

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 #	LL-2052/MP-327
	District #	

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

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: 82247

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.

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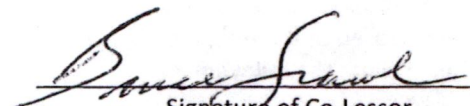
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Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: month <u>April</u> year <u>2024</u> and end: month <u>October</u> year <u>2024</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 checked="" 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: 4/18/24
 Signature of Co-Lessor

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Printed name (and title): Bruce Scanlon, District 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: windyoid@bendbroadband.com

JENNIFER CARRINGTON
 Digitally signed by JENNIFER CARRINGTON
 Date: 2024.05.29 14:34:26 -06'00'
 Date: _____
 Signature of Co-Lessor

Printed name (and title): Jennifer J. Carrington, Regional Director, C-PN Region
 Business/Organization name: US Bureau of Reclamation
 Mailing Address (with state and zip): 1150 N. Curtis Road, Suite 100, Boise, Idaho 83706-1234
 Phone number (include area code): _____ **E-mail address: _____
 (208) 378-5306

See next page for additional signatures.

Gen Hubert

Date: 05/03/2024

Signature of Lessee

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

Business/organization name: Deschutes River Conservancy

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

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

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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: Ochocho 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 #		
82247	4/8/1914	2	14 S	15 E	26	SW NE	601		24.1	IR	8	IL-1810		
82247	4/8/1914	2	14 S	15 E	26	SE NE	601		6.5	IR	8	IL-1810		
82247	4/8/1914	2	14 S	15 E	26	SE NW	601		0	IR	8	IL-1810		
82247	4/8/1914	2	14 S	15 E	26	NE SW	601		0	IR	8	IL-1810		
82247	4/8/1914	2	14 S	15 E	26	NE SE	601		30.7	IR	9	IL-1810		
82247	4/8/1914	2 & 32	14 S	15 E	26	NE SE	601		0.8	IR	9	IL-1810		
82247	4/8/1914	2	14 S	15 E	26	NW SE	601		23.2	IR	9	IL-1810		
82247	4/8/1914	2	14 S	15 E	26	SW SE	601		3.3	IR	9	IL-1810		
82247	4/8/1914	2	14 S	15 E	26	SE SE	601		4.1	IR	9	IL-1810		
82247	4/8/1914	2 & 32	14 S	15 E	26	SE SE	601		12.6	IR	9	IL-1810		
Any additional information about the right: T-12813 moved acres from 141526 NENW and SENW. 105.3 ac leased instream (13.4 ac from POD 2&32 and 91.9 ac from POD 2														
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.

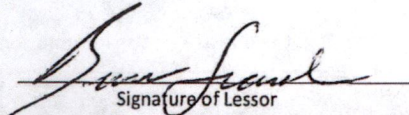
- Signature page follows -

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


Signature of Lessor

Date: 4/18/24

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: _____

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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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 # 82247

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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
4/18/1914	2	IR	91.9	Max Rate 0.025cfs/ac and Max duty 4.0 ac-ft/Ac	2.2975	367.6
4/18/1914	2&32	IR	13.4	Max Rate 0.025cfs/ac and Max duty 4.0 ac-ft/ac	0.335	53.6

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>Deschutes</u>	River/Stream Name: <u>Deschutes River, tributary to Columbia 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>2 & 32</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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total Instream volume (af)
4/18/1914	2	IR	91.9	Max rate / Total Volume @ 3 ac-ft/ac Instream 4/15-10/1	0.8176	275.72
4/18/2014	2&32	IR	13.4	Max rate / Total Volume @ 3 ac-ft/ac Instream 4/15-10/1	0.1192	40.20
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 flow allocated on daily ave. basis up to the described rate from April 15- October 1. Not to exceed the per acre cfs/duty allowed for OID patrons during the season (approx 3af/ac).</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: <u>LEASED INSTREAM AS MITIGATION PROJECT. Max rate/ac per certificate, max duty/ac per Crooked R Decree</u>						

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Deschutes Land Trust QC to OID

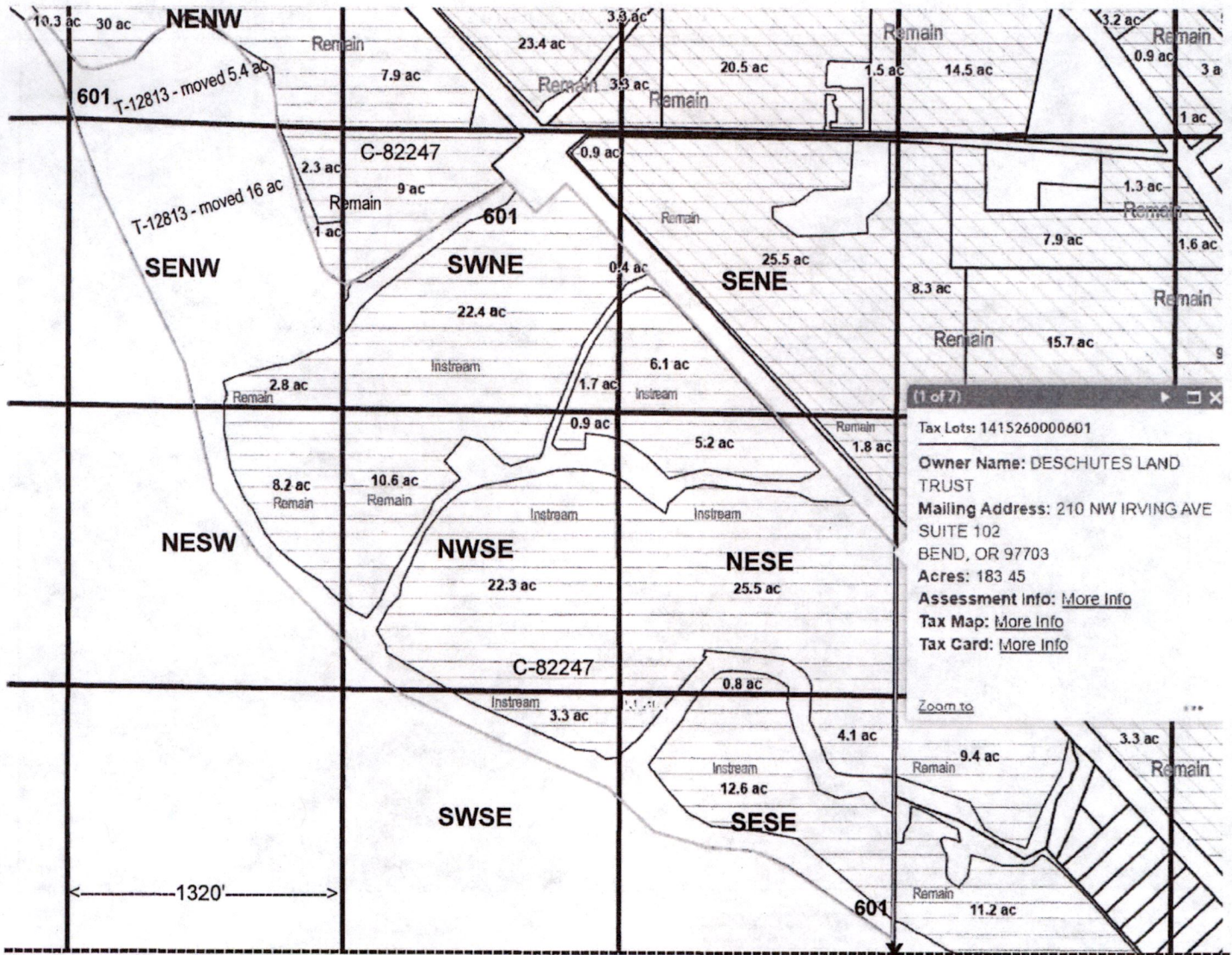
T 14 S, R 15 E, Section 26

Tax Lot 601
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(1 of 7)

Tax Lots: 1415260000601
 Owner Name: DESCHUTES LAND TRUST
 Mailing Address: 210 NW IRVING AVE SUITE 102 BEND, OR 97703
 Acres: 183.45
 Assessment Info: [More Info](#)
 Tax Map: [More Info](#)
 Tax Card: [More Info](#)

Zoom to

C-82247

- SENW - 2.8 ac remain (+3.3 ac remain) - T-12813 moved 16 ac
- SWNE - 24.1 ac instream (9 ac remain)
- SENE - 6.5 ac instream
- NESW - 8.2 ac remain
- NWSE - 23.2 ac instream (10.6 ac remain)
- NESE - 31.5 ac instream
- SWSE - 3.3 ac instream
- SESE - 20.8 ac instream

----- tax lot 601 boundary



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Ochoco Irrigation District



Crook County is not responsible for errors, omissions, or misuse. Map is for reference purposes only. Notify Crook County GIS of errors (541) 416-3930.

1 inch = 752 feet



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2024

Deschutes River Conservancy – Ochoco Irrigation District Lease Survey

Must be completed, signed and returned with instream lease forms.

H.R. 2640, the "Crooked River Collaborative Water Security and Jobs Act of 2014" was enacted on December 18, 2014. Among other changes, this Act allows Ochoco Irrigation District (OID) more flexibility in how it participates in the instream leasing program, such as leasing for multiple years or for groundwater mitigation. This survey is to help the Deschutes River Conservancy (DRC) and OID understand how the landowner/lessor would like to participate in the instream lease program.

Landowner / Lessor:

Ochoco Irrigation District
Bruce Scanlon – District Manager
1001 NW Deer Street,
Prineville, OR 97754

Acres to Lease: 105.3 acres

Number of tax lots: 1 tax lots

Lease payment through District to landowner (\$60 per acre): \$60 x 105.3 ac = \$6,318.00

\$60 per acre is special dry year price for instream lease in Ochoco Irrigation District. Landowners can lease the same duty as the District allows for on-farm use. If the duty for on-farm is reduced due to lack of supply, the lease duty is reduced proportionally. DRC pays for acres approved with final order by the state. If fewer acres/acre-feet are approved, payment will be adjusted. **Water must be allowed to be leased to create mitigation credit (more details below) to receive payment in 2024. Payment depends on funds available for District held and City held Leases.**

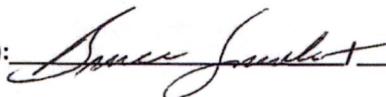
Water leased instream might create groundwater mitigation credits under OAR Chapter 690; Division 515 for the DRC mitigation bank. These credits may be used by a small farmer or local business who is required to mitigate for their groundwater use. Leasing to create mitigation protects water instream, **is counted as a beneficial use of your water right** and does not affect ownership or future use of your water. **YES**, I understand that the lease of my water might be used to create mitigation credits.

Instream leases can be for a duration of 1 to 5 years, with an opportunity for the landowner or OID to cancel your lease before March 1st of each year. OID might allow certain lessors to sign up to lease instream for multiple years. Would you be interested in leasing your water instream for:

1 year (2024)

***Ochoco ID is currently allowing lease for one year at a time.**

Lessor Signature(s):



Date:

4/18/24

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