

Application for **District Instream Lease**

Part 1 of 4 - Minimum Requirements Checklist

1	an I	on to be used for water rights in the name of or conveyed by rrigation District (or similar organization)	OWRD#	11-1751	MP-252
	omplete	Parts 1 through 4 and any required attachments	District #]
	Ch	eck all items included with this application. (N/A = Not Applic	able)		
X Yes	N/A I	ooled Lease-a lease with more than one Lessor (Landowner/water ri	ght interest hol	der)	
	the amou	· · · · · · · · · · · · · · · · · · ·			
	٠	☐ Check enclosed <u>or</u> ☐ Fee Charged to customer account <u>Deschutes River Cons.</u> (Ac	count name)		
\boxtimes	Part 1	Completed Minimum Requirements Checklist			
\boxtimes		Completed District and Other Party Signature Page	Re	ceived by	OWRD
		Completed Place of Use and Lessor Signature Page			
	Tarts-	(Include a separate Part 3 for each Lessor.)	Ī	MAY 29	2019
\boxtimes	Part A	Completed Water Right and Instream Use Information			
	1 41 1 7 -	(Include a separate Part 4 for each Water Right.)		Salem,	OR
\bowtie	How man	y Water Rights are included in the lease application? 1 (# of ri	ahte)		
		water right to be leased instream here: 82246 (primary), 8224		ental)	
Yes	N/A	Other water rights, if any, appurtenant to the lands involved in		Citalj	
_		application and not proposed to be leased instream.	1 1110 10400		
		List those other water rights here:			
Yes	No No	Conservation Reserve Enhancement Program CREP – Are som	e or all of th	e lands	
,	,	to be leased part of CREP or another Federal program (list here:			
Requi	red Attacl	nments:			
X Yes	N/A	Instream lease application map(s). More than one QQ and prope	erty may be	included	
	•	on each map. A map is not required if an entire right is being le	ased or if th	e right is	
		for use of municipal or quasi-municipal water use. The map sho	uld include	the	
		following:	•		
		• A north arrow and map scale (no smaller than 1" = 1320').			
		• Label township, range, section and quarter-quarter (QQ).			
		• If an irrigation right, the numbers of acres to be leased in each	• •		
		identify and hachure/shade to differentiate between the acrea			
		any remaining. If the place of use has more than one priority			
		and/or point of diversion you must identify each with separ	ate hachur	ing or	
		shading and label.			
		• Tax lot lines and numbers must be included on the map and s	hould clearl	У	
· .	Ċ.	identify the property(s) involved.			
X Yes	N/A	If the Lessor(s) is not the deeded land owner, include one of the			
		 A notarized statement from the land owner consenting to the lease 	and a copy	of the	
		recorded deed; or	lood for 41 - 1-	ndor	
		 A water right conveyance agreement and a copy of the recorded dat the time the water right was conveyed; or 	icea for the la	maowner	
•		Other documentation.			
Yes	N/A	If the right has not been used in the last five years; provide supp	orting	3	
	K—31 * ****	documentation indicating why a right (or portion thereof) is not		orfeiture.	

Part 2 of 4 - District and other party Signature

Term of the Lease:	·
The lease is requested to begin in: month June year 20	119 and end: month October year 2019.
Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):	Termination provision (for multiyear leases): The parties to the lease request (choose one):
Conservation, maintenance and enhancement of	a. The option of terminating the lease prior to
aquatic, fish and wildlife, fish and wildlife habitat	expiration of the full term with written notice to the
and any other ecological values.	Department by the Lessor(s) and/or Lessee.
Recreation	b. The option of terminating the lease prior to expiration
Pollution abatement	of the full term, with consent by all parties to the
Navigation	lease.
	c. The parties would not like to include a Termination
	Provision.
Addition (Doubeing Dalational) to the attention	(See instructions for limitations to this provision)
existing instream water rights created as a result of in	vater rights: Instream leases are generally additive to other stream leases and transfers and/or allocations of conserved or to other instream rights created through a state agency y replace a portion of these junior instream rights.
	water rights differently than described above, please check
	proposed to be leased again or later transferred or become
	project, a new injury review shall be required. An instream
lease shall not set a precedent on a future	
Validity of the rights to be leased:	
	er the terms and conditions of the right(s) during the last
five years or have been leased instream; or	or the return and solitonian of the right of the fact that
The water right(s) have not been used for the last i	five years according to the terms and conditions of the
rights. However, the water right(s) is not subject to	o forfeiture under ORS 540.610(2). Documentation
describing why the water right is not subject to for	
SIGNA	
	contained in this application is true and accurate.
,	
	Date: 5/15 Anne
Signature of Co-Lessor	5.000 20 10 10 10 10 10 10 10 10 10 10 10 10 10
Printed name (and title): Bruce Scanlon	
· · · · · · · · · · · · · · · · · · ·	
Business/Organization name: Ochoco Irrigation Dis	
Mailing Address (with state and zip): 1001 NW De	er Street, Princville, OR 97754
Phone number (include area code): 541-447-6449	**E-mail address: ochocoid@crestviewcable.com
- 1.	· •
Signature of Co-Lessor	5/74/2n19
Gi-t-GG-I	Date: 2 F WI
	Received by OWRD
Printed name (and title):	•
Business/organization name:	MAY 2 9 2019
Mailing Address (with state and zip):	
hone number (include area code): **E-mai	
	Salem, OR
See next page for additional signatures.	
T. D Inmering propression and	•

PV

Signature of Lessee Date: 5/39/19

Printed name (and title): Genevieve Hubert (Program Manager)

Business/organization name: Deschutes River Conservancy Groundwater Mitigation Bank

Mailing Address (with state and zip): 700 NW Hill Street, Ste #1, Bend, OR 97703

Phone number (include area code): 541-382-4077 **E-mail address: gen@deschutesriver.org

** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED TO THE LESSOR

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Complete Table 1 Identify water right(s) proposed to be leased instream Provide a separate Part 3 for each Lessor (water right interest holder/landowner)

Table 1

Irrigation District or other Water Purveyor Name: Ochoco Irrigation District

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.

Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD#	Tw	P .	Rn	g	Sec	Q	Q	Tax Lot	Gov't Lot/DLC#	Acres	Use	Page #	Previous Lease #
82246	8/10/1917	Och Main	14	s	16	E	28	nw	sw	1600		16.3	IR	34	1629 /MP224
82246	8/10/1917	Och Main	14	S	16	E	28	SW.	sw	1600		0 .	IR	34	1629 /MP224
82246	8/10/1917	Och Main	14	S	16	E	29	ne	se	1600		2.4	. IR	36	1629 /MP224
82246	8/10/1917	Och Main	14	. S	16	E	29	se	se	1600		0	IR	36	1629 /MP224
82246	8/10/1917	Och Main	14	s	16	E	32	ne	пе	1600		19.2	IR	42	1629 /MP224,
82246	8/10/1917	Och Main	14	S	16	E	32	se	ne .	1600		15.8	IR	42	1629 /MP224
82246	8/10/1917	Och Main	14	S	16	E	32	ne	se	1600		2.6	IR	42	1629 /MP224
82246	8/10/1917	Och Main	14	S	16	E	33	nw	nw	1600		23.4	IR	42	1629 /MP224
82246	8/10/1917	Och Main	14	S	16	E	33	. sw	nw	1600		19.7	IR.	42	1629 /MP224
82246	8/10/1917	Och Main	14	S	16	E	33	se	nw	1600		3.8	IR	42	1629 /MP224
82246	8/10/1917	Och Main	14	S	16	E	33	nw	sw	1600		5.0	IR	42	1629 /MP224
											total	108.2			
		,								,					!

Any additional information about the right: 108.2 acres instream 64.1 acres remain (tax lot 1600). See detailed water right accounting of transfers and tax lot changes attached as Exhibit A * Note Taxlot 1600 is now called tax lot 1608

Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

- 1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
- 2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
- 3. I/We affirm that the information in this application is true and accurate.

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Signature of Lessor Date: 5/24/2019
Printed name (and title): <u>Eric Klann, Public Works Director</u> Business name, if applicable: <u>City of Prineville</u> Mailing Address (with state and zip): <u>387 NE Third Street, Prineville, OR 97754</u> Phone number (include area code): <u>541-447-2357</u> **E-mail address: <u>eklann@cityofprineville.com</u>
Date: Signature of Lessor
Printed name (and title): Business name, if applicable: Mailing Address (with state and zip): Phone number (include area code): **E-mail address:

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Salem, OR

District Instream Lease Application (revised 7/28/2017)

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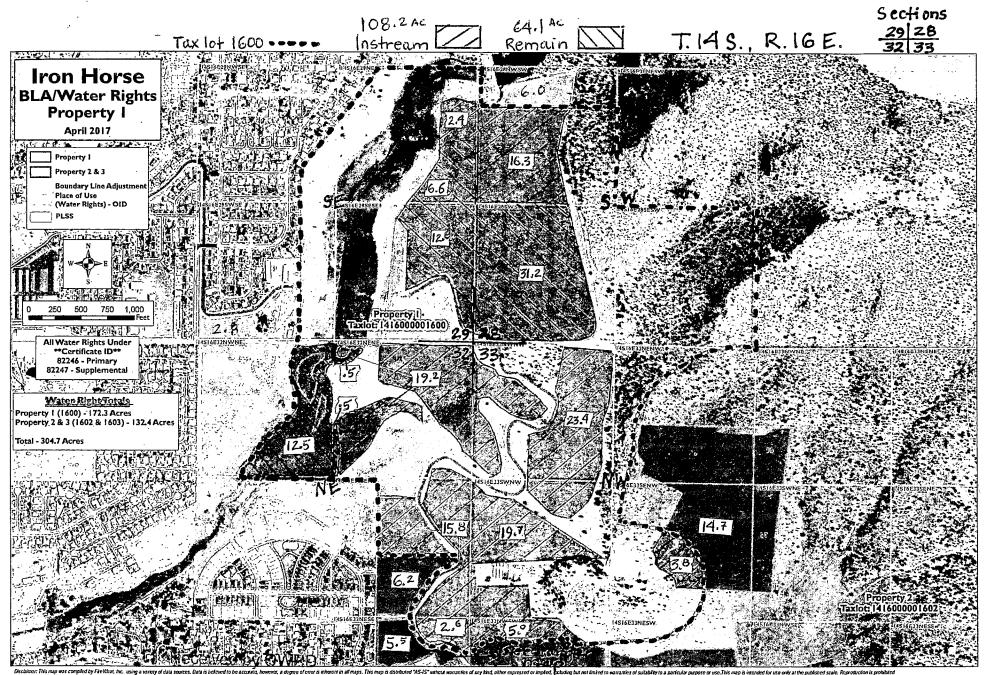
Page 5

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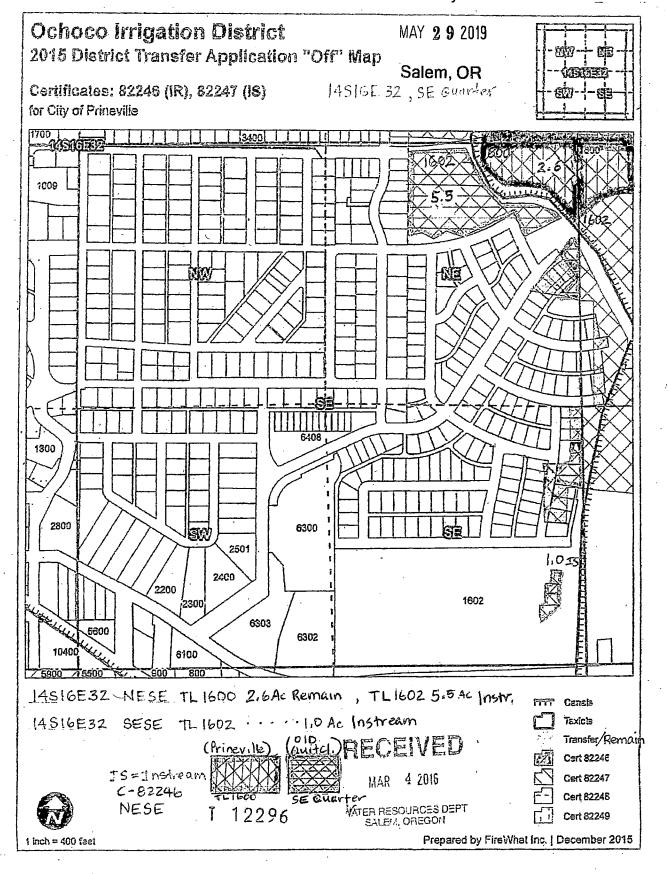
Part 4 of 4 – Water Right and Instream Use Information

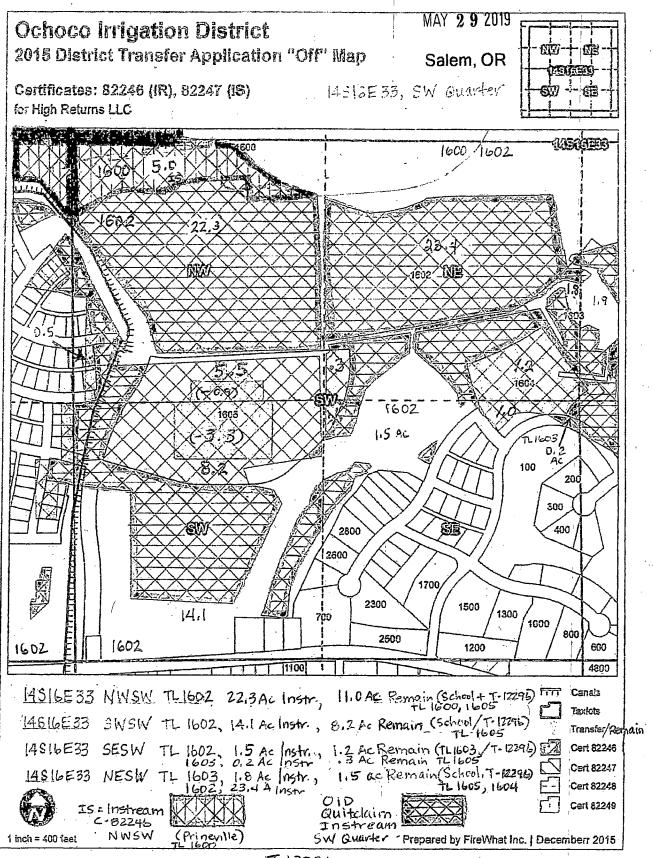
Use a <u>separate</u> Part 4 for each water right to be leased instream Salem, OR									
Table 2		·• • • • • • • • • • • • • • • • • • •							
Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4) Water Right # 82246									
Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you									
may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.									
(cfs = cubic feet per second and af = acre-feet)									
Priority Date POD # Use Acres Other Information (such as conditions/limitations on the right) Rate (cfs) Volume (af)									
8/10/1917	Och M	IR.	108.2	Max rate per acre: 0.0125 cfs, Max	duty per acre: 4.0 acre-feet	1.3525	432.8		
							,		
		· · · · · · · · · · · · · · · · · · ·		<u> </u>					
Total af from storag			AF or	225-7					
If the POD is not	described	d on the c	ertificate	or, if there is more than one POD	listed on the certificate, then	the specific POD mus	t be described: Ochoco Main		
Table 3									
Instream Use c	reated b	y the le	ase 1	River Basin: Crooked River	River/Stream Name: Oc	hoco Creek, tributar	ry to Crooked River		
Proposed Instr	eam Re	ach:		*	Or Proposed Instream P	oint:			
A reach typica	ally begin	s at the F	OD and	ends at the mouth of the source	Instream use protected	at the POD			
stream: From the	e POD C	Ochoco N	<u>Main</u> to	Lake Billy Chinook					
OR Please	check thi	is box if	you are	not sure of the proposed reach	and want water to be protec	ted within a reach b	elow the POD, if possible.		
If no rea	ch is ide	ntified o	r the abo	ove box is not checked, and the	re is only one POD listed or	n the water right, the	lease may be processed		
to be pro						G ,			
			'	maximum rate/volume for th	e right (identified in Tahl	e 2)			
				rate, volume and instream perio			ppropriate If not enough		
				ructions) or create a spreadshee					
Priority date	POD#	Use	Acres	Proposed Instru	<u>`` </u>	Instream Rate (cfs)	Total instream volume (af)		
8/10/1917	OchM	IR	108.2	June 20 - October 31 (3 AF/Ac)	cam Terror	1.223	324.6 max		
0,10,131,							 		
				Lease instream for mitigation credi	t				
	Load instruct for integration order								
OR Please	check th	is box if	vou are	not sure of the proposed rate, v	olume and instream period.	As part of its revie	w process, the Department		
OR Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.									
				argement or injury to other w					
	through October 31. In most years. Ochoco Irrigation District delivers 3 ac-ft per acre (average). Lease is served at same duty as on-farm ave. Note: The Department may identify additional conditions to prevent injury and/or enlargement.								
				posed instream use: tax lot and		vith documentation att	ached.		



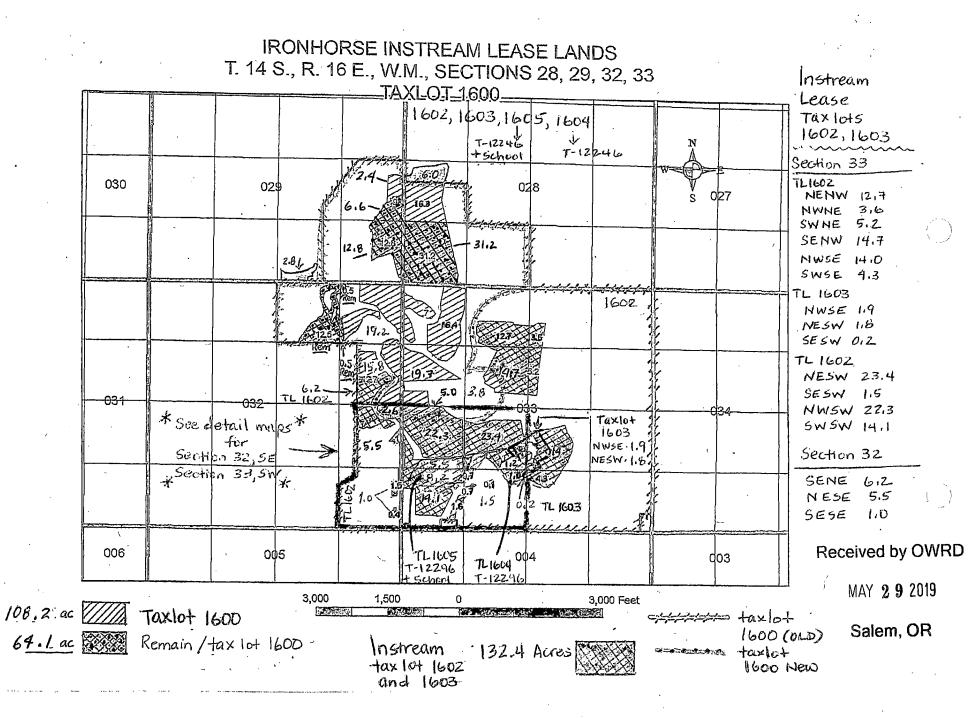
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T-12296



OID - 2019 Returning and new lessors No Transmission Losses in Certificate(s)

max duty C-82246 = 4.0 af, max duty C-82248 = 4.0 af

max rate 1/80 or 0.0125/ac (Table 2)

2018 District duty limit = 2.5 af/ac — this amount may come up to 3 AF over the season, instream same limits as diverted

1001 N Deer Street
Prineville 97754
ochocoid@crestviewcable.com
541-447-6449

Ochoco Irrigation Priority	Pooled lease 2	019. Table 2 & 3	Table 3 Table 2	
8/10/1917	acres"	cfs rate; conv fact	no days duty AF-Max duty Max duty 2019 Duty Duty Infilt	
C-82246 pri		\$\frac{1}{2} \tau \tau \tau \tau \tau \tau \tau \tau		<u>.</u>
Mitigation		unit of the state	The state of the s	
separate lease	108.20	0.0113 1.223 1.983471	2.4251 134.00 324.98 4 432.8 324.60 Pooled Dist - Prineville City	IL-1629
		- italikas	MP credit estimate	
Prineville	108.20:	£ 11/223	324:96 , 432:8 324:60 194.76	

 start
 end
 days instream
 Diversion:

 6/20/2019
 10/31/2019
 134.00 Instream dates on pooled lease.
 Reach:

Ochoco Main Canal

From POD through Ochoco Creek and Crooked River to Lake Billy Chinook

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After recording return to:

City of Prineville, a Municipal Corporation 01110223201602779080040048

Until a change is requested all tax statements shall be sent to the following address:

City of Prineville, a Municipal Corporation

Attn: Steve Forrester, 387 NE 3rd St.

Prineville, OR 97754

File No. 127607AM

Crook County Official Records DEED-D

Pgs=4 \$20.00 \$11.00 \$21.00 \$2.00 \$5,00 \$10,00

2016-277909 12/28/16 01:15 PM Total:\$69.00,



Attn: Steve Forrester, 387 NE 3rd St.

I, Chery Seely, County Clerk for Crock County, Oregon, certily that the instrument identified herein was recorded in the Clerk records.

Cheryl Seety - County Clerk

THE STATE OF STATE STATES



995 SECTION 5-89

STATUTORY WARRANTY DEED

Ironhorse Development, LLC, an Oregon Limited Liability Company,

supplied the second of the sec

Grantor(s), hereby convey and warrant to

City of Prineville, a Municipal Corporation,

Grantee(s), the following described real property in the County of Crook and State of Oregon free of encumbrances except as specifically set forth herein:

an applications of

See Attached Exhibit 'A'

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

1416000001600 19261 (portion) 1416270000200 10936 1416280000100 10993

The true and actual consideration for this conveyance is \$1,200,000.00. The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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Page 2 Statutory Warranty Deed Escrow No. 127607AM

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5.TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

day of Ollow Dated this 27 IronHorse Development, LLC, an Oregon Limited Liability Company By: Brooks Resources Of poration its Manager Jade Mayer, Anthonized Signor and Whief Financial Officer State of Oregon) ss County of _ a Notary Public in and for said state, personally appeared Jade Mayer known or identified to me to be the Authorized Signor and Chief Financial Officer in the Limited Liability Company known as IronHorse Development, LLC., an Oregon Limited Liability Company who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name. Survey of the part IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written. Notary Public for the State of Oregon OFFICIAL STAMP

Residing at: Princille Commission Expires: 13/10/2019

OFFICIAL STAMP
KELLIE ELIZABETH COBB
NOTARY PUBLIC- OREGON
COMMISSION NO. 944863
MY COMMISSION EXPIRES DECEMBER 08, 2019

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EXHIBIT 'A'

File No. 127607AM

Located in Crook County, Oregon:

TRACT I:

Parcel One (1) of Partition Plat No. 2010-06, Recorded December 29, 2010 in Partitions Microfilm No. 2010-244547, Records of Crook County, Oregon, Located in the SW1/4 of Section 28, in SE1/4 of Section 29, E1/2 of Section 32, in Section 33, in NW1/4 of Section 34, Township 14 South, Range 16 East of the Willamette Meridian, and in the NE1/4 of Section 5, Township 15 South, Range 16 East of the Willamette Meridian, Crook County, Oregon.

TRACT II:

In Township 14 South, Range 16 East of the Willamette Meridian, Crook County, Oregon:

Called the A. Maria Mr. William

Section 27: SW1/4 SW1/4; EXCEPT the NE1/4 NE1/4 SW1/4 SW1/4.

Section 28: S½ NW¼ NE¼ SE¼; SW¼NE¼NE¼SE¼; S½NE¼SE¼.

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The transfer of the second of

MAY 2 9 2019

MAY 2 9 2019

All charges against the real property for tax account number 19261 REQUEST TO Crook COUNTY ABSESSOR ecording date of this instrument.

Salem, OR

FOR CERTIFICATION OF CHARGES PAID (ORS 311.370; 2015 Oregon Laws Charles

THE BELOW INDICATED PROPERTY IS P	SENDING TRANSFER TO AN EXEMPT ENTITY UNDER ORS 307,040 OR 370,090, 1.370, THIS IS A REQUEST FOR A CENTER OF SIGNERING SPAID.
TO COMPLY WITH ORS 31	1.370) THESE AREQUES FOR A VEG (6) SHE OF SIG (RILLING)
PROPERTI JAV ACCOUNT	16 DO-000 1600 00
10936	[C] 1/(p. 0.1/2.00000 7.000 200
10993	<u> 14-16-18-0000 100-00</u>
	-00
	Day Clements mine City of Penante.
ANTIC	Developmentionarion: City of Peineville Crateo Reconomia Date: 12 27 2016
EUNDERSTAND THAT THE DEED MUST BE	<u>erecorred on</u> the <u>Same Day That the Centrication of Charges Paid is Staned.</u> Dropd on that date, the Certification will be invalid:
REQUESTING PARTY:	
	Darksone 17 77 16
REQUESTING PARTY! PRINT NAME: SIGNATURE:	
CONTACTINFORMATION PHONE	Elasi:

		er man mer er mener i in district i in i
ASSESSOR'S USE DNEY: DATE RECEIVED IN COOL	A THE COURSE OF THE PROPERTY OF THE PERSON AND A PROPERTY OF THE PERSON AN	
DATE REDUEST RECEIVED IN COOR	(CONMIT WASTED ON SOLLING THE	
ADDEDUCTOR OF THE PROPERTY OF		
REVEST:		
	ON THE SECONDLESS AND SECONDLESS A	TAN MAT DENINGED!
REVIEW: IS THE GRANTEE EXEMPT FROM TAXATION UNDER DRS 307.040 OR 307.0		
ANY BACK YEAR TAXES DUTSTANDING?	Control of the contro	ed print from lax collector)
ANY BACK YEAR TAXES DUTSTANDING?	AFP Property of the second of	unit fill the live of the control of
	CBEMINENIC WITH ISHER ATION!?	
Any deferred taxes dutstanding (including any Special Assessmen		
ANY DEFERRED TAXES OUTSTANDING (INCLUDING ANY SPECIAL ASSESSMEN DING AND ANY SPECIAL ASSESSMEN PARTY OF ACQUISITION AFTER JUNE 30TH CURRENT YEAR ESTIMATED TAX PAID?		A THE PROPERTY OF THE PROPERTY
Eng Approved to the Line School Congress VEAR STIMATED TAX PAID!	□ Yes □ No	9
TOWAL QUILITOR AFTER YORK SOTT COMMAND		tex collectors to the collectors
	······································	
REVIEWED BY: THE VI		
REVIEWED BY: REAL DATE CERTIFICATION SIGNED TO REQUESTING PARTY: 12		
	N DSENT TO REQU	TENANCELEAN
SOP ÍCKED UP IN PERSO	N. PARTING MENT	COSLAN O COMPAN
	X	.~
		:::::::::::::::::::::::::::::::::::::::

in part OR\$ 311:370 Section 1 (1) as used in this section:

(b) "Charges against the real property" means all ad valorem property taxes, additional taxes and potential additional taxes, fees, interest, penalties, costs and other charges that have been or will be charged or listed during the property tax year on the assessment roll or the tak roll with respect to real property that is the subject of an instrument described in subsection (2) of this section.

fej "Conveyance" means the transfer of, or a co-usust to transfer, fee title to any real property located in this state to a transferge winggr property is exempt from taxagen under OR\$ 307,040 or 307,090.

(2) Notwithstanding ORS 205.130, a county clerk may not record or cause to be recorded an instrument conveying or contracting to convey fee title to real property to an entity whose property is exempt from taxation under ORS 307.040 or 307.090 unless the: instrument is accompanied by a certificate issued by the assessor of the county in which the real property is located attesting that all charges against the real property as of the date of the recording have been paid;

307.040 Property of the United States; certain electricity transmission system property leased to United States. (1) As used in this section, "United States" means the federal government of an agency or instrumentality of the federal government.

307.090, (1) Except as provided by law, all property of the state and all public or corporate property used or intended for corporate purposes of the several counties, cities; towns, school districts, irrigation districts, drainage districts, ports, water districts, housing authorities and all other public or municipal corporations in this state, is exempt from taxation.

Crook County Ownership Report

REAL PROPERTY ACCOUNT NAMES

Account Number: 19947

Map Tax Lot: 14160000-01608-19947

Owner: 409 NW FRANKLIN AVE

BEND -

OR 97703

Party Name	Party Type	Ownership Percentage
IRONHORSE DEVELOPMENT LLC	Owner	100.00
IRONHORSE DEVELOPMENT LLC	Taxpayer	100.00

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