

Lease Agreement Number (assigned by WRD): L-566

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

**Short-Term Water Right Lease Agreement
Pursuant to ORS 537.348(2) and OAR 690-077-0077
for
Leases of Existing Water Rights for Instream Use**

This Lease Agreement is between:

Lessor #1:

(Name) Tom Finegan
(Mailing address) 18650 Fall City Road
(City, State, Zip Code) Dallas Oregon 97338
(Telephone number) 503 787 3720



Lessor#2, 3, etc.

The water right to be leased is located in Polk County

Lessee (if different than Oregon Water Resources Department):

(Name) Not Applicable
(Mailing address) _____
(City, State, Zip Code) _____
(Telephone number) _____

Trustee:

Oregon Water Resources Department
158 12th Street NE
Salem OR 97301
(503) 378-8455

~I~

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 8 S, Range 6 W, Section 22 and Tax Lot number 1400. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.2 Lessor #2 is the (Check one):
 - Not applicable
 - Official representative of _____, the irrigation district which conveys water to the subject water rights.
 - Another party with an interest in the subject water rights representing _____.

- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 11898, 26557, 26556

Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

- 1.4 **Subject Water Rights.** Lessor proposes to lease the water rights listed in 1.3.

The right(s) to be leased are further described as follows:

Certificate No.: 11898, 26557, 26556

Priority date: 12/16/1937, 08/26/1960, 09/21/1948 Type of use: irr

Legal Season of Use: April 1 to October 31

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T 8 S, R 6 W, Section 22, NE¹/₄ NW¹/₄ - ^{3.0}~~1.00~~ acres to be leased
Enter additional places of use here, using format above:

From Cert. # 26557

T8S, R6W, Section 22, NE1/4 SW1/4 - ^{2.0}~~2.0~~ acres to be leased from
Cert. # 26557

*1.0 SWSE
C-26556*

T8S, R6W, Section 22, SE1/4 SW1/4 - ^{4.0}~~5.0~~ acres to be leased from
Cert. # 26556

T8S, R6W, Section 22, SW1/4 SE1/4 - 3.0 acres to be leased from
Cert. # 11898

~~T8S, R6W, Section 22, SE1/4 SW1/4 - 0.9 acres to be leased from~~
~~Cert. # 11898~~

Page _ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 11.9 ^{11.0}

Acre-feet of storage, if applicable: _____

Total rate associated with leased rights (cfs): 0.14

(Use additional lines if there is more than one rate associated with the water right.)

Total duty associated with leased rights (AF): 29.75

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the additional water rights form.

- 1.5 **Validity of Rights.** Lessor(s) attests (mark one) that:

- the water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- the water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not

subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~

2.1 Public Use. This lease will increase streamflows which will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

2.2 Instream use created by lease. The instream use to be created is described as follows:

Waymire Creek and Little Luckiamute River
Tributary to Little Luckiamute in the Willamette Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease will be processed to be protected at the point of diversion): POD to Mouth of Little Luckiamute

Total volume in acre-feet: 29.75

Rate in cfs: 0.14

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from _____ through _____.
- Other (describe): _____

If you need to enter more instream uses, please use the additional water rights form.

2.3 Term of lease. This lease shall terminate on October 31, 2008.

2.4 Compensation. The Lessor has agreed to lease subject water right for the sum of \$1.00, or other valuable considerations and for the benefit of the state of Oregon.

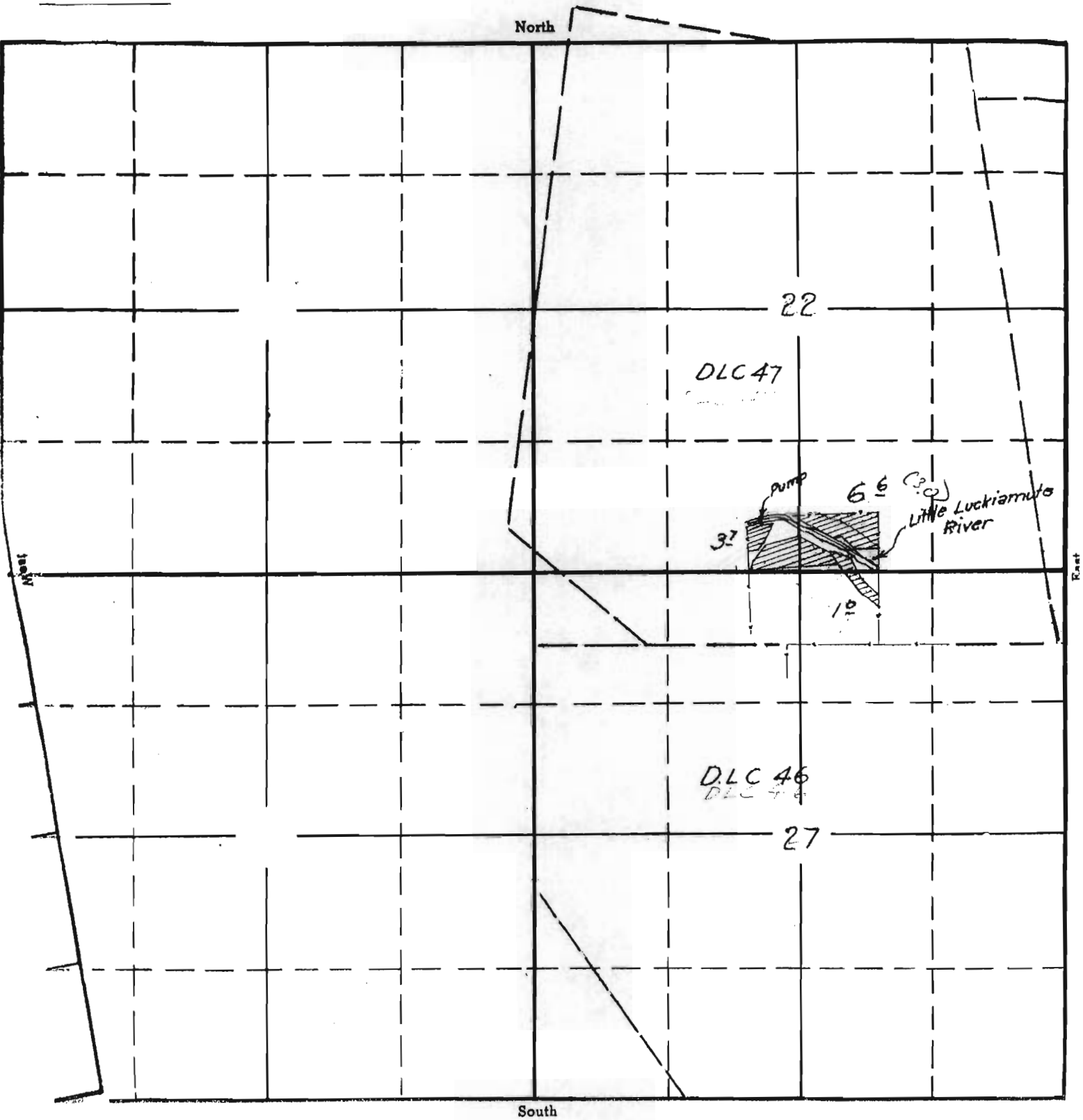
2.5 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

2.6 Termination provision.

- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised, with 30 day written notice to the Department.

SECTION

TOWNSHIP 8 S., RANGE 6 W., W. M.



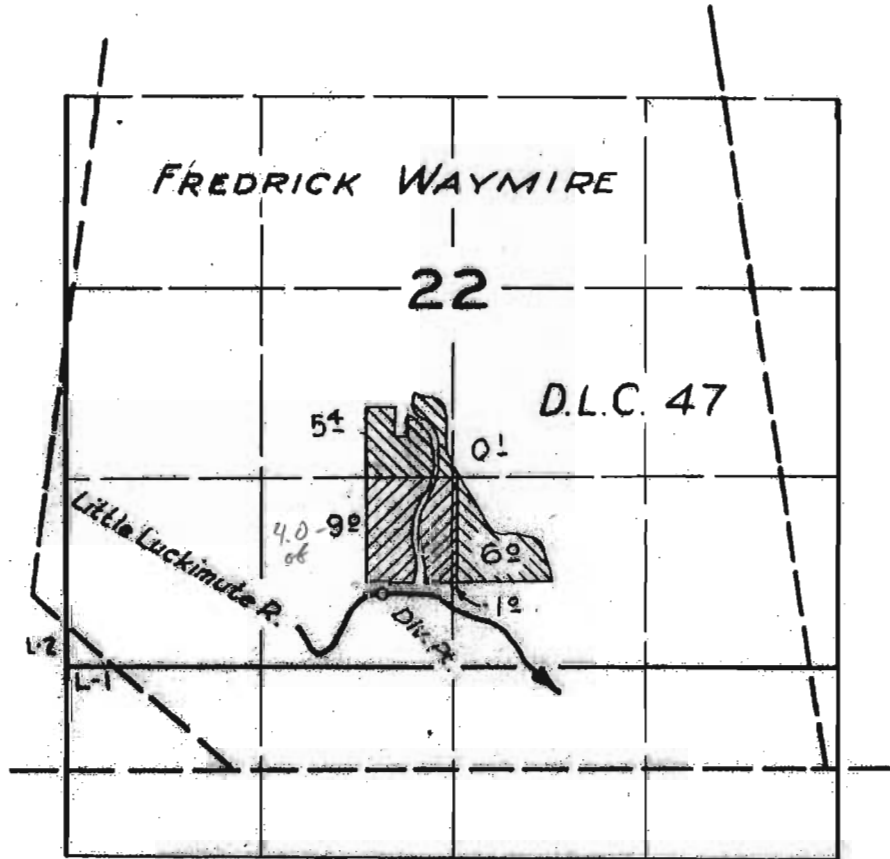
APPLICATION No. 15063

PERMIT No. 10969

filed with proof

certificate 11898

T 8 S R 6 W W M



23433
25183

26556
26557

FINAL PROOF SURVEY
UNDER

Application No. 23433 18496
25183 Permit No. 19801
IN NAME OF

L. C. QUICK

Surveyed April 24 1958, by R. H. Whitby

Cert. 26556
Certificate 26558