence in *Exhibit E*, such as, a statement signed by the lessee, or some other person, 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 the Lease.** Described as follows:

South Santiam River

Tributary to: Santiam River

Location : SW 1/4 - NW 1/4, Section 28, T. 12 S., R. 1 W., W.M.

[Identify the applicable point or reach(s) of \_\_\_\_\_ the instream right  
by river mile, description, or map]

Use is described in section 2.1, above

Total Volume \_\_\_\_\_

Rate(s) (cfs) 0.25 CFS

Period of Use: Year Round

Date of priority: April 29, 1976

Conditions to prevent or mitigate injury (if any): Maximum rate not used to ensure duty limitation is not exceeded.

**2.3 Term of the lease.** This Lease shall commence on August 15, 1997 (Not before the date of final execution by all parties) and continue through: December 31, 1998.

**2.4 Compensation.** The sum of \$ 1.00 and other valuable considerations.

**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 that the water is delivered to the point of diversion, and through the reach past downstream users so long as flow is sufficient to meet the demands under this date of priority. No party is required to continuously measure the flow of the river/stream described in Paragraph 2.2.

**2.6 Additional Monitoring.** The lessee intends to manage and participate in the protection of the in-stream right as follows: [optional]

**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 the following:

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- 3.1 The Lessor is currently entitled to appropriate water under the water right described in Paragraph 1.4.
- 3.2 A suitable control device is/will be in place so 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 the water described in Paragraph 2.2 during the term of this lease is not reasonably expected to cause injury to other rights for use of water from the same source.
- 3.4 Necessary conditions to the proposed instream use:

Watermaster: Leard McQuinn (District 2)

Date: 8/4/1997

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: J. Edward Henricks Date: 8/8 1997 J. Edward Henricks

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_ 19\_\_\_\_

So ordered by Trustee: Monetta Pugh Date: 9/25 1997  
(Director, Oregon Water Resources Department)

Effective Date: \_\_\_\_\_ 19\_\_\_\_

**List of Exhibits:**

- Exhibit A - Power of Attorney Documentation (copy of property deed)
- Exhibit B - Map of lessors property
- Exhibit C - Copies of all certificates, permits and decreed rights attached to the property shown in Exhibit B
- Exhibit D - Detailed map showing lands irrigated by subject right
- Exhibit E - Identification of Public Use(s) Being Served
- Exhibit F, etc. - Optional Information Pertaining to Monitoring, Reporting, and Termination of the Lease