

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

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WATER RESOURCES DEPT.
SALEM, OREGON

This Lease Agreement is between:

Lessor:

City of Myrtle Creek
P.O. Box 940
Myrtle Creek, OR 97457

Phone: 541-863-3171 (office)

Lessee: State of Oregon

Trustee:

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

I.

- 1.1 Lessor is the owner of property highlighted in *Exhibit B*.
- 1.2 Exhibit C contains copies of all certificates, decreed or permitted rights attached to the property in *Exhibit B*. Those rights are listed below as follows :
- | | |
|--------------------------------|-------------------------|
| Certificate No. <u>1375</u> , | Permit No. <u>1753</u> |
| Certificate No. <u>14223</u> , | Permit No. <u>13637</u> |
| Certificate No. <u>22954</u> , | Permit No. <u>21032</u> |
| Certificate No. <u>45919</u> , | Permit No. <u>39035</u> |
| Certificate No. <u>65826</u> , | Permit No. <u>45073</u> |
| Certificate No. <u>51766</u> , | Permit No. <u>38433</u> |

- 1.2.1 **Subject Water Rights.** Lessor proposes to lease those portions of the water rights listed in 1.2, above.

The rights to be leased are further described as follows:

Water Right Identification No.:	Appln. No.	<u>3177</u>
	Permit No.	<u>1753</u>
	Certificate No.	<u>1375</u>

Priority date: 9/9/13
Type of use: Irrigation
Place of use: Sec. 27, T 29 S, R 5 W
(As shown on map of irrigated lands in *EXHIBIT B.*)
Number of acres, for irrigation: 0.2 acres
Rate: 0.010 cfs
Duty: 2.5 af/ac per season
Season of Use: March 1 through October 31
Point of Diversion. (POD): NE 1/4 NE/1/4 Sec 34, T 29 S, R 5 W
Record POD.

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Water Right Identification No.:
Appln. No. 17595
Permit No. 13637
Certificate No. 14223

Priority date: 4/29/39
Type of use: Irrigation
Place of use: Sec. 27, T 29 S, R 5 W
(As shown on map of irrigated lands in *EXHIBIT B.*)
Number of acres, for irrigation: 7.8 acres
Rate: 0.040 cfs
Duty: 2.5 af/ac per season
Season of Use: March 1 through October 31
Point of Diversion. (POD): SW1/4 SE/1/4 Sec 27, T 29 S, R 5 W

Water Right Identification No.:
Appln. No. 26766
Permit No. 21032
Certificate No. 22954

Priority date: 1/7/52
Type of use: Irrigation
Place of use: Sec. 27, T 29 S, R 5 W
(As shown on map of irrigated lands in *EXHIBIT B.*)
Number of acres, for irrigation: 10.4 acres
Rate: 0.054 cfs
Duty: 2.5 af/ac per season
Season of Use: March 1 through October 31
Point of Diversion. (POD): NW1/4 NE/1/4 Sec 27, T 29 S, R 5 W

Water Right Identification No.:
Appln. No. 52200
Permit No. 39305
Certificate No. 45919

Priority date: 11/20/74
Type of use: Irrigation
Place of use: Sec. 27 & 26, T 29 S, R 5 W

(As shown on map of irrigated lands in *EXHIBIT B* .)

Number of acres, for irrigation: 7.2 acres
 Rate: 0.038 cfs
 Duty: 2.5 af/ac per season
 Season of Use: March 1 through October 31
 Point of Diversion. (POD): SW1/4 SW/1/4 Sec 26, T 29 S, R 5 W
SE1/4 SE/1/4 Sec 27, T 29 S, R 5 W

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Water Right Identification No.:
 Appln. No. 60024
 Permit No. 45073
 Certificate No. 65826

Priority date: 4/11/80
 Type of use: Irrigation
 Place of use: Sec. 27, T 29 S, R 5 W

(As shown on map of irrigated lands in *EXHIBIT B* .)

Number of acres, for irrigation: 15.0 acres
 Rate: 0.077 cfs
 Duty: 2.5 af/ac per season
 Season of Use: March 1 through October 31
 Point of Diversion. (POD): SE1/4 SE/1/4 Sec 27, T 29 S, R 5 W

Water Right Identification No.:
 Appln. No. 50905
 Permit No. 38433
 Certificate No. 51766

Priority date: 1/30/74
 Type of use: Irrigation, Domestic & Stock
 Place of use: Sec. 27 & 34, T 29 S, R 5 W

(As shown on map of irrigated lands in *EXHIBIT B* .)

Number of acres, for irrigation: 12.0 acres
 Rate: 0.04 cfs for irrigation
 Rate: 0.005 cfs for domestic
 Rate: 0.005 cfs for stock water
 Duty: 2.5 af/ac per season
 Season of Use: March 1 through October 31 for
irrigation
 Point of Diversion. (POD): SW1/4 SE/1/4 Sec 27, T 29 S, R 5 W

1.2.2 **Validity of Rights.** Lessor attests that the subject water rights are legally valid by having been beneficially used according to the terms of the rights within the last five years and on all lands indicated in *EXHIBIT B*.

1.3 **Lease.** All Lessors agree to lease the water rights listed in 1.2.1 for in stream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department,

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1.4 The amount, timing and location of the in stream use provided for under this lease will be stated in the lease with specific public uses by leaving water in the stream for fishery enhancement and ecological values.

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II.

THE PARTIES AGREE AS FOLLOWS:

2.1 **Lease.** Lessor agrees to lease through lessee to holder, the water right listed in 1.2.1 for use as an in stream water right during the term of this agreement. The general nature of the compensation is \$ 1.00 and other valuable considerations for the people of the State of Oregon.

2.2 **The In stream Right Created by the Lease.**

Described as follows:

South Myrtle Creek, tributary of Myrtle Creek, in the Umpqua River Basin

Location: T 29 S, R 5 W, Douglas County

River mile 0.0 to 1.5

Use: Described in 1.4

Total Volume: 131.5 Acre-Feet

Total Rate: 0.259 cfs for irrigation, 0.005 for domestic, and 0.005 for stock water.

Period of Use: March 1 through October 31 for irrigation rights, year around for domestic and stock.

Rate and Date of Priority: 0.01 cfs, 9/9/13; 0.040 cfs, 4/29/39; 0.054 cfs, 1/7/52; 0.038 cfs, 11/20/74; 0.077 cfs, 4/11/80; 0.05 cfs, 1/30/74.

2.3 **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water under the portion of the original right that is leased and any supplemental right for the same use on the same property.

2.4 **Term.** This Lease shall commence on March 1, 1997 (or no sooner than its execution by the parties) and shall continue thereafter through October 31, 1998.

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 demands under this date of priority. No party is required to continuously measure the flow of the waterway described in Section 2.2.

2.6 **Termination Provisions.** At the option of the lessor, this lease can be terminated and would occur prior to or after an irrigation season.

2.7 **Watermaster review.** By signature below, the Watermaster for the District where the reach of the river described in Paragraph 1.2 is located verifies the following:

2.7.1 Lessor is currently entitled to appropriate water under the water rights described in Section 1.4.

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- 2.7.2 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.
- 2.7.3 Allocation of water described in Paragraph 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.

Watermaster: Gary L. Ball District: 15 Date: 1/14/97
 Gary L. Ball

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:

City of Myrtle Creek

Joseph G. Wolf Date: 1/15/97
 City Administrator Joseph G. Wolf

So ordered by Trustee:

Martha O. Pagel Date: 3/10/97
 Martha O. Pagel
 Director, Oregon Water Resources Department

Effective Date of Lease Agreement: _____

Exhibits:

- Exhibit B: Map of Lessor's property. and detailed map illustrating lands irrigated by subject rights
- Exhibit C: Proof of property ownership (copy of property deed and tax lot map)
- Exhibit D: Copies of all certificates, permits and decreed rights attached to property shown in Exhibit B