



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for District Instream Lease

Part 1 of 4 – Minimum Requirements Checklist

This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization) Complete Parts 1 through 4 and any required attachments	OWRD #	11-1752/MP-253
	District #	

Check all items included with this application. (N/A = Not Applicable)

Yes N/A Pooled Lease-a lease with more than one Lessor (Landowner/water right interest holder)

Fee in the amount of:

<input type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	Or <input checked="" type="checkbox"/> \$350.00 for all other leases
<input type="checkbox"/> Check enclosed or	
<input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Cons.</u> (Account name)	

Part 1 – Completed Minimum Requirements Checklist

Part 2 – Completed District and Other Party Signature Page

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Part 3 – Completed Place of Use and Lessor Signature Page
 (Include a separate Part 3 for each Lessor.)

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Part 4 – Completed Water Right and Instream Use Information
 (Include a separate Part 4 for each Water Right.)

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How many Water Rights are included in the lease application? 1 (# of rights)

List each water right to be leased instream here: 82246 (primary), 82247 (supplemental)

Yes N/A Other water rights, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream.

List those other water rights here: _____

Yes No Conservation Reserve Enhancement Program CREP – Are some or all of the lands to be leased part of CREP or another Federal program (list here: _____)?

Required Attachments:

Yes N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should 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 quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

Yes N/A If the Lessor(s) is **not** the deeded land owner, include one of the following:

- A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation.

Yes N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) is **not** subject to forfeiture.

Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: month <u>June</u> year <u>2019</u> and end: month <u>October</u> year <u>2019</u> .	
Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. <input type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation	Termination provision (for multiyear leases): The parties to the lease request (choose one): <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
Additive/Replacing Relationship to other instream water rights: Instream leases are generally additive to other existing instream water rights created as a result of instream leases and transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights. If you would like this lease to relate to other instream water rights differently than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent.	
Precedent: If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.	
Validity of the rights to be leased: <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

SIGNATURES

The undersigned declare that the information contained in this application is true and accurate.



 Signature of Co-Lessor

Date: 5/29/19

Printed name (and title): Bruce Scanlon
 Business/Organization name: Ochoco Irrigation District
 Mailing Address (with state and zip): 1001 NW Decet Street, Prineville, OR 97754
 Phone number (include area code): 541-447-6449 **E-mail address: ochocoid@crestviewcable.com

 Signature of Co-Lessor

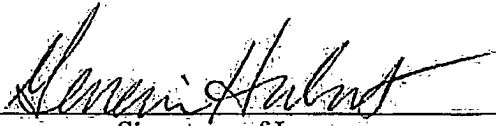
Date: _____

Printed name (and title): _____
 Business/organization name: _____
 Mailing Address (with state and zip): _____
 Phone number (include area code): _____ **E-mail address: _____

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See next page for additional signatures.

01D



Signature of Lessee

Date: 5/29/19

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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Part 3 of 4 – Place of Use – Lessor Information and Signatures

**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 #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
82246	8/10/1917	Och Main	14 S	16 E	33	ne nw	1602		12.7	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	nw ne	1602		3.6	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	sw ne	1602		5.2	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	se nw	1602		14.7	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	32	se ne	1602		6.2	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	32	ne se	1602		5.5	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	32	se se	1602		1.0	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	nw sw	1602		22.3	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	ne sw	1602		23.4	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	se sw	1602		1.5	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	sw sw	1602		14.1	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	nw se	1602		14.0	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	sw se	1602		4.3	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	ne sw	1603		1.8	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	se sw	1603		0.2	IR	42	1630 /MP225
82246	8/10/1917	Och Main	14 S	16 E	33	nw se	1603		1.9	IR	42	1630 /MP225
								Total	132.4			

Any additional information about the right: Previously leased in IL-1630 and MP-225 (2017). 132.4 acres instream (tax lots 1602 and 1603). See detailed water right accounting of transfers and tax lot changes attached as Exhibit A.

ADDITIONAL CHANGES:


T-12296 removed acres in Section 32-SE and Section 33-SW. TL 1600 redefined early 2017, new tax lots 1604 and 1605 (School). Additional prior transfer T-10288 moved acres within original tax lot 1600.

010

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.

 Date: 5/29/19
 Signature of Lessor

Printed name (and title): Bruce Scanlon, District Manager Business name, if applicable: Ochoco Irrigation District
 Mailing Address (with state and zip): 1001 NW Deer Street, Prineville, OR 97754
 Phone number (include area code): 541-447-6449 **E-mail address: ochocoid@crestviewcable.com

 Signature of Lessor Date: _____

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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010

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Part 4 of 4 – Water Right and Instream Use Information


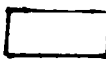
Salem, OR	Use a <u>separate</u> Part 4 for each water right to be leased instream
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Table 2

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	132.4	Max rate per acre: 0.125 cfs, Max duty per acre: 4.0 acre-feet	1.655	529.6
Total af from storage, if applicable: _____ AF or <input type="checkbox"/> N/A						
If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described: Ochoco Main						

Table 3

Instream Use created by the lease	River Basin: <u>Crooked River</u>	River/Stream Name: <u>Ochoco Creek, tributary to Crooked River</u>				
Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>Ochoco Main</u> to <u>Lake Billy Chinook</u>	Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD					
OR <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)						
Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2) Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
8/10/1917	OchM	IR	132.4	June 20 through October 31 (3 AF/Ac)	1.496	397.2
				Lease instream for mitigation credit		
OR <input type="checkbox"/> 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.						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>Instream from July 3 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.</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: <u>tax lot and property ownership changes with documentation attached.</u>						

29 28 132.4 Ac
Instream  Remain 



Disclaimer: This map was compiled by FIVEWA, Inc. using a variety of data sources. Data is believed to be accurate, however, a degree of error is inherent in all maps. This map is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. This map is intended for use only as published. Reproduction is prohibited.

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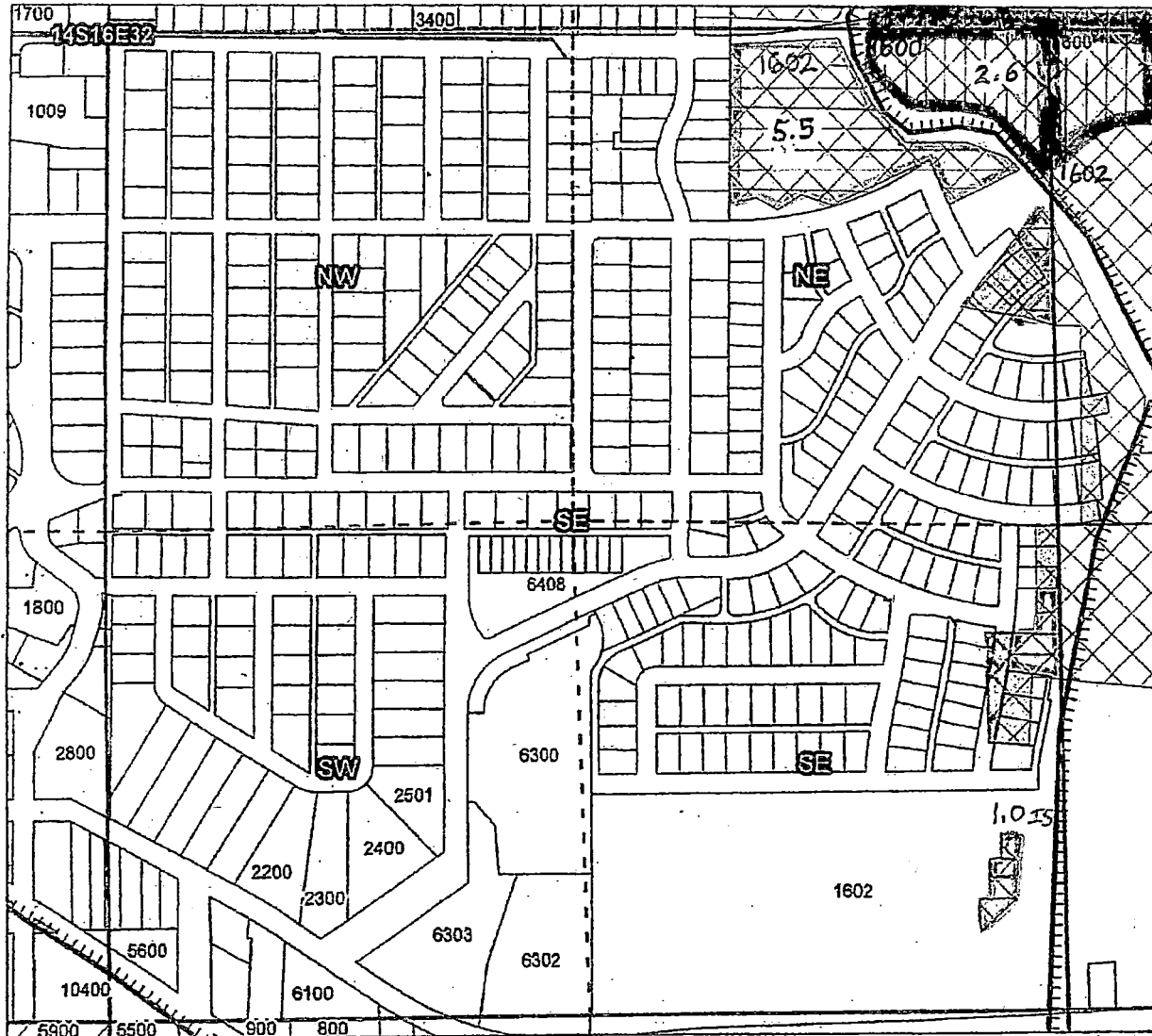
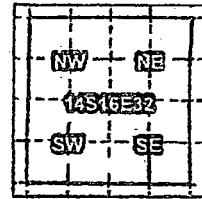
Ochoco Irrigation District 2015 District Transfer Application "Off" Map

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Certificates: 82246 (IR), 82247 (IS)
for City of Prineville

14S16E32, SE Quarter



14S16E32 NESE TL 1600 2.6 Ac Remain, TL 1602 5.5 Ac Instr.

14S16E32 SESE TL 1602 1.0 Ac Instream

(Prineville) (old) **RECEIVED**

IS = Instream
C-82246
NESE



T 12296

MAR 4 2016

WATER RESOURCES DEPT
SALEM, OREGON

- Canals
- Taxlots
- Transfer/Remain
- Cert 82246
- Cert 82247
- Cert 82248
- Cert 82249



1 inch = 400 feet

Prepared by FireWhat Inc. | December 2015

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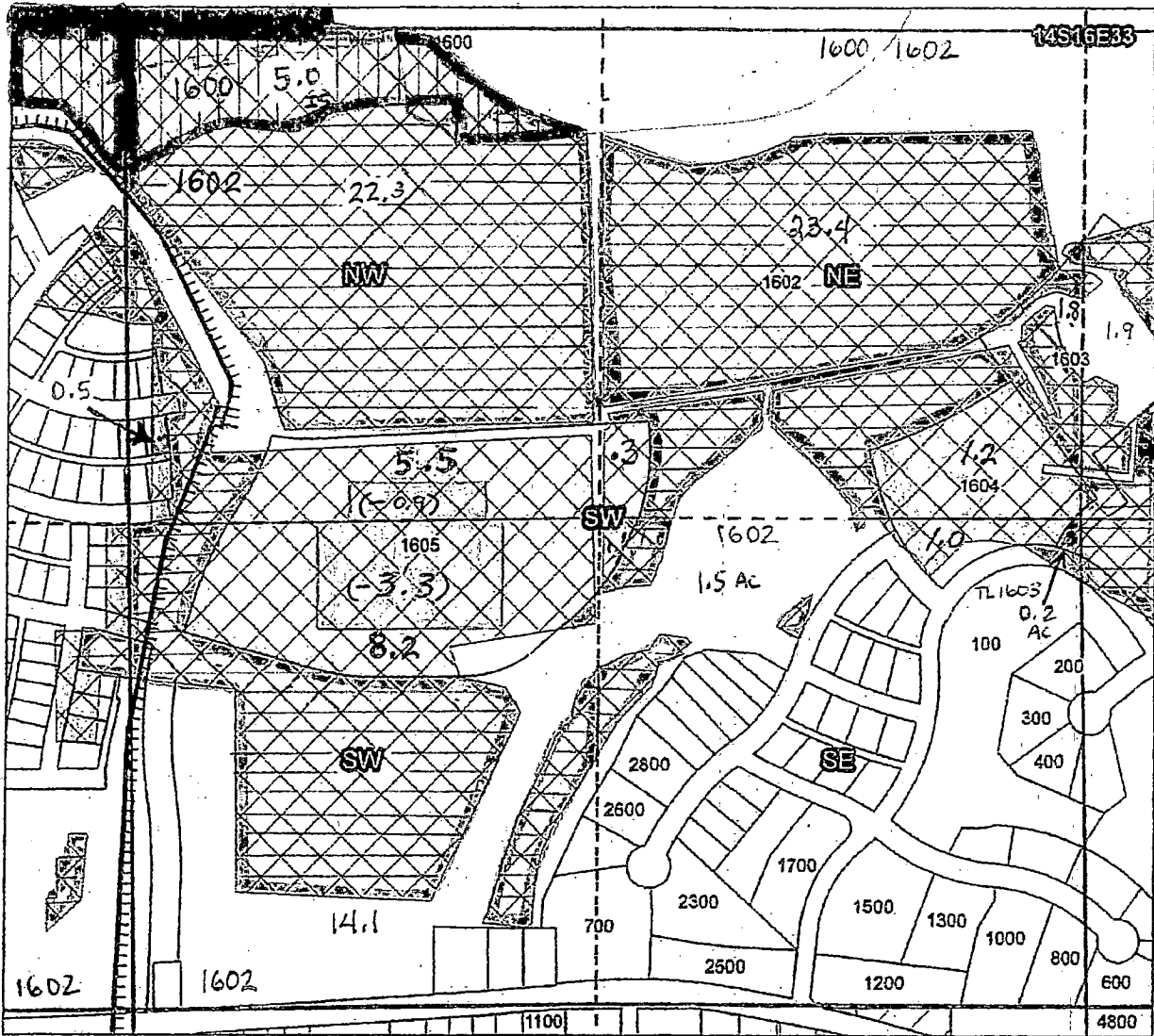
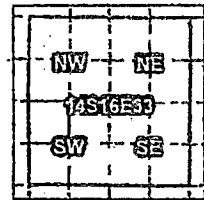
Ochoco Irrigation District 2015 District Transfer Application "Off" Map

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Certificates: 82246 (IR), 82247 (IS)
for High Returns LLC

14S16E33, SW Quarter

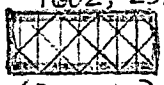


- 14S16E33 N1/4SW TL1602 22.3 Ac Instr, 11.0 Ac Remain (School + T-12296)
TL 1600, 1605
- 14S16E33 S1/4SW TL 1602, 14.1 Ac Instr, 8.2 Ac Remain (School/T-12296)
TL 1605
- 14S16E33 SE1/4 SW TL 1602, 1.5 Ac Instr, 1.2 Ac Remain (TL 1603, T-12296)
1603, 0.2 Ac Instr, 0.3 Ac Remain TL 1605
- 14S16E33 NE1/4 SW TL 1603, 1.8 Ac Instr, 1.5 ac Remain (School, T-12296)
1602, 23.4 A Instr, TL 1605, 1604

- Canals
- Taxlots
- Transfer/Remain
- Cert 82246
- Cert 82247
- Cert 82248
- Cert 82249

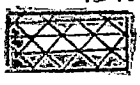


IS = Instream
C-82246



N1/4SW (Prineville)
TL 1602

Old
Quitclaim
Instream



SW Quarter Prepared by FireWhat Inc. | December 2015

1 inch = 400 feet

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 Pooled lease 2019

Priority	acres*	cfs	Table 2 & 3 rate*	conv fact	no. days	Table 3 duty AF	Table 2 Max duty	Max duty	2019 Duty	Instream Duty limit	
C-82246 pri											
Mitigation separate lease	132.40	0.0113	1.498	1.983471	2.9675	134.00	397.65	4	529.6	3	397.20

Pooled Dist - OID QC Prineville IL-1630

start	end	days instream
6/20/2019	10/31/2019	134.00

Instream dates on pooled lease.

Diversion: Ochoco Main Canal
 Reach: From POD through Ochoco Creek and Crooked River to Lake Billy Chinook

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**QUITCLAIM DEED
(WATER RIGHT CONVEYANCE AGREEMENT)
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantor, IronHorse Development LLC, the rightful owner of the real property described as Property 2 and Property 3 in Exhibit A (the "Subject Lands"), attached hereto and incorporated herein by this reference, releases and quitclaims to Ochoco Irrigation District (the "District"), Grantee, for the benefit of the City of Prineville, Beneficiary, all rights, title, and interest to and in the water rights appurtenant to the Subject Lands. Grantor further releases any and all claims and responsibility for any and all primary and supplemental irrigation water rights appurtenant to the Subject Lands being 132.4 acres, more or less, as set forth in and evidenced by Certificate of Water Right No. 82246 in the name of the District and Certificate of Water Right No. 82247 in the name of the U.S. Bureau of Reclamation described in Exhibit B, and for any and all other water rights that are appurtenant to the Subject Lands.

The District, with the participation of the U.S. Bureau of Reclamation as may be required and/or appropriate, may elect to complete a water right transfer application and submit it to the Oregon Water Resources Department for approval of use of the subject water rights at a new location, for a new use, and/or for diversion at a new point of diversion. The District may attach this Quitclaim Deed (Water Right Conveyance Agreement) to the Oregon Water Resources Department's transfer application form and submit it with the District's transfer application.

By entry of this Quitclaim Deed (Water Right Conveyance Agreement), Grantor hereby notifies any subsequent purchaser of the Subject Lands (i) that Grantor, as owner of the Subject Lands, approved the transfer of the water rights (including a change in the place of use, type of use, and/or point of diversion) that are appurtenant to the Subject Lands, (ii) that the interest in the water rights appurtenant to the Subject Lands may not be conveyed in subsequent conveyances or real estate transactions of the Subject Lands, and (iii) that upon completion of a water right transfer, as elected by Ochoco Irrigation District, the Subject Lands will no longer have appurtenant water rights.

Furthermore, upon signing of this deed and delivery to the District, Grantor shall no longer be liable for any District assessment or charges accruing after the date of signing for water rights appurtenant to the Subject Lands.

This Quitclaim Deed (Water Right Conveyance Agreement) is binding upon the heirs, executors, administrators, successors, and permitted assigns of the Grantor and Grantee.

Consideration for this Quitclaim Deed (Water Right Conveyance Agreement) is for good and valuable consideration.

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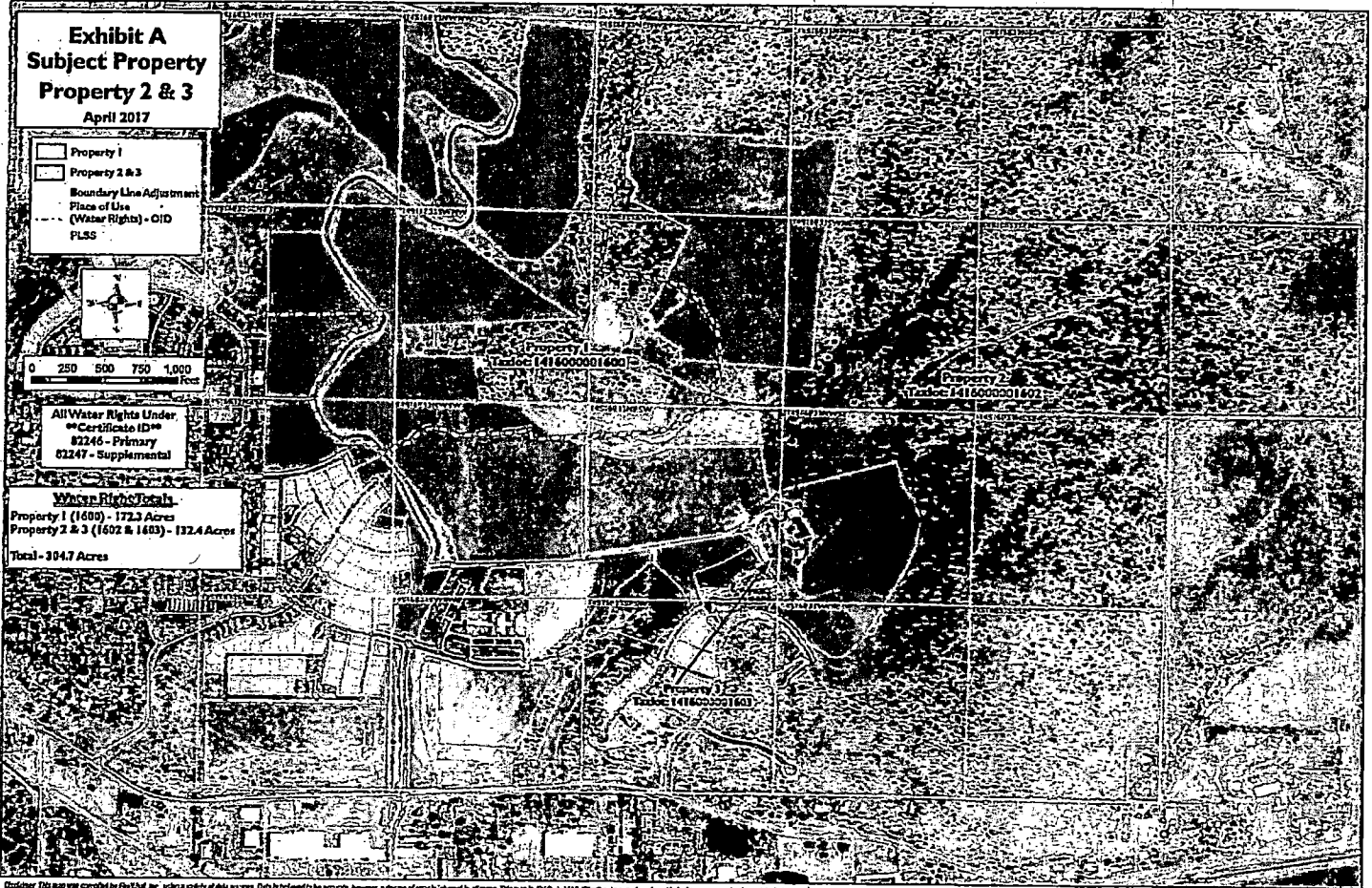
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Exhibit A

The Subject Property (Property 2 and Property 3)



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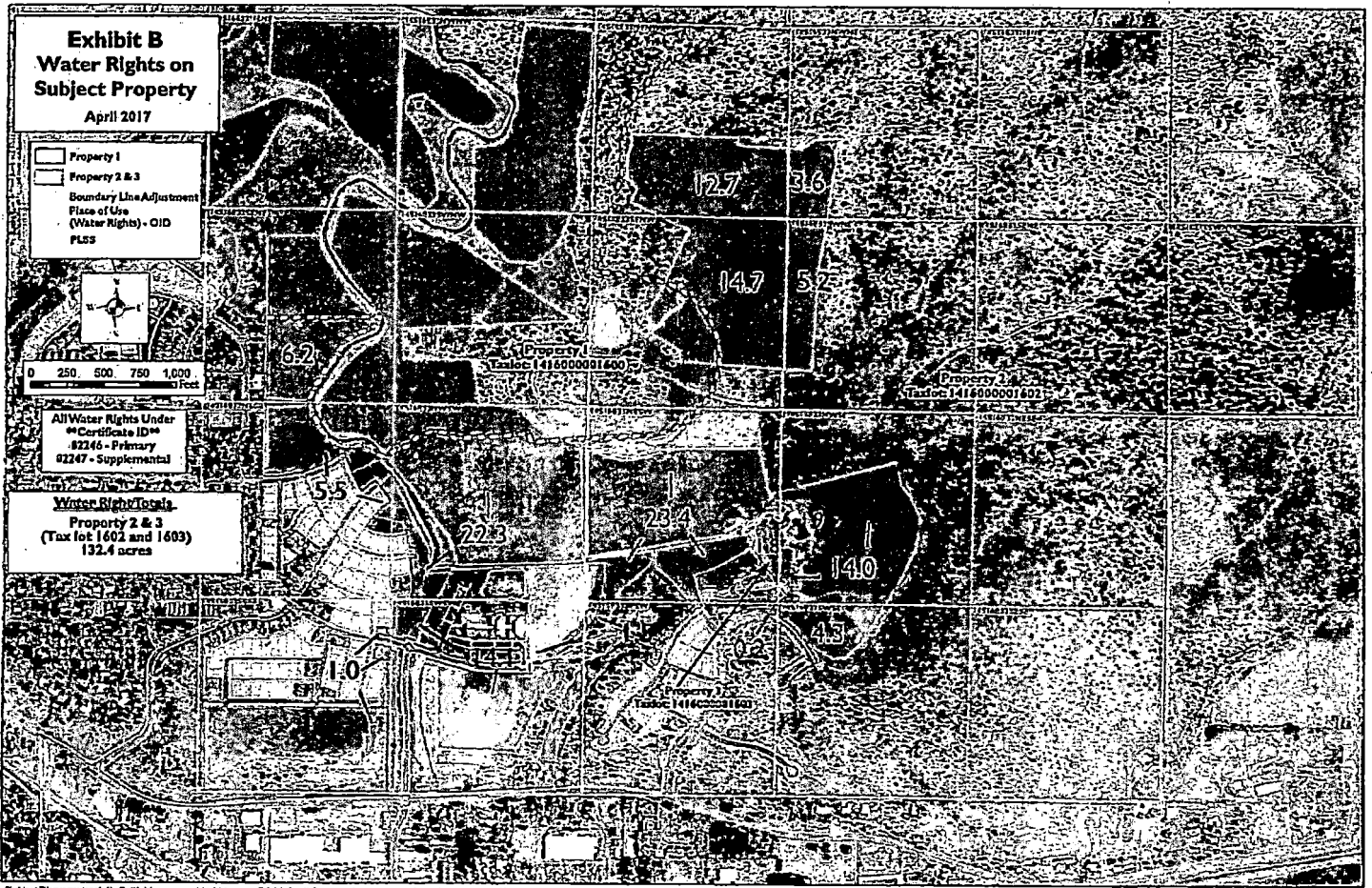
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Exhibit B

**Water Rights Appurtenant to Subject Property under
Certificate 82246 and Certificate 82247**



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Exhibit B. Water Right Appurtenant to Subject Property under Certificates 82246 and 82247

Tax Map ID	Acct #	Sec	TWP	RNG	Location	Tax Lot	Acres
1057	439	33	14	16	NE-NW	1602	12.7
1061	439	33	14	16	NW-NE	1602	3.6
1062	439	33	14	16	SW-NE	1602	5.2
1902	439	32	14	16	SE-NE	1602	6.2
1903	439	32	14	16	NE-SE	1602	5.5
1904	439	32	14	16	SE-SE	1602	1
1905	439	33	14	16	NW-SW	1602	22.3
1906	439	33	14	16	NE-SW	1602	23.4
1907	439	33	14	16	SE-SW	1602	1.5
1908	439	33	14	16	SW-SW	1602	14.1
1909	439	33	14	16	NW-SE	1602	14
1910	439	33	14	16	SW-SE	1602	4.3
1911	439	33	14	16	NE-SW	1603	1.8
1912	439	33	14	16	SE-SW	1603	0.2
1913	439	33	14	16	NW-SE	1603	1.9
1975	439	33	14	16	SE-NW	1602	14.7
Total							132.4

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Crook County Ownership Report

REAL PROPERTY ACCOUNT NAMES

Account Number: 19501

Map Tax Lot: 14160000-01602-19501

Owner: 409 NW FRANKLIN AVE

BEND

OR 97703

Party Name	Party Type	Ownership Percentage
IRONHORSE DEVELOPMENT LLC	Owner	100
IRONHORSE DEVELOPMENT LLC	Taxpayer	100

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Crook County Ownership Report

REAL PROPERTY ACCOUNT NAMES

Account Number: 19502

Map Tax Lot: 14160000-01602-19502

Owner: 409 NW FRANKLIN AVE

BEND

OR 97703

Party Name	Party Type	Ownership Percentage
IRONHORSE DEVELOPMENT LLC	Owner	100
IRONHORSE DEVELOPMENT LLC	Taxpayer	100

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Crook County Ownership Report

REAL PROPERTY ACCOUNT NAMES

Account Number: 19264

Map Tax Lot: 14160000-01603-19264

Owner: 409 NW FRANKLIN AVE
BEND

OR 97703

Party Name	Party Type	Ownership Percentage
IRONHORSE DEVELOPMENT LLC	Owner	100
IRONHORSE DEVELOPMENT LLC	Taxpayer	100

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