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WATER RESOURCES DEPARTMENT
SALEM, OREGON

WATER RIGHT LEASE AGREEMENT

This LEASE AGREEMENT is made this 25 day of July, 1994,
between STANTON M. ARNOLD, JR. and

(Lessor(s)) and
the Oregon Water Resources Department (Lessee).

[Where the water right is held by an irrigation district, the district and the end water user are co-lessors.]

I.

1.1 Lessor is the owner of certain real property in Section 35,
T. 39 N/S, R. 8 E/W, JOSEPHINE County, described
in Exhibit A. [Attach Deed or other legal description.]

1.2 The following water right(s) is/are appurtenant to said
Property: [Use applicable document.]

Certificate No. 7126, Exhibit B.

Permit No. 30550, Exhibit B.

Page 30 SUCKER CREEK Decree, Exhibit B.

[Attach a statement verifying that water has been used within the
past five years according to the terms and conditions of the
certificate or permit.]

1.3 Pursuant to the provisions of ORS 537.348(2), Lessee desires
to lease water to increase the instream flow of the
following described river/stream:

SUCKER CREEK River (Stream)

From mile 2.6 to 2.6.

[Identify the river or stream and any applicable reach of the stream
by river mile.]

1.4 The following public uses will be served by the increased instream flow made available under this Lease: Maintenance and enhancement of fish and wildlife and their habitats

[For examples, see the list of public uses in 537.336 - one or more may be listed.]

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II.

IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN,
THE PARTIES AGREE AS FOLLOWS:

2.1 Lease. Lessor leases to Lessee the following water right for use as an instream water right (if different than the water right described in Paragraph 1.2):

Certificate No. 7126, Exhibit C.
Permit No. 30550, Exhibit C.
Page 30 SUCKER CREEK Decree, Exhibit C.
Priority Date 1857
Rate (cfs) .3
Duty (acre feet/season) _____
Period of Use April 1 - October 31
Point of Diversion NW 1/4, SE 1/4, Sec 31, T. 39s R 7w
[Described by 1/4-1/4 Sec., T.R. at the point where water is diverted from the natural water stream or reservoir.]
Place of Use: Quarter/Quarter NE 1/4, SE 1/4, Sec. 35,
Township 39, Range, 8

[Add additional sheets or attach legal if necessary.]

2.2 Term. This Lease shall commence upon its execution by the parties and shall continue thereafter for a period of one year(s) unless terminated as provided herein.

[Five years maximum term without complying with ORS 540.505-578.]

2.4 Termination. Either party may terminate this Lease upon 30 days' written notice; provided, however, this Lease may not be terminated during any irrigation season in which the lease is effective during a portion of such season.

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2.5 Flow Protection. Lessor will not divert or use the water described in Paragraph 2.1 during the Term of this Lease. Neither party is required to measure the flow of the river/stream described in Paragraph 1.3. During the term of this Lease, Lessee will regulate all water rights for use of water from the river/stream described in Paragraph 1.3 according to the relative priority dates of such rights. The water right described in Paragraph 2.1, which is subject to this Lease, will be regulated along with all other rights for use of water from the river/stream described in Paragraph 1.3 in accordance with its relative priority date.

2.6 Watermaster Review. The Watermaster for the District where the reach of the river/stream described in Paragraph 1.3 is located shall review this Lease to verify the following:

- 2.6.1 _____ The Lessor is currently entitled to appropriate water under the water right described in Paragraph 2.1.
- 2.6.2 _____ A suitable control device is in place so that use of water under the right described in Paragraph 2.1 may be regulated to insure that said water will not be diverted or otherwise withdrawn from the stream/river described in Paragraph 1.3
- 2.6.3 _____ Allocation of the water described in Paragraph 2.1 during the term of this lease will not cause injury to other rights for use of water from the same source.

Watermaster: *Bruce R. Smith* (District 14)

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THE UNDERSIGNED LESSOR DECLARES THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF THE INFORMATION CONTAINED IN THIS LEASE IS TRUE, CORRECT AND COMPLETE.

Lessor: Stanton M. Cress
[Holder of the water right described in Paragraph 2.1]

Lessor: _____
[Owner of the land described in Paragraph 1.1 if different than holder of the water right.]

Lessee: Martha V. Pugh
[Oregon Water Resources Department]

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