

Lease Agreement Number 192

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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SALEM, OREGON

This Lease Agreement is between:

Lessor:

Albert L. Hoover
46165 Hwy 19
Fossil, OR
Phone (541) 763-3481

The water right to be leased is located in Wheeler County

Lessee:

State of Oregon

Trustee:

Oregon Water Resources Department
158 12th Street NE
Salem OR 97310
(503) 378-8455

~I~

- 1.1 Lessor is the owner, or authorized agent for owner (Exhibit A), of property highlighted in Exhibit B.
- 1.2 Section 1.2 is not applicable.
- 1.3 Exhibit C contains copies of all certificated, decreed or permitted rights attached to the property in Exhibit B. Those rights are listed below as follows:

Certificate No. 25699
- 1.4 **Subject Water Rights.** Lessor proposes to lease all of the water rights listed in 1.3, above. (Excepting domestic and Livestock)

The right(s) to be leased are further described as follows:
Certificate No.: 25699

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Source: Springs, Camp Creek, trib. Of Alder Creek

Priority date: 1888

Type of use: irrigation

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

6.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

25.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$

6.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 15

0.9925 = rate 1.125 5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 16

.4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 21

2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$

.1 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 22

Township 8 South, Range 23 East, W.M.

Number of acres, 79.4 acres

Rate: full rate at 1/40 cfs per acre from April 1 - June 1, and 1/80 cfs per acre from June 1 to Sept. 30.

Duty: 317.6 ac-ft: A quantity of water limited to one acre foot per acre during any calendar month prior to June 1st, and not to exceed, during the irrigation season, four acre feet per acre.

Season of Use: April 1st - September 30th

Point(s) of Diversion (POD): Hoyt dams and ditches as shown on the adjudication map

Conditions or other limitations, if any: None

1.5 **Validity of Rights.** Lessor #1 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

☐ that the water right is not subject to forfeiture under ORS 540.610.

1.6 **Lease.** All Lessors agree to lease the water rights 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 rights.

1.8 **Water use reporting.** The Trustee agrees to fulfill legal obligations related to water use reporting.

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- 2.1 **Public Use.** The public use served by the amount, timing and location of the instream use provided for under this lease is: provided by evidence contained in Exhibit E, such as a signed statement by Oregon Department of Fish and Wildlife, explaining how the lease would benefit recreation, scenic attraction, aquatic and fish life, wildlife habitat and ecological values, pollution abatement, navigation or other public uses.

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

 Springs, Camp Creek, tributary Alder Creek in the John Day Basin
 Location: From Hoyt dams and ditches to the mouth of Alder Creek
 Priority date: 1888
 Use: Described in Section 2.1, above
 Total volume: 317.6 ac-ft; A quantity of water limited to one acre foot per acre during any calendar month prior to June 1st, and not to exceed, during the irrigation season, four acre feet per acre.
 Season of Use: April 1st - September 30th
 Rate in cfs: April 1 - June 1: 1.985 cfs
 June 1 - September 30: 1.31 cfs

 Conditions to prevent or mitigate injury, if any:
 The instream flow will be allocated on a daily average basis of 0.99 cfs from April 9 to May 31. The instream flow will be allocated on a daily average basis up to described rate of 1.31 cfs from June 1 to September 30, or until such time that the total duty for the irrigation season is met. The instream rate use period has been diminished to 145 days and the rate from April to May has been reduced so that the total duty and the monthly duty prior to June 1 is not exceeded.

- 2.3 **Term of lease.** This Lease shall commence on April 1, 2001 (not before execution by the parties) and continue through September 30, 2001.

- 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). No party is required to continuously measure the flow of the waterway described in Section 2.2.

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- 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 rights described in Section 1.4.
- 3.2 A suitable control is/will be 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:

Watermaster: Vern Church District: 21



Vernon L. Church 4-13-2001
P.O. Box 427
(541) 384-4207

Date:

~IV~

~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: Albert L. Hoover Date: March 15, 2001

So ordered by Trustee: Thom J. Hoover Date: JUNE 25, 2001

Exhibits:

- Exhibit A: Proof of property ownership/Power of Attorney Documentation (if needed)
- Exhibit B: Tax Lot Map of Lessor's property
- Exhibit C: Copies of certificates, permits and decreed rights to be leased
- Exhibit D: Detailed map illustrating lands under subject rights to be leased
- Exhibit E: Identification of public use to be served by instream use

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9

CREEK

Spring

10

C-24920

1875 - 602

S

CAMP CREEK

LAKE

16

Oregon-California Livestock Co.

15

Surveyed October

CREEK

6²

2¹

C-25699

1888 - 792

6²

15²

15⁴

3²

CAMP