

Lease Agreement No.: 9607.03

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WATER RESOURCES DEPT.  
SALEM, OREGON

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

This Lease Agreement is between:

**Lessor:**

Stan Arnold  
P.O. Box 1251  
Cave Junction, OR 97523  
(541) 592-2414-Phone

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

**Lessee/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. 30550

- 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 LEASE AGREEMENT

Water Right Identification No.: 30550  
Priority date: 1857  
Type of use: Irrigation  
Place of use: (map of irrigated lands is in *Exhibit D.*)  
T 39S, R 8W, S 35, NE¼, SE¼  
Number of acres, if for irrigation: 13  
Rate: 0.26 cfs  
Duty: None  
Season of use: April 1 to October 31  
Point of diversion (POD): T 39S, R 7W, S 31, NW¼, SE¼  
Conditions or other limitations, if any: None

- 1.5 **Validity of Rights.** Lessor attests that the subject water right is legally valid by having been beneficially used according to the terms of the right within the last five years and, if the right is for irrigation, on all lands indicated in *Exhibit D.*
- 1.6 **Lease.** Lessor agrees to lease the water right listed in 1.4 for instream use for the term of this Agreement 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 right and under any water right that is supplemental to the subject water right.
- 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. 30550  
Sucker Creek, tributary to East Fork Illinois River in the Rogue Basin  
Location: Point at RM 2.6  
Priority date: 1857  
Use: Described in Section 2.1, above

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Total volume: None  
Rate: 0.26 cfs  
Period of use: April 1 to October 31  
Conditions to prevent or mitigate injury, if any: None

- 2.3 **Term of lease.** This Lease shall commence on April 1, 1996 (not before the date of final execution by the parties) and continue through October 31, 1997.
- 2.4 **Compensation.** Lessor has agreed to lease the water right 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, 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.** None
- 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 that:
- 3.1 Lessor is currently entitled to appropriate water under 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 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: None

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Watermaster: District:  
Bruce Sund *Bruce H. Sund #*  
Field Operations Division  
101 NW "A" Street  
Grants Pass, OR 97526  
(541) 474-5385-Phone  
(541) 474-5389-Fax

Date: *4-22-96*

IV.

The Undersigned Lessor and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete.

Lessor: *Stan Conrad Jr* Date: *2.16.96*

So ordered by Trustee: *Martha D. [Signature]* Date: *5/31/96*  
Director, Oregon Water Resources Department

Effective Date of Lease Agreement: *5-31-96*

Exhibits: A through D are on record with OWRD. E is attached.

- Exhibit A: Proof of property ownership
- Exhibit B: Map of Lessor's property
- Exhibit C: Copy of certificate attached to property shown in Exhibit B
- Exhibit D: Detailed map illustrating lands irrigated by subject right
- Exhibit E: Identification of public use to be served by instream use