

Application for

# District Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources  
Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

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 #	IL-1930/MP-290
	District #	

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

Fee in the amount of:

<input type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	Or <input checked="" type="checkbox"/> \$410.00 for all other leases
--	--

<input type="checkbox"/> Check enclosed or
<input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy</u> (Account name)

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

Part 1 – Completed Minimum Requirements Checklist

Part 2 – Completed District and Other Party Signature Page

Part 3 – Completed Place of Use and Lessor Signature Page

(Include a separate Part 3 for each Lessor.)

Part 4 – Completed Water Right and Instream Use Information

(Include a separate Part 4 for each Water Right.)

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

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

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: 82247 - supplemental

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.

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**Part 2 of 4 – District and other party Signature**

<b>Term of the Lease:</b> The lease is requested to begin in: <u>month April year 2022</u> and end: <u>month Oct year 2022</u> .	
<b>Public use:</b> 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	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request (choose one):</b> <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)
<b>Additive/Replacing Relationship to other instream water rights:</b> 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.	
<b>Precedent:</b> 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.	
<b>Validity of the rights to be leased:</b> <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) <b>have not been used</b> 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: 6/4/2022

Printed name (and title): Bruce Scanlon, Manager

Business/Organization name: 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 Co-Lessor

Printed name (and title): \_\_\_\_\_

Business/organization name: \_\_\_\_\_

Mailing Address (with state and zip): \_\_\_\_\_

Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

See next page for additional signatures.

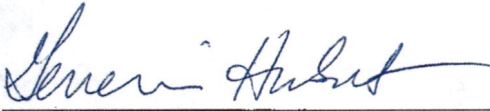
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Date: 6/6/2022

Signature of Lessee

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

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NW Hill St., Ste 1, Bend, OR 97702

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**

**Landowners:**

Dave Molony	8.6 ac
Kathleen Lieser	8.4 ac
City of Prineville/IronHorse	66.9 ac
<b>Total Acres:</b>	<del>75.3 ac</del> 83.9 Acres

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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**

<b>Irrigation District or other Water Purveyor Name: Ochoco Irrigation District</b>														
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 Fd	14	S	16	E	28	nw sw	1600		16.3	IR	34	1629
82246	8/10/1917	Och Fd	14	S	16	E	28	sw sw	1600		31.2	IR	34	1629
82246	8/10/1917	Och Fd	14	S	16	E	29	ne se	1600		6.6	IR	36	1629
82246	8/10/1917	Och Fd	14	S	16	E	29	se se	1600		12.8	IR	36	1629
<b>Any additional information about the right: <u>66.9 acres IR leased instream</u></b>														
<b>Farm Deferral Tax Status:</b> 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.



Signature of Lessor

Date: 5/16/2022

Received by OWRD

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

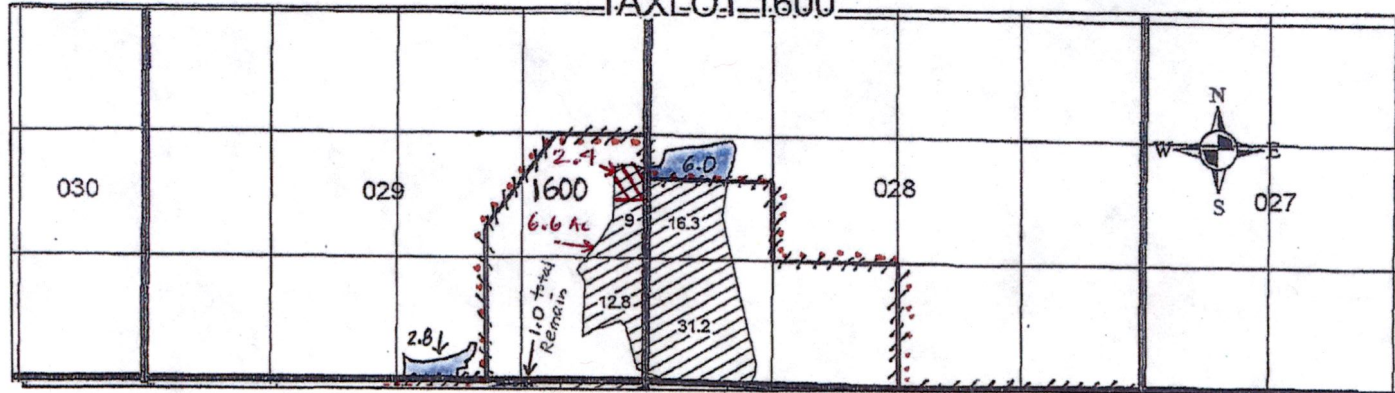
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Salem, OR



CITY OF PRINEVILLE  
 "IRONHORSE" INSTREAM LEASE LANDS  
 T. 14 S., R. 16 E., W.M., SECTIONS 28, 29, 32, 33

TAXLOT 1600

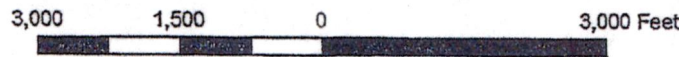




INSTREAM LEASE, Taxlot 1600

Section 29  
 NESE - 6.6 of 9 Ac  
 SESE - 12.8 Ac

Section 28  
 NWSW - 16.3 Ac  
 SWSW - 31.2 Ac

66.9 ac  Leased Instream  
 8.8 ac  Remain  
 2.4 ac 



 taxlot 1600 (OLD)  
 taxlot 1600 (2017)

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 Salem, OR



IronHorse - City of Prineville - Instream Lease 2022

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Salem, OR



Property I  
Taxlot: 1416000001600

<-----0.25 mile----->



**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.

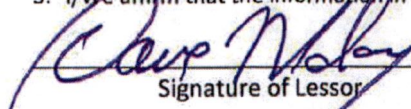
Water Right #	Priority Date	POD #	Twp		Rng		Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
82246	8/10/1917	Och Fd	14	S	15	E	36	ne	ne	1900		3.1	IR	21	1877
82246	8/10/1917	Och Fd	14	S	15	E	36	se	ne	1900		2.4	IR	21	1877
82246	8/10/1917	Och Fd	14	S	15	E	36	se	ne	1800		*3.1	IR	21	1877

**Any additional information about the right:** 8.6 Acres IR, POD is Ochoco Feed Canal. \*See pg 2 & 21 of certificate for POU information

**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: 6/3/22

Signature of Lessor

Received by OWRD

Printed name (and title): Dave Molony Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): P.O. Box 1330, Scappoose, OR 97056  
 Phone number (include area code): 503-804-2652 \*\*E-mail address: \_\_\_\_\_

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Salem, OR

\_\_\_\_\_  
 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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**Ochoco Irrigation District  
Application for Instream Lease**

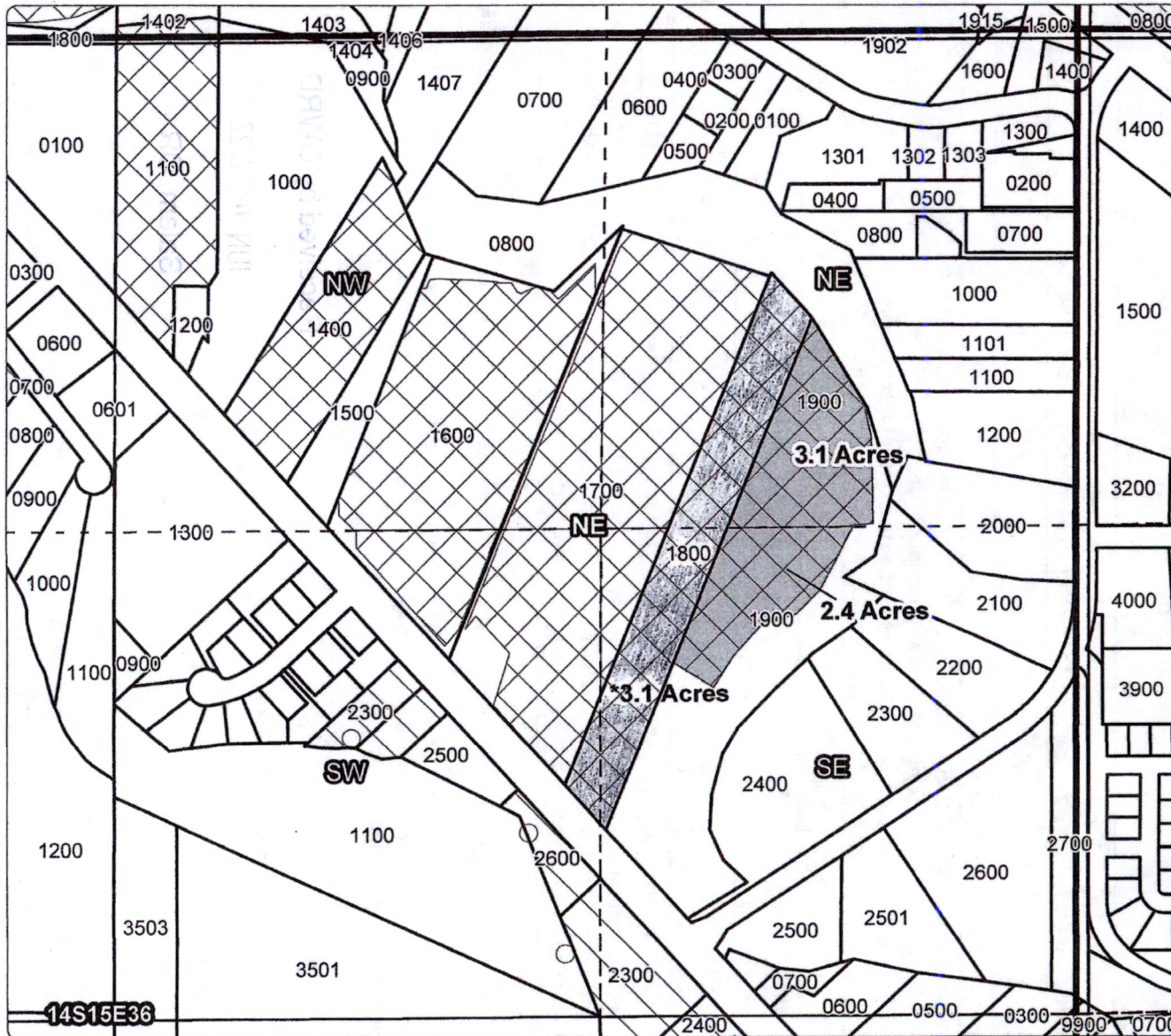
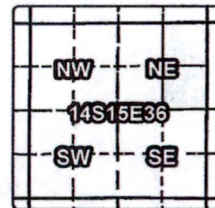
Cert #: 82246 (IR), 82247 (IS)

For: Dave Molony

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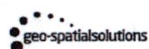


**1 YEAR INSTREAM LEASE MAP**

Taxlot 1900, 141536NENE: 3.1 Acres Leased (82246/82247), 0 Acres Remaining  
 Taxlot 1900, 141536SENE: 2.4 Acres Leased (82246/82247), 0 Acres Remaining  
 Taxlot 1800, 141536SENE: \*3.1 Acres Leased (82246/82247), 0 Acres Remaining

\*Denotes that the tax lot acres extend over more than 1 quarter-quarter.  
 See certificate 84426 page 2 and page 21.

- Point of Diversion
- ▬ Canals
- ▭ Taxlots
- ▨ Transfer
- ▧ Cert 82246
- ▩ Cert 82247
- Cert 82248
- Cert 82249



1 inch = 400 feet  
 April 2015





**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**

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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.

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Any attached table should include reference to the Lessor.

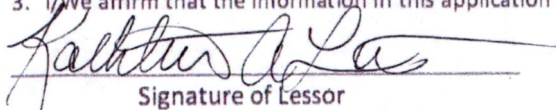
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
82246	8/10/1917	Och Fd	14 S	15 E	25	nw se	1200		5.0	IR	20	IL-1877
82246	8/10/1917	Och Fd	14	15	25	sw se	1200		3.4	IR	20	IL-1877

**Any additional information about the right:** \_\_\_\_\_

**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.

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3. I/We affirm that the information in this application is true and accurate.

  
Signature of Lessor

Date: 05/13/2022

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Printed name (and title): Kathleen Lieser Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): 2391 NW Lieser Lane, Prineville, OR 97754

Phone number (include area code): 541-447-3896 \*\*E-mail address: clint.lieser@gmail.com

503 330-3688

Date: \_\_\_\_\_

**JUN 07 2022**

**Salem, OR**

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: \_\_\_\_\_

OWRD Received by OWRD



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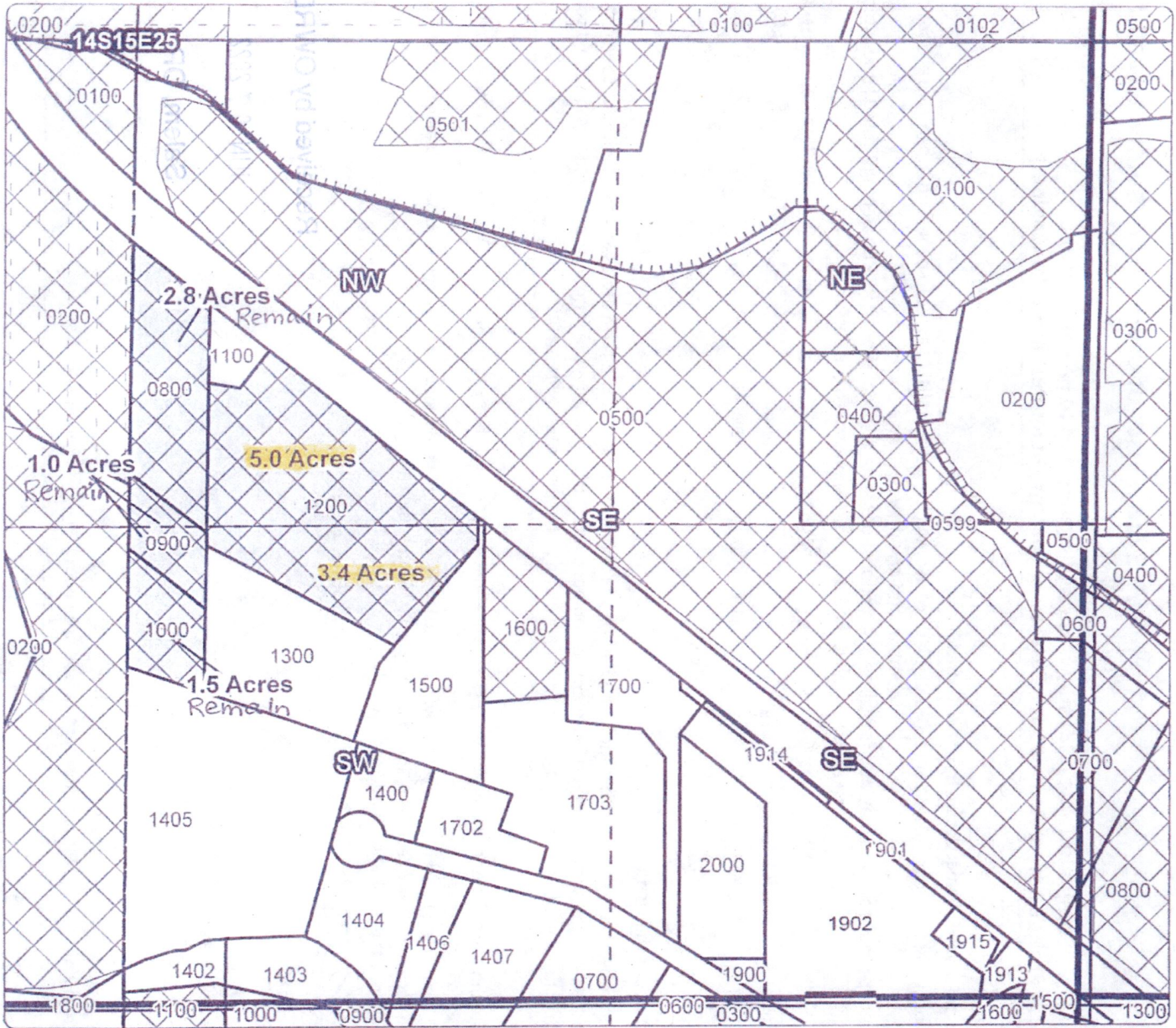
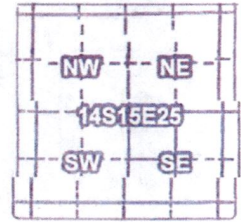
# Ochoco Irrigation District Application for Instream Lease

Cert #: 82246 (IR), 82247 (IS)

For: Kathleen Lieser

JUN 07 2022

Salem, OR  
Tax Lot 1200

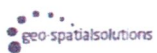


## 1 YEAR INSTREAM LEASE MAP

Taxlot 800, 141525NWSE: 2.8 Acres (82246/82247), Remaining  
 Taxlot 1200, 141525NWSE: 5.0 Acres Leased (82246/82247), 0 Acres Remaining  
 Taxlot 1200, 141525SWSE: 3.4 Acres Leased (82246/82247), 0 Acres Remaining  
 Taxlot 1000, 141525SWSE: 1.5 Acres (82246/82247), Remaining  
 Taxlot 900, 141525NWSE/141525SWSE: 1.0 Acres Leased (82246/82247),  
 0 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Transfer
- Cert 82246
- Cert 82247
- Cert 82248
- Cert 82249

1 inch = 400 feet  
April 2015



Previously leased by TwinStar L-1412 (2014)





Part 4 of 4 – Water Right and Instream Use Information

Use a separate Part 4 for each water right to be leased instream

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 # <u>82246</u>	
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	83.9	Max rate per acre: 0.0125 cfs/ac, max duty of 4 AF/Ac	1.049	335.6	
Total af from storage, if applicable: _____ AF or <input checked="" 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:							

Table 3

<b>Instream Use created by the lease</b>	River Basin: <u>Crooked River</u>	River/Stream Name: <u>Ochoco Creek, tributary to Crooked River</u>					
<b>Proposed Instream Reach:</b> <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>		<b>Or Proposed Instream Point:</b> <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.)							
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b>							
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	Och	IR	83.9	0.00887 cfs/ac and 3 AF/ac (ave on-farm delivery) Instream from April 15 through October 1	0.774	250.93	
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 <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>Instream from April 15 through Oct 1. Lease to be served at same rate and duty as Ochoco Irrigation District on-farm which can be variable during the season (working with OWRD watermaster and District).</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.							
Any additional information about the proposed instream use: <u>Instream as Mitigation Project</u>							

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