

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 #	11-1977/MP-307
	District #	OID Och

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

Fee in the amount of:

<input checked="" type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	Or <input 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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MAY 24 2023

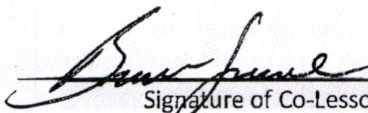
Salem, OR

Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: month <u>April</u> year <u>2023</u> and end: month <u>Oct</u> year <u>2023</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.

 _____ Date: 5/17/2023

Signature of Co-Lessor

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

_____ Date: _____
 Signature of Co-Lessor

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____

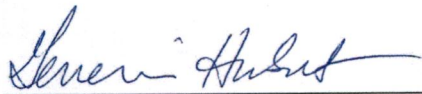
**E-mail address: _____

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See next page for additional signatures.



Date: 5/17/2023

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: james@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:

Kathleen Lieser	8.4 acres
Dave Molony	8.6 acres
Brian Barney	49.8 acres
<u>NW Creations</u>	<u>21.1 acres</u>
Total	87.9 acres

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

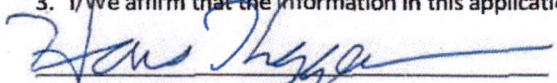
**Complete Table 1 Identify water right(s) proposed to be leased instream
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

Table 1

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	1700		5.8	IR	21	1879	
82246	8/10/1917	Och Fd	14 S	15 E	36	se ne	1700		1.0	IR	21	1879	
82246	8/10/1917	Och Fd	14 S	15 E	36	nw ne	1700		1.9	IR	21	1879	
82246	8/10/1917	Och Fd	14 S	15 E	36	sw ne	1700		3.7	IR	21	1879	
82246	8/10/1917	Och Fd	14 S	15 E	36	nw ne	1600		7.1	IR	21	1879	
82246	8/10/1917	Och Fd	14 S	15 E	36	sw ne	1600		1.6	IR	21	1879	
Any additional information about the right: 21.1 acres IR. POD is Ochoco Feed Canal. Previous owner/lessor Sam Stafford													
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.


Signature of Lessor

Date: 04/27/2023

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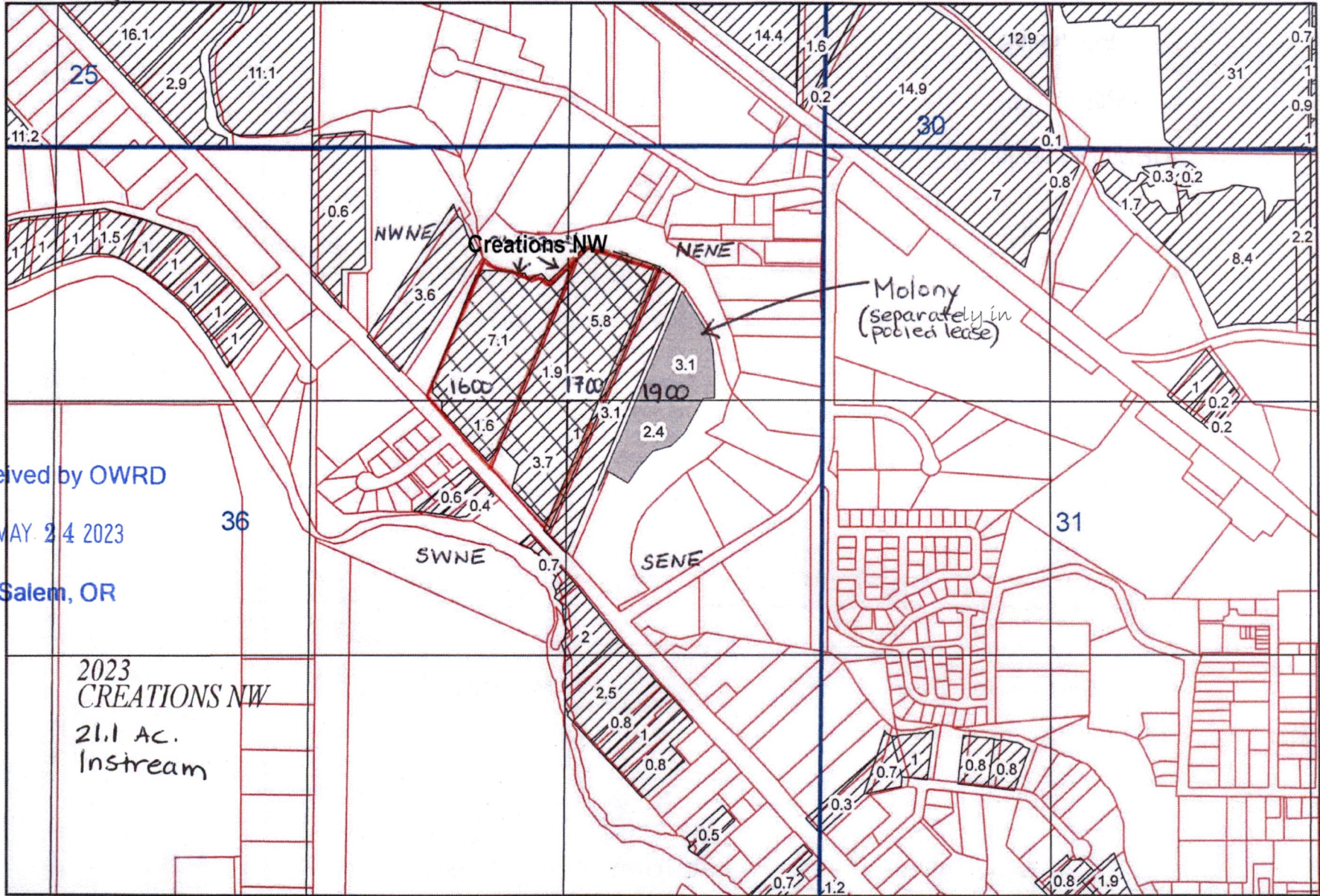
Printed name (and title): Bob Sanders Business name, if applicable: Creations Northwest, LLC.
Mailing Address (with state and zip): 735 E Clarendon St. Suite 201, Gladstone, OR 97027
Phone number (include area code): 503-319-5946 **E-mail address: Bob@htiplc.com

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MOLONY 5.5 Ac , CREATIONS NW 21.1 Acres
T. 14 S., R. 15 E., W.M., SECTION 36
NE 1/4



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Salem, OR

2023
CREATIONS NW
21.1 Ac.
Instream

800 400 0 800 Feet



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	25	nw	se	1200		5.0	IR	20	IL-1930
82246	8/10/1917	Och Fd	14		15		25	sw	se	1200		3.4	IR	20	IL-1930

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.

The undersigned declare:

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

Kathleen Lieser
Signature of Lessor

Date: 4-6-23

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MAY 24 2023

Salem, OR

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): 541-447-3890 **E-mail address: clint.lieser@gmail.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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MAY 24 2023

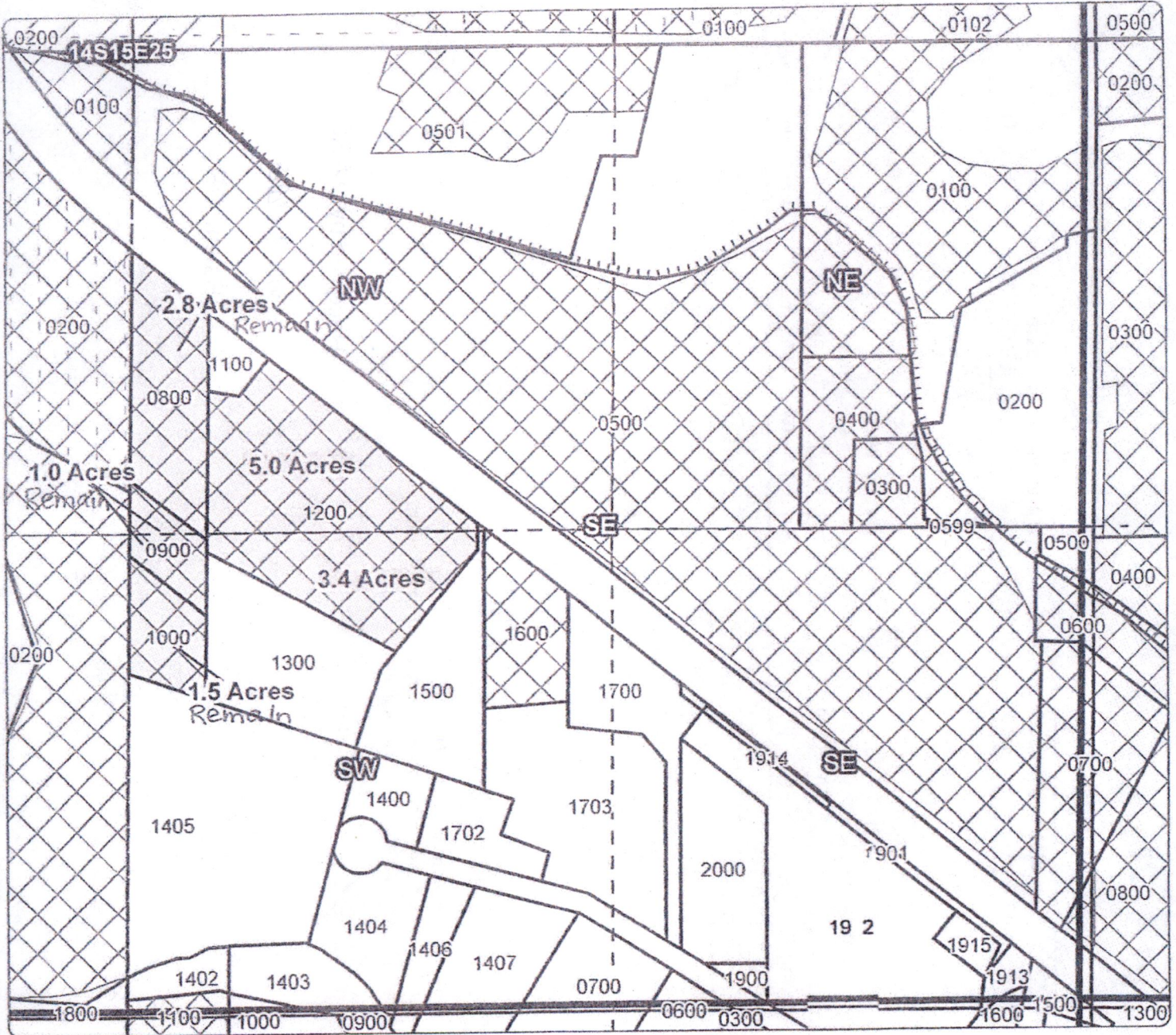
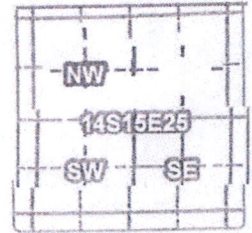
Salem, OR

Tax Lot 1200

Ochoco Irrigation District Application for Instream Lease

Cert : 82246 (IR), 82247 (IS)





For: Kathleen Lieser

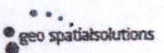


YEAR INSTREAM LEASE MAP

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

KAL

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



Previously leased by TwinStar L-1412 (2014)

1 inch = 4 feet
April 2 15

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

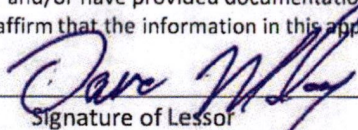
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82246	8/10/1917	Och Fd	14	S	15	E	36	ne	ne	1900		3.1	IR	21	1930
82246	8/10/1917	Och Fd	14	S	15	E	36	se	ne	1900		2.4	IR	21	1930
82246	8/10/1917	Och Fd	14	S	15	E	36	se	ne	1800		*3.1	IR	21	1930
Any additional information about the right: 8.6 Acres IR, 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.															

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


Signature of Lessor

Date: 4/7/23

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: _____

MAY 24 2023

Salem, OR

Signature of Lessor Date: _____

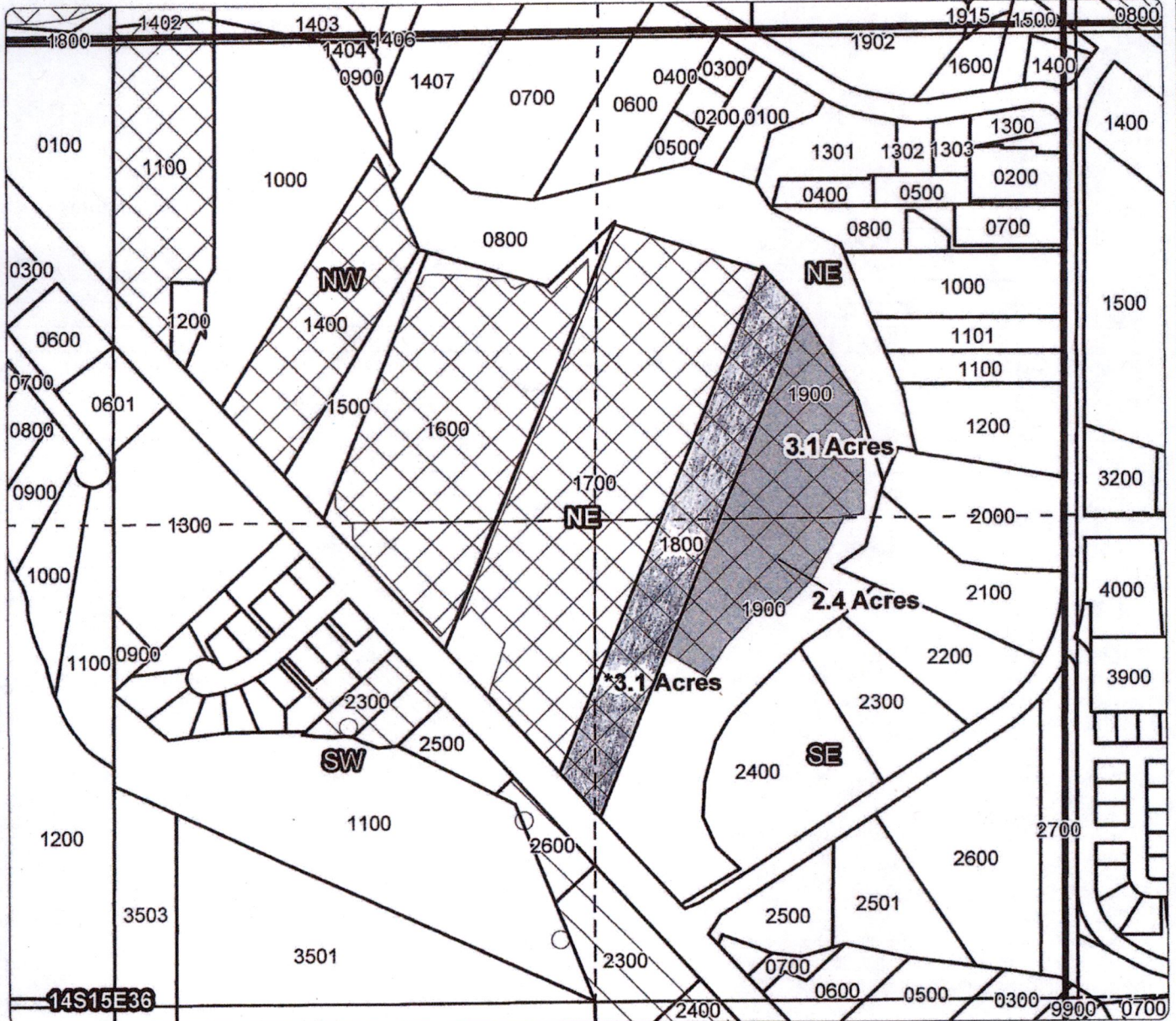
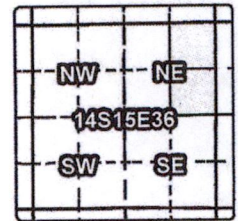
Printed name (and title): _____ Business name, if applicable: _____
Mailing Address (with state and zip): _____ Phone number (include area code): _____ **E-mail address: _____

Ochoco Irrigation District
Application for Instream Lease
 Cert #: 82246 (IR), 82247 (IS)
 For: Dave Molony

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Salem, OR

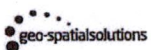


1 YEAR INSTREAM LEASE MAP

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
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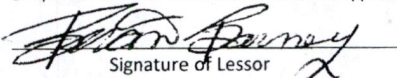
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82246	8/10/1917	Och Fd	15 S	16 E	04	NE SE	2500		9.4	IR		IL-1754
82246	8/10/1917	Och Fd	15 S	16 E	04	SE NE	2500		5.1	IR		IL-1754
82246	8/10/1917	Och Fd	15 S	16 E	04	NW SE	2500		19.9	IR		IL-1754
82246	8/10/1917	Och Fd	15 S	16 E	04	SW NE	2500		9.6	IR		IL-1754
82246	8/10/1917	Och Fd	15 S	16 E	04	SW NE	2500		.5	IR		IL-1754
82246	8/10/1917	Och Fd	15 S	16 E	04	SW NE	2500		1.3	IR		IL-1754
82246	8/10/1917	Och Fd	15 S	16 E	04	SE NE	2505		4.0	IR		IL-1754

Any additional information about the right: 49.8 acres IR. POD is Ochoco Feed Canal

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: 5/23/2023

Printed name (and title): Brian Stearns Barney Business name, if applicable: Stearns Land Company, LLC

Mailing Address (with state and zip): 910 NE Johnson Creek Rd., Prineville, OR 97754

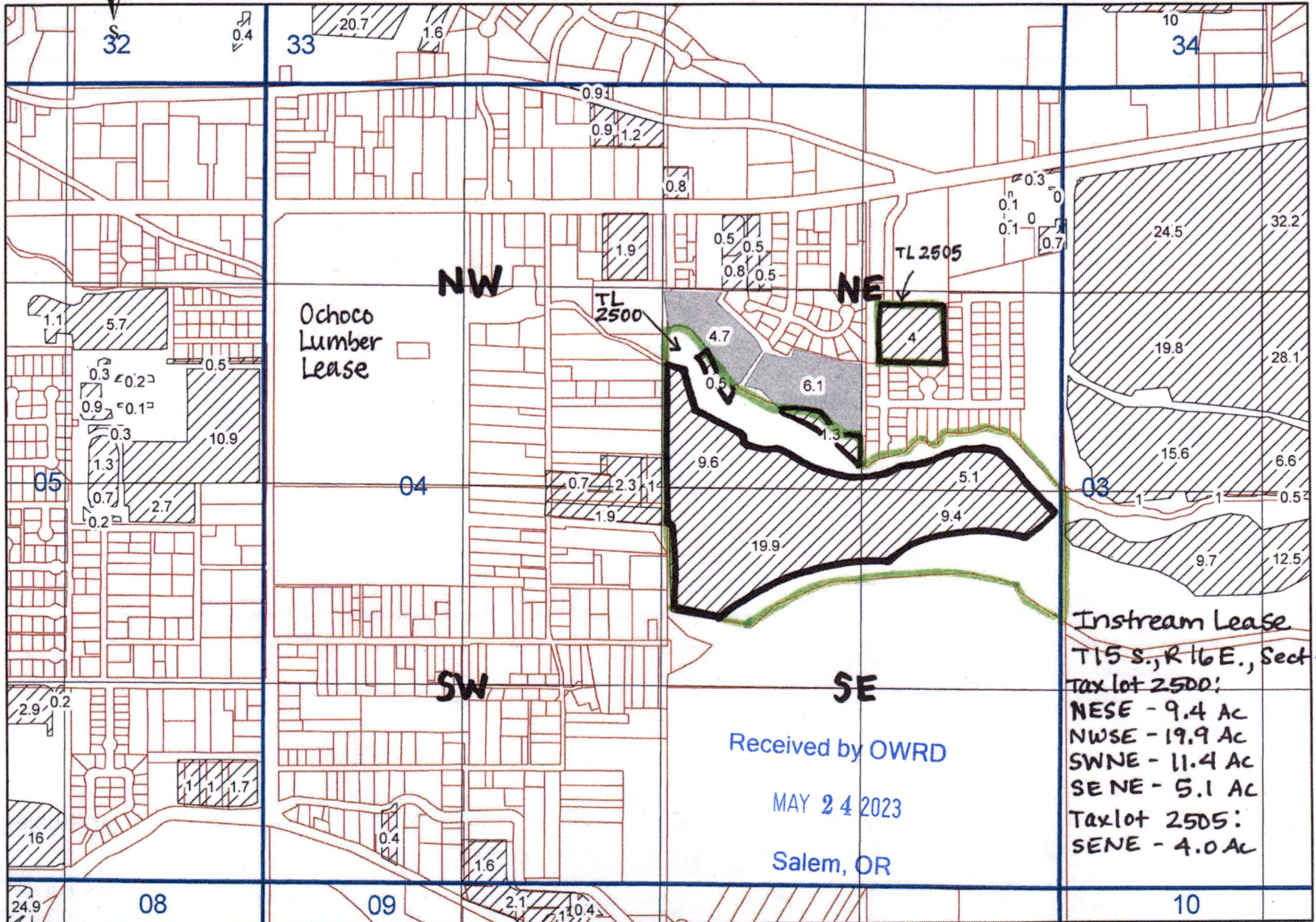
Phone number (include area code): 541-447-1399 **E-mail address: brian@triangleoutfit.com

Received by OWRD

MAY 24 2023

Salem, OR

STEARNS LAND - LEASE LANDS T. 15 S., R. 16 E., SECTION 4, W.M..



Instream Lease
T. 15 S., R. 16 E., Sect 4
Tax lot 2500:
NESE - 9.4 Ac
NWSE - 19.9 Ac
SWNE - 11.4 Ac
SENE - 5.1 Ac
Tax lot 2505:
SENE - 4.0 Ac

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MAY 24 2023

Salem, OR

1,000 500 0 1,000 Feet



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Salem, OR

HOME

OREGON SECRETARY OF STATE
Corporation Division

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uniform commercial code uniform commercial code search documents & data services



Business Name Search

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Business Entity Data

05-18-2023 14:57

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
483537-83	DLLC	ACT	OREGON	10-23-1995	10-23-2023	
Entity Name	STEARNS LAND COMPANY, LLC					
Foreign Name						

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS					
Addr 1	910 NE JOHNSON CREEK RD						
Addr 2							
CSZ	PRINEVILLE	OR	97754		Country	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	04-25-2017	Resign Date	
Name	BRIAN	STEARNS	BARNEY				
Addr 1	910 NE JOHNSON CREEK RD						
Addr 2							
CSZ	PRINEVILLE	OR	97754		Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS					
Addr 1	910 NE JOHNSON CREEK RD						
Addr 2							
CSZ	PRINEVILLE	OR	97754		Country	UNITED STATES OF AMERICA	

Type	MEM	MEMBER				Resign Date	
------	-----	--------	--	--	--	-------------	--

Name	BRIAN	STEARNS	BARNEY		
Addr 1	910 NE JOHNSON CREEK RD				
Addr 2					
CSZ	PRINEVILLE	OR	97754	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	BRIAN	STEARNS	BARNEY		
Addr 1	910 NE JOHNSON CREEK RD				
Addr 2					
CSZ	PRINEVILLE	OR	97754	Country	UNITED STATES OF AMERICA

[New Search](#)

[Printer Friendly](#)

Name History








Business Entity Name	Name Type	Name Status	Start Date	End Date
STEARNS LAND COMPANY, LLC	EN	CUR	04-25-2017	
STEARNS LAND CO. LIMITED PARTNERSHIP	EN	PRE	10-23-1995	04-25-2017

Please [read](#) before ordering [Copies](#).

[New Search](#)

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-29-2022		FI		
	AMENDED ANNUAL REPORT	10-07-2021		FI		
	ANNUAL REPORT PAYMENT	10-07-2020		SYS		Received by OWRD
	ANNUAL REPORT PAYMENT	09-17-2019		SYS		
	ANNUAL REPORT PAYMENT	09-25-2018		SYS		MAY 24 2023
	AMENDED ANNUAL REPORT	10-10-2017		FI		
	ARTICLES OF CONVERSION	04-25-2017		FI	Name/Agent	Salem, OR
	AMENDED ANNUAL REPORT	09-17-2016		FI		
	AMENDED ANNUAL REPORT	10-15-2015		FI		
	AMENDED ANNUAL REPORT	10-22-2014		FI		

ANNUAL REPORT PAYMENT	09-20-2013		SYS		
ANNUAL REPORT PAYMENT	09-20-2012		SYS		
ANNUAL REPORT PAYMENT	09-22-2011		SYS		
ANNUAL REPORT PAYMENT	09-28-2010		SYS		
ANNUAL REPORT PAYMENT	09-22-2009		SYS		
ANNUAL REPORT PAYMENT	09-25-2008		SYS		
ANNUAL REPORT PAYMENT	10-04-2007		SYS		
ANNUAL REPORT PAYMENT	10-03-2006		SYS		
CERTIFICATE OF AMENDMENT	02-23-2006		FI		
ANNUAL REPORT PAYMENT	09-20-2005		SYS		
ANNUAL REPORT PAYMENT	09-21-2004		SYS		
ANNUAL REPORT PAYMENT	09-30-2003		SYS		
ANNUAL REPORT PAYMENT	09-17-2002		SYS		
ANNUAL REPORT PAYMENT	11-06-2001		SYS		
STRAIGHT RENEWAL	09-21-2000		FI		
STRAIGHT RENEWAL	09-15-1999		FI		
STRAIGHT RENEWAL	09-21-1998		FI		
STRAIGHT RENEWAL	09-10-1997		FI		
CHANGED RENEWAL	09-10-1997		FI		
STRAIGHT RENEWAL	09-20-1996		FI		
NEW FILING	10-23-1995		FI		

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MAY 24 2023

Salem, OR

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 # 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	87.9	Max rate per acre: 0.0125 cfs/ac, max duty of 4 AF/Ac	1.099	351.6

Total af from storage, if applicable: _____ AF or 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

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	Och	IR	87.9	0.00887 cfs/ac and 3 AF/ac (ave on-farm delivery) Instream from April 15 through October 1	0.780	262.90

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.

Yes N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here 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).
 Note: The Department may identify additional conditions to prevent injury and/or enlargement.

Any additional information about the proposed instream use: Instream as Mitigation Project

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