

73

Lease Agreement Number 9902.01

STATE OF OREGON
WATER RESOURCES DEPARTMENT

Short-Term Water Right Lease Agreement
for Lease of Existing Water Rights Within an Irrigation District
in the Deschutes Basin for Instream Use

This Lease Agreement is between the Central Oregon Irrigation District (lessor), and Oregon Water Resources Department(lessee and trustee).

- 1.1 Lessor (the Irrigation District) is authorized by the property owners identified in Exhibit "G" to lease the identified portions of their water rights to the Water Resources Department (lessee and trustee) for instream flow purposes during the 1999 and 2000 irrigation seasons. The irrigation season extends from April 1 to October 31.
- 1.2 List water right certificates, permits, or transfers eligible for transfer, that are affected by this lease:

Certificate No. 29052 Permit No. _____ Transfer No. _____

Source: Deschutes River & Crane Prairie Reservoir

Priority date(s) 10-31-1900/12-02-1907
- 1.3 Lessor proposes to lease those portions of the rights identified in 1.2, as listed in Exhibit "G" to instream purposes.
- 1.4 Lessor attests that the subject water rights are legally valid rights of record and have been beneficially exercised within the last five years on the lands identified in Exhibit "G".
- 1.5 During the period of this lease, the Irrigation District agrees that water for the lands identified in Exhibit "G" shall be neither diverted nor delivered.
- 1.6 The Trustee agrees to fulfill legal obligations related to water use reporting on instream water rights.
- 2.1 Purpose of Lease. The public use served by the amount, timing and location of the instream use provided for under this lease is mitigation of a deficiency in water supply identified in Instream Water Right Application 70695, located from the North Canal Dam (at Bend) to Round Butte Dam (Lake Billy Chinook).

2.2 Instream Use created by this lease:

For a maximum instream flow of .042 cubic feet per second and total volume of 12.8 acre feet in the Deschutes River from the North Canal Dam to Lake Billy Chinook during the 1999 and 2000 irrigation seasons, from April 1 to October 31.

3.0 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation, to assure the water is delivered to and through the reach identified.

4.0 Watermaster Review. By signature below, the Watermaster for the Deschutes Basin verifies that the rights identified in Exhibit "G" are entitled to appropriate water under the rights listed in 1.2, and that during the term of this lease, use of said water for instream flow purposes is not reasonably expected to cause injury to other rights to use water from the Deschutes River.

Watermaster: Tyle Brown Watermaster District 11
Date: 2-4-99

I, Ben Steh, Manager of the Central Oregon Irrigation District, declare that, to the best of my knowledge and belief, the information contained in this lease is true, correct and complete.

Ben Steh Date 1-25-99
Manager

Marta Page Date 5/6/99
Trustee - Oregon Water Resources Dept.

Lease Agreement Number 9902.01

EXHIBIT G

STATE OF OREGON
WATER RESOURCES DEPARTMENT

Short-Term Water Right Lease Agreement
for Lease of Existing Water Rights Within an Irrigation District
in the Deschutes for Instream Use

Agreement by an individual property owner within an irrigation district to temporarily lease all, or a portion, of their water right for instream flow purposes.

Irrigation District: Central Oregon Irrigation District

Water right permit or certificate number: 29052

Number of irrigated acres being leased: 2.51

Irrigation seasons for which lease will be in force: 1999 & 2000

Necessary attachments:

- 1. Copy of deed of affected property
- 2. Tax lot map (8 1/2" x 11" will suffice), with affected tax lots highlighted
- 3. Copy of water right map showing acres to be leased, initiated by owner

Cheryl L. Elards
Richard H. Elards owner of the above described land and water right,
agree that the portion of my water right identified above shall be used for instream flow
purposes in the Deschutes River, from Bend to Lake Billy Chinook, for the irrigation
seasons identified above, I will not irrigate the above listed acres.