

Lease Agreement No.:

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

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MAR - 8 1996
WATER RESOURCES DEPT.
SALEM, OREGON

This Lease Agreement is between:

Lessor:

Dawson Ranch
c/o Jeff Dawson
64213 E. Grover P.R. NE
West Richland, WA 99353
(509) 946-2105-Phone
(509) 946-2141-Fax

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

Lessee:

Oregon Water Trust
111 SW Front Avenue
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. 8860

- 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 No.: 8860

Source: Crow Creek

Priority date: December 20, 1919

Type of use: Irrigation

Place of use: (map of irrigated lands is in *Exhibit D.*)

T 1N, R 45E, S 1, NW¼, NE¼, 8 acres

T 1N, R 45E, S 1, SW¼, NE¼, 10 acres

T 1N, R 45E, S 1, NW¼, SE¼, 9 acres

T 1N, R 45E, S 1, SW¼, SE¼, 5 acres

Number of acres, if for irrigation: 32 acres

Acre-feet of storage: None

Rate: 0.4 cfs

Duty: None

Season of use: March 1-October 31

Point of Diversion (POD):

S. 71° 44' E. 786 ft. from the N.W. Cor. of the NE¼ of Sec. 12, Tp. 1 N., R. 45 E., W.M., being within the NW¼ NE ¼ of said Sec. 12, in Wallowa County.

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 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 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:

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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. 8860

Crow Creek, tributary to Joseph Creek in the Grande Ronde Basin

Location: RM 10 to mouth of Crow Creek

Priority date: December 20, 1919

Use: Described in Section 2.1, above

Total volume: None

Rate: .4 cfs

Period of use: March 1-October 31

Conditions to prevent or mitigate injury, if any: None

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- 2.3 **Term of lease.** This Lease shall commence on March 1, 1996 (not before the date of final execution by the parties) and continue through October 31, 1996.
- 2.4 **Compensation.** Lessor has agreed to lease the water right herein to the Oregon Water Trust in exchange for hay.
- 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.

- AP 5/14/96
5/14/96
5-26-96
DISMAY 96
RNL 5-22-96
- 2.6 **Additional monitoring.** Lessor is required to have a gaging station installed at, or near ~~slightly above~~, the authorized point of diversion for certificate 8860. The Bureau of Reclamation will supply the station and instrumentation. Station installed 3-21-96 - 3-26-96
- 2.7 **Modification or termination provisions.** None RNL 5-22-96
- AP 5/14/96
5/14/96
5/14/96
5/14/96
DISMAY 96

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

Watermaster: *Richard N Lusk* District: *# 6*
Rick Lusk
Field Operations, WRD
10507 N. McAlister
La Grande, OR 97850
(541) 963-1031-Phone
(541) 963-9637-Fax

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Date: *3-21-96*

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: *Jeff J. Dawson* Date: *March 3, 1996*
13 MAR 96

Lessee: *Andrew Purkey* Date: *7 March 1996*

So ordered by Trustee: *G. H. Hylleberg (for)* Date: *5/10/96*
Director, Oregon Water Resources Department

Effective Date of Lease Agreement: *5/10/96*

Exhibits:

- Exhibit A: Proof of property ownership (copy of property deed)
Exhibit B: Map of Lessor's property
Exhibit C: Copies of all certificates, permits and decreed rights 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