



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Susan Douthit  
District Analyst  
Oregon Water Resources Department  
725 Summer Street, NE Ste "A"  
Salem, OR 97301-1271

RE: ORS. 540.572 Transfer – P-2013-003

Dear Susan,

Please find enclosed our Petition Number 2013-003 along with our check number 14211 for \$1,750.00 as payment of the transfer fee. This Petition includes 38.71 acres water right forfeited through ORS 540.572 and an additional 0.38 acres water right transferred through ORS 540.580 (T-2013-023, 024). This 0.38 acres is being transferred within this Petition because the receiving lands are also receiving water through ORS 540.572.

Please let me know if you have any questions or concerns.

Sincerely,

Leslie Clark  
Water Right Manager

Enclosures

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Oregon Water Resources Department  
 721 Summer Street NE, Suite A  
 Salem, OR 97301-1271

**OAR Chapter 690, Division 385  
 District Permanent Transfer Application  
 Place of Use**

District: CENTRAL OREGON IRRIGATION DISTRICT

Contact Person: Leslie Clark Phone: (541) 548-6047

Mailing Address: 1055 S.W. LAKE COURT; REDMOND, OR 97756

I. Pursuant to ORS 540.572, and OAR Chapter 690, Division 385, the district proposes to change the place of use for the following water rights per our Petition # P-2013-003:

WATER RIGHTS			
PERMIT NUMBER	CERTIFICATE NUMBER	PRIORITY DATE	PRIMARY (P) or SUPP (S)
	83571	October 31, 1900 and December 2, 1907	PRIMARY
	76714	February 28, 1913	SUPPLEMENTAL

II. The point(s) of diversion for the water rights proposed for transfer are as follows:

POINT(S) OF DIVERSION / APPROPRIATION		
POD#	SOURCE	LOCATION - LEGAL DESCRIPTION
1	Deschutes River	SW ¼ NE ¼ SEC. 13, T. 18 S., R. 11 E., W.M.; 1520' S. & 1535' W. FROM THE NE CORNER OF SEC. 13
11	Deschutes River	SE ¼ NE ¼ SEC. 29, T. 17 S., R. 12 E., W.M.; 850' N. AND 630' W. FROM THE E ¼ CORNER OF SEC. 29

III. The district proposes to change the place of use from the authorized location listed in Table 1 to the location listed in Table 2.

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**TABLE 2. - PROPOSED PLACE OF USE**

WATER RIGHT Cert/Decree	PRIORITY DATE	USE IR	POD #	LEGAL DESCRIPTION						ACRES	USER NAME	NOTICE NUMBER
				TWP	RNG	SEC	QQ	TAX LOT				
83571/76714	10/31/1900	IR	1	15 S	14 E	13	NENE	100	4.95	Thomas & Elizabeth Evans	T-2013-025	
		IR	1	15 S	14 E	13	SENE	100	4.05	Thomas & Elizabeth Evans	T-2013-025	
		IR	1	16 S	14 E	8	NESE	102	4.4	James C. & Sandra M. Carpenter	T-2013-025	
		IR	1	16 S	14 E	16	NENW	101	3.43	R.J. & M.E. Martin and Jim & Jill England	T-2013-025	
							TOTAL POD #1:		16.83			
		IR	11	14 S	13 E	7	SWNE	2702	4	Thousand Hills Ranch LLC	T-2013-026	
		IR	11	14 S	13 E	9	SESE	2300	1.1	Rocke Dee & Donna Faye Darlington	T-2013-026	
(540.580 transfer)		IR	11	14 S	13 E	9	SESE	2300	0.2	Rocke Dee & Donna Faye Darlington	T-2013-023	
		IR	11	14 S	13 E	22	NWSE	1400	0.3	Deryl & Kathryn A. Ferguson, Trustees, Kathryn A. Ferguson Living Trust	T-2013-026	
		IR	11	14 S	13 E	22	SWSE	1400	0.5	Deryl & Kathryn A. Ferguson, Trustees, Kathryn A. Ferguson Living Trust	T-2013-026	
		IR	11	14 S	13 E	35	NWNW	901	1.1	Michael J. & Regina L. Ricketts, Jordan M. Ricketts, Ian M. Ricketts	T-2013-026	
(540.580 Transfer)		IR	11	14 S	14 E	19	NESW	300	0.18	Kasberger Ranch, LLC	T-2013-024	
		IR	11	14 S	14 E	19	NESW	300	0.61	Kasberger Ranch, LLC	T-2013-026	
		IR	11	14 S	14 E	19	NWSW	300	5.22	Kasberger Ranch, LLC	T-2013-026	
		IR	11	15 S	12 E	14	NENE	100	1.5	Robert R. Burnett Jr., Trustee Robert Burnett J. Living Trust	T-2013-026	
		IR	11	15 S	13 E	30	NWSW	1100	0.75	Wendy L. Soltys	T-2013-026	
		IR	11	15 S	12 E	24	NENW	103	1.9	Lorna D. Peck, Gene A. Wareing, Lee E. Wareing, and Dale S. Wareing	T-2013-026	
		IR	11	15 S	13 E	3	NENE	100	2.9	Leslee Armstrong	T-2013-026	
		IR	11	16 S	12 E	2	NESW	701	1.4	Richard M. & Shirley L. Langston	T-2013-026	
		IR	11	17 S	12 E	11	NWNE	202	0.6	Kenneth & Connie Miller	P-2013-026	
							TOTAL POD #11:		22.26			
							Total:		39.09			

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IV. Enclosed is a map for each proposed change in place of use meeting the standards of OAR Chapter 690, Division 385.

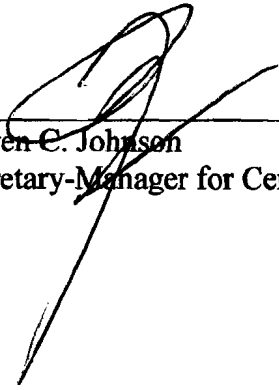
V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.

VI. Enclosed:

- Copy of the notice required under OAR 690-385-5100 mailed by the District
- Copy of any objections to the proposed transfer under OAR 690-385-5100
- Copy of findings, determinations and conclusions resulting from any hearing per OAR 690-385-5100

VII. Enclosed is the application fee in the amount of: \$1,750.00

I certify that the information contained in this district permanent transfer application is true and accurate.

  
\_\_\_\_\_  
Steven C. Johnson  
Secretary-Manager for Central Oregon Irrigation District

10 Dec. 2013

Date

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AUTHORIZED LANDS

14-13-05 SWNW 2000  
14-13-06 SENE 2000

RON LULICH

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## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

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A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Ron Lulich  
11301 NE 7th St, #MM11  
Vancouver, WA 98684

RE: Confiscation of water rights appurtenant to tax map #: 14-13-06 A0 02000 10.5 acres Irrigation

Dear Mr. Lulich,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.


Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

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cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

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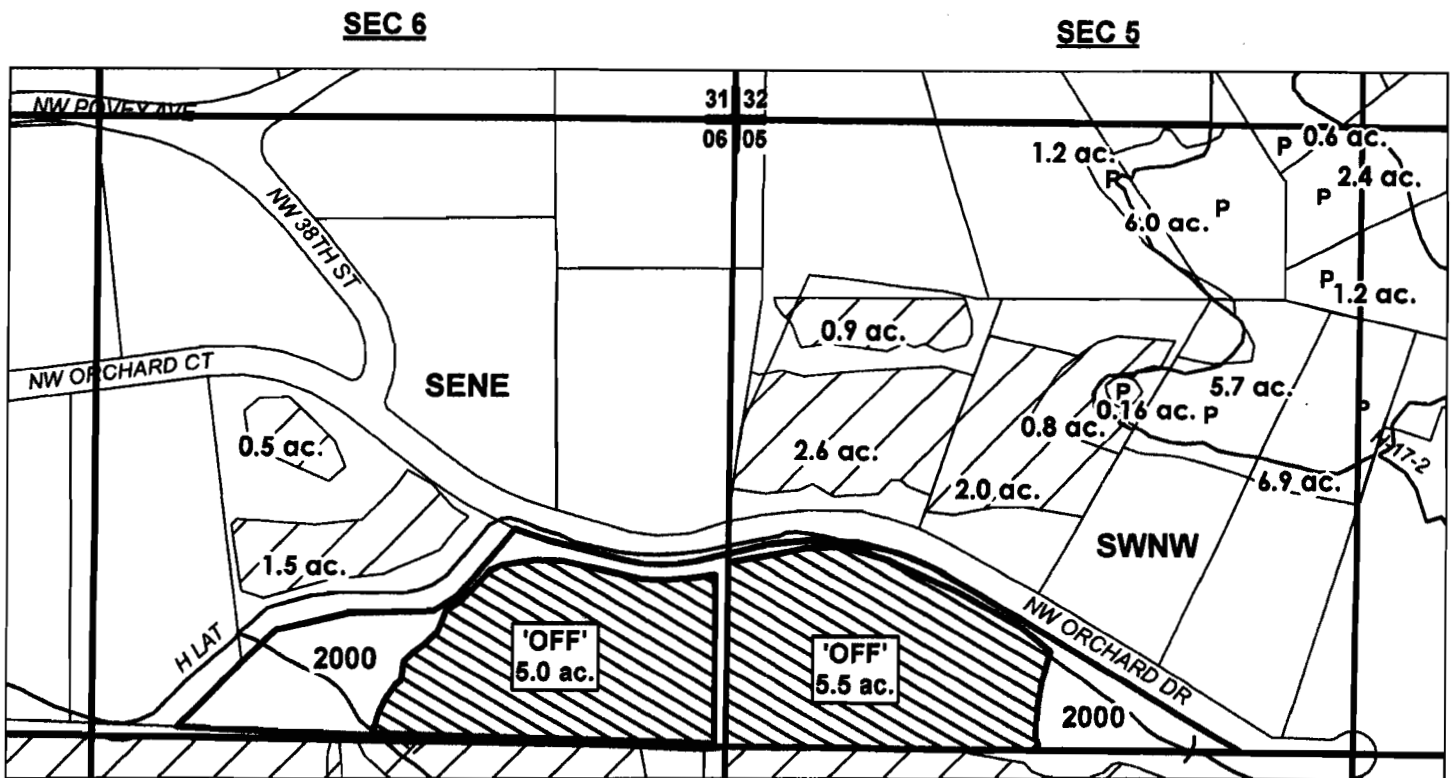
# DESCHUTES COUNTY SEC.05, 06 T14S R13E

SCALE - 1" = 400'



SE 1/4 OF THE NE 1/4 (SEC 6); SW 1/4 OF THE NW 1/4 (SEC 5)

DISTRICT PETITION #: P-2013-003



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	EXISTING WATER RIGHTS
	OFF LANDS
	PONDS

"OFF" MAP



APPLICATION FOR WATER RIGHTS TRANSFER

NAME; RON LULICH

1013003

TAXLOT #: 2000

10.5 ACRES



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee  <i>Paige Herlocker</i></p> <p>B. Received by (Printed Name)  <i>Paige Herlocker</i></p> <p>C. Date of Delivery  <i>10-2-13</i></p>
<p>1. Article Addressed to:</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes  <input type="checkbox"/> No          If YES, enter delivery address below:</p>
<p>John Jr &amp; Denise Herlocker          86 N Airstrip Dr          Tygh Valley, OR 97063</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
	<p>2. Article Number          (Transfer from service label) <b>7012 0470 0002 1812 2340</b></p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02</p>

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.46	<i>Mailed 10/01/13</i> Postmark Here  <i>5:44</i>
Certified Fee	\$ 3.10	
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	

7012 0470 0002 1812 2340

Sent to	John Jr & Denise Herlocker
Street or PO	86 N Airstrip Dr
City	Tygh Valley, OR 97063

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*JV*  
CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW Lake Court  
Redmond OR 97756-1469

Address Service Requested

PORTLAND OR 972  
03 OCT 2013 PM 7 L



Ron Lulich  
21145 Scottsdale Dr  
Bend, OR 97701

NIXIE 970 7E 1009 0010/06/13  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 97756146955 \*2729-03507-03-33  
97701#9820 9775601469

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# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 314255

John Jr & Denise Herlocker  
86 N Airstrip Dr  
Tygh Valley, OR 97063

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RE: Tax Map #: 141306 A0 02000, 10.5 acres total Irrigation water rights  
10.5 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

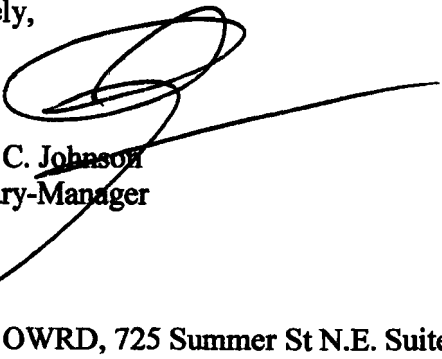
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**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
Ron Lulich 21145 Scottsdale Dr, Bend, OR 97701  
Bob Turner, The Progressive Law Group, LLC 777 NW Wall St, Ste 304, Bend, OR 97701

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013

2013-42161

\$53.00



10/07/2013 03:20:27 PM

D-D Cnt=1 Str=25 CLERK  
\$10.00 \$11.00 \$16.00 \$10.00 \$6.00

After recording, return to:

Bob Turner  
Progressive Law Group, LLC  
777 NW Wall St, Suite 304  
Bend, OR 97701

Until a change is requested, tax statements shall be sent to: the Assignee, RON LULICH, 11301 NE 7<sup>th</sup> St, Apt MM11, Vancouver, WA, 98684.

**TRUSTEE'S DEED**

THIS INDENTURE, made this 7 day of October, 2013, between BOB TURNER, hereinafter called trustee, and Ron Lulich, purchaser,

**RECITALS:**

Consideration: \$205,000.00

JOHN R. HERLOCKER, JR. and DENISE K. HERLOCKER, as grantors, executed and delivered to WESTERN TITLE & ESCROW CO., as initial trustee, for the benefit of RON LULICH, as beneficiary, a certain trust deed dated November 14, 2006, recorded January 3, 2007, in the Records of Deschutes County, Oregon, in book 2007 at page 00369. In that trust deed, the real property therein and hereinafter described was conveyed by the grantors to the trustee to secure, among other things, the performance of certain obligations of the grantors to the beneficiary. The grantors thereafter defaulted in performance of the obligation secured by the trust deed as stated in the notice of default hereinafter mentioned, and such default still existed at the time of the sale hereinafter described.

Ron Lulich, as beneficiary, thereafter appointed Bob Turner as successor trustee in a document dated April 2, 2013 and recorded on May 9, 2013 in the Records of Deschutes County, Oregon, in book 2013 at page 19156.

By reason of the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantors' obligations was recorded on May 9, 2013, in the Records of Deschutes County, Oregon, in book 2013 at page 19157, to which reference now is made.

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property, as fixed by the trustee and as required by law. Copies of the notice of sale were served pursuant to ORCP 7D.(2) and 7 D.(3), or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons or their legal representatives, if any, named in ORS 86.740 (1) and 86.740 (2)(a), at least 120 days before the date the property was sold. A copy of the notice of sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary or personal representative of any person named in ORS 86.740(2), promptly after the trustee received knowledge of the disability, insanity, or death of any such person. There were no occupants on the Property, so service upon occupants of the Property described in the trust deed was unnecessary. The trustee published a copy of the notice of sale in a newspaper of general circulation in Deschutes County once a week for four successive weeks. The last publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as having or claiming a lien on interest in the real property, entitled to notice pursuant to ORS 86.740(1)(c).

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The true and actual consideration for this conveyance is \$205,000.00.

The undersigned trustee, on October 1, 2013, at the hour of 12:00 p.m., in accord with the standard of time established by ORS 187.110, and at the place so fixed for sale, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to Ron Lulich for the sum of \$210,000.00, Ron Lulich being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.


NOW, THEREFORE, in consideration of that sum so paid by Ron Lulich in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the trust deed, the trustee does hereby convey unto Ron Lulich all interest which the grantors had or had the power to convey at the time of grantors' execution of the trust deed, together with any interest the grantors or grantors' successors in interest acquired after the execution of the trust deed in and to the following described real property, to-wit:

Lot A, SHERWOOD ESTATES, Deschutes County, Oregon

TO HAVE AND TO HOLD the same unto Ron Lulich and Ron Lulich's heirs, successors in interest and assigns forever.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.**

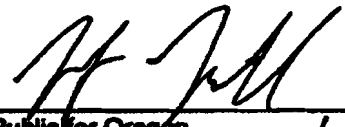
IN WITNESS.HEREOF, the undersigned trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directions.

  
\_\_\_\_\_  
BOB TURNER, Successor Trustee

STATE OF OREGON )  
                          ) ss.  
County of Deschutes )

This instrument was acknowledged before me on the 7<sup>th</sup> day of October, 2013, by Bob Turner.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 4/24/15

**Leslie**

---

**From:** Steve Johnson <stevej@coid.org>  
**Sent:** Thursday, October 24, 2013 7:08 PM  
**To:** Leslie Clark; Cary Penhollow  
**Subject:** Fwd: Re: COID Beneficial Use Evaluation

Steve Johnson  
District General Manager  
Central Oregon Irrigation District

Sent from my T-Mobile 4G LTE Device

----- Original message -----

**From:** Ron Lulich <ronlulich@yahoo.com>  
**Date:** 10/24/2013 18:34 (GMT-08:00)  
**To:** [stevej@coid.org](mailto:stevej@coid.org)  
**Subject:** Re: COID Beneficial Use Evaluation

steve,

Thanks for taking another look.  
It's unfortunate, and unnecessary, that the rights got to this position.  
I'll be in contact down the road to purchase some new rights.

Thanks again,  
Ron

On Thursday, October 24, 2013 2:12 PM, "stevej@coid.org" <stevej@coid.org> wrote:

Ron,

I appreciated our telephone conversation earlier this week and working through the issues of the lack of beneficial use of the 10.5 acres of water on your property.

As promised I reviewed the documents and aerial photography utilized in COID's evaluation of beneficial use. Which is the same set of information that has been provided to you by District staff.

I did not observe any qualifying beneficial use of the water that changes the District's determination of no beneficial use for 4 consecutive years. The District will be proceeding with confiscation of the 10.5 acres of water on your property.

As we discussed, you will have the option to appeal the District's confiscation to the Oregon Water Resource Department. Another option

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available to you after the Final Order of the confiscation has been issued would be to acquire and formally transfer COID water rights onto your property. This option would be available in approximately 1 year and feel free to contact the District this coming spring if this is something you would wish to pursue.

This is a decision and process the District takes very seriously and does not undertake lightly. Ultimately the water rights on the District's Certificate must be protected to insure the continued sustainability of the District and continued beneficial use of the water.

Steve Johnson  
COID Manager  
541.548.6047

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1011503



## Leslie

---

**From:** Leslie <lesliec@coid.org>  
**Sent:** Friday, October 18, 2013 10:33 AM  
**To:** 'ronlulich@yahoo.com'  
**Cc:** 'Laura Wollam'  
**Subject:** Water Rights  
**Attachments:** OWRD Affidavit of Use.pdf; Lulich - Aerials.pdf

Ron,

Attached is the OWRD affidavit of use form. This affidavit is used in transfer applications but is also used to prove use for other purposes (such as this). You must obtain sworn affidavits with evidence of use (as stated on the affidavit) from at least two individuals.

Also attached is a water right map identifying the location of the 10.50 acres of irrigation in yellow hachuring and aerial photos of the property taken in 2008 thru 2013. The green areas appear to be receiving water thru seepage from the ditch, not from physically diverting the water from the ditch and spreading it on the property.

I reviewed the letter sent to you by Mr. Johnson on October 1<sup>st</sup> as well as the OAR's relating to a non-use transfer. I apologize for not having perfect recall of the process during our phone conversation this morning. Laura Wollam is our beneficial use specialist and would have responded to your call but she has been out of the office this week. It is critical you follow the steps outlined in the letter.

**"If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed [October 1, 2013] to notify the District *in writing* of your objection, if you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property. If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors."**

If you want to dispute the taking of the 10.50 acres you **MUST** submit a written request to meet with Steve Johnson prior to November 1, 2013. Please bring the completed affidavits and evidence of use to your meeting with Mr. Johnson.

Please contact me if you have any questions on the process.

Thank you,

*Leslie Clark*

Water Right Manager  
Central Oregon Irrigation District  
1055 SW Lake Court  
Redmond, OR 97756  
541 504-7576

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7012 0470 0002 1812 0582

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
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Postage	\$ 0.65
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.95

*Mailed 12/07/12*  
Postmark Here  
*4th yr*

Sent To  
Street, or PO  
City, St

**John Jr & Denise Herlocker**  
3600 NW Orchard Dr  
Terrebonne, OR 97760-1022

PS Form 3800, July 2007

**CERTIFIED MAIL**



7012 0470 0002 1812 0582

*220*

**CENTRAL OREGON IRRIGATION DISTRICT**  
1055 SW Lake Court  
Redmond OR 97758-1488  
Address Service Requested

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703



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**FOREVER**

UNITED STATES POSTAL SERVICE  
02 1P  
0001086728  
MAILED FROM

John Jr & Denise Herlocker  
3600 NW Orchard Dr  
Terrebonne, OR 97760-1022

970 NEE 1 9121 00 12/08/12  
RETURN TO SENDER  
HERLOCKER JR  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER  
\*1189-10254-07-38  
BC: 97756146955

577601022 R043



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 314255

John Jr & Denise Herlocker  
3600 NW Orchard Dr  
Terrebonne, OR 97760-1022

RE: Tax Map #: 141306A002000 - 10.5 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD

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SALEM, OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



*for*  
Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
No known Lienholders

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

T011703

AUTHORIZED LANDS

14-13-16 SWSW 1500

ALLEN & ANITA YODER JOINT  
REVOCABLE LIVING TRUST

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Allen & Anita Yoder  
Joint Revocable Living Trust  
1600 A Ave  
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 14-13-16 CC 01500 0.23 acres Irrigation

Dear Mr. & Ms. Yoder,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD

20131201

DEC 23 2013

SALEM, OR

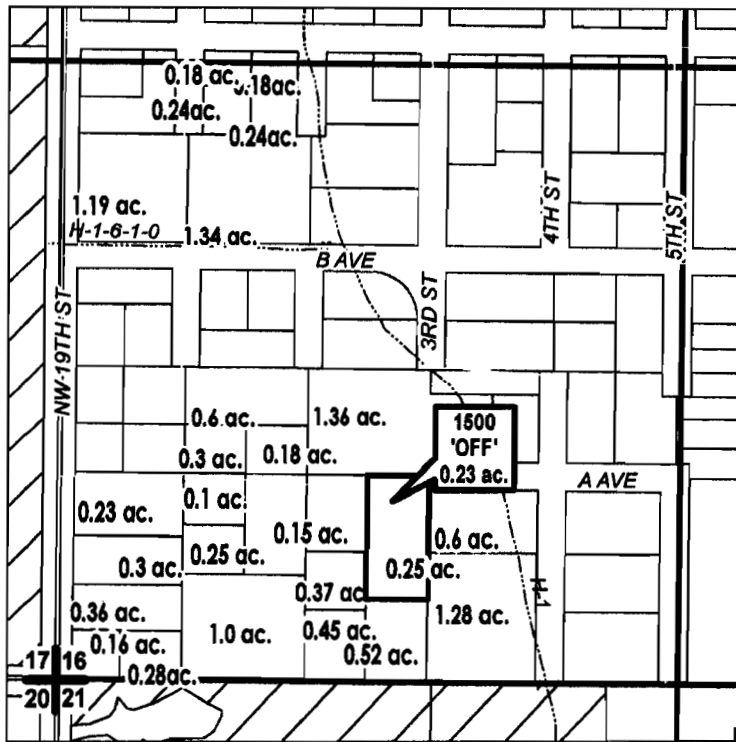
# DESCHUTES COUNTY SEC.16 T14S R13E

SCALE - 1" = 400'



SW 1/4 OF THE SW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

"OFF" MAP

# ac.	'OFF' LAND PARCELS
# ac.	PARCELS W/ WATER RIGHTS



APPLICATION FOR WATER RIGHTS TRANSFER

NAME: ALLEN & ANITA YODER JOINT REVOCABLE LIVING TRUST

TAXLOT #: 1500

0.23 ACRES

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Allen & Anita Yoder Joint Revocable  
Living Trust  
1600 A Ave  
Terrebonne, OR 97760

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  
 Agent  
 Addressee  
*X [Signature]*
- B. Received by (Printed Name)  
*Allen Yoder*
- C. Date of Delivery  
*10-5-13*
- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **7012 0470 0002 1812 2326**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7012 0470 0002 1812 2326

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.46
Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>

*Mailed 10/5/13*

Postmark Here

*5th yr*

Sent To: **Allen & Anita Yoder Joint Revocable Living Trust**  
 Street, or PO: **1600 A Ave**  
 City, State: **Terrebonne, OR 97760**

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703





# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 3073

Allen & Anita Yoder Joint Revocable Living Trust  
1600 A Ave  
Terrebonne, OR 97760

RE: Tax Map #: 141316 CC 01500, 0.48 acres total Irrigation water rights  
0.23 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

RECEIVED BY OWRD  
DEC 23 2013

1011703

SALEM, OR

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>[Handwritten Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>
<p>1. Article Addressed to:</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p>
<p>Allen &amp; Anita Yoder, Trustees 1630 A Ave Terrebonne, OR 97760</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7012 0470 0002 1812 0605</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$ 0.65	<p><i>Mailed 12/07/12</i></p> <p>Postmark Here</p> <p><i>4th yr</i></p>
Certified Fee	2.95	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.95</b>	

7012 0470 0002 1812 0605

<b>Sent</b>	Allen & Anita Yoder, Trustees
<b>Street or P.O. Box</b>	1630 A Ave
<b>City</b>	Terrebonne, OR 97760

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

7012 0470



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 3073

Allen & Anita Yoder, Trustees  
1630 A Ave  
Terrebonne, OR 97760

RE: Tax Map #: 141316CC01500 - 0.48 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011503

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



*for*  
Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
Selco Community Credit Union 501 NE Bellevue Dr, Bend, OR 97701

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

1011703

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AUTHORIZED LANDS

14-13-20 SESE 300

JEREMY J. & CHARITY KOEHLER

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011503



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Jeremy J. & Charity Koehler  
6775 NW 19th St  
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 14-13-20 D0 00300 6.10 acres Irrigation

Dear Mr. & Ms. Koehler,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

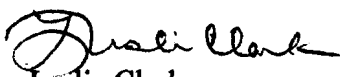
Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

1011703

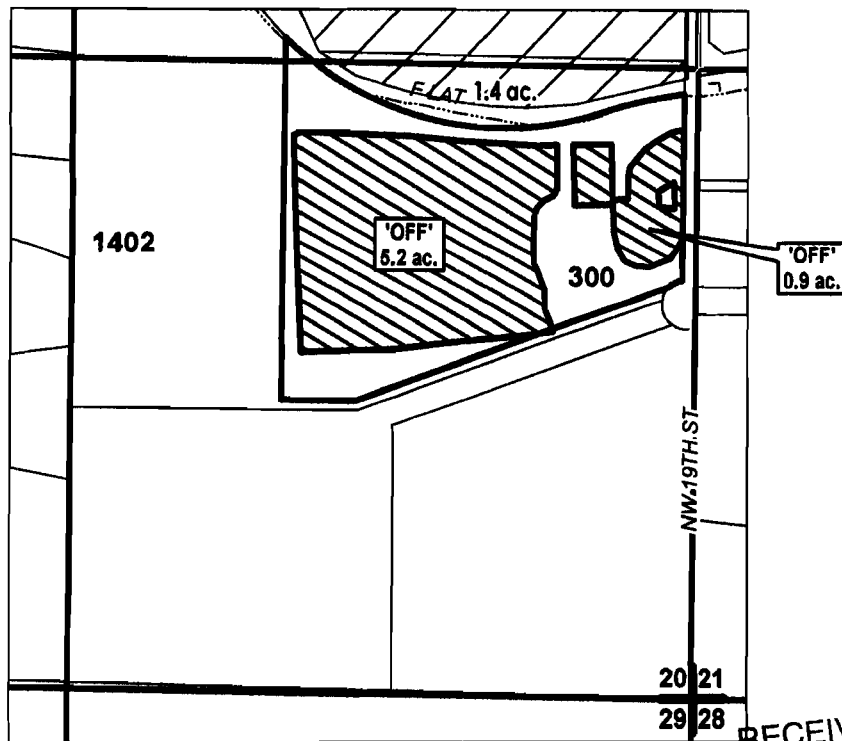
# DESCHUTES COUNTY SEC.20 T14S R13E

SCALE - 1" = 400'



SE 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703



"OFF" MAP

CENTRAL OREGON



IRRIGATION DISTRICT

APPLICATION FOR WATER RIGHTS TRANSFER

NAME: JEREMY & CHARITY KOEHLER

TAXLOT #: 300

6.1 ACRES

7012 0470 0002 1812 2333

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.46
Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>

*Mailed 10/01/13*

Postmark  
Here

*5th yr*

Sort

Street  
or P.O.  
City

Jeremy & Charity Koehler  
PO Box 2034  
Redmond, OR 97756

PS Form

0005

**CERTIFIED MAIL**

PORTLAND OR 970  
01 OCT 2013 PM 1 L



7012 0470 0002 1812 2333



USA  
FIRST-CLASS  
**FOREVER**



UNITED STATES POSTAL SERVICE  
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MAILED FRI  
6910/23/13

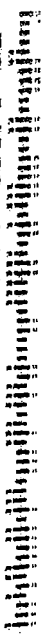
*10-2*  
*17*

Jeremy & Charity Koehler  
PO Box 2034  
Redmond, OR 97756

NIXIE 970 SC 1 6910/23/13

RETURN TO SENDER  
UNDELIVERED  
UNABLE TO FORWARD

EC: 9775614688



CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW Lake Court  
Redmond OR 97756-1468  
Address Service Requested

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703





# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 2487

Jeremy & Charity Koehler  
PO Box 2034  
Redmond, OR 97756

RE: Tax Map #: 141320 D0 00300, 6.1 acres total Irrigation water rights  
6.1 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

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**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.**

RECEIVED BY OWRD  
DEC 2 3 2013

1011703

SALEM, OR

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
Citimortgage, Inc PO Box 790017, St Louis, MO 63179-0017  
Loan # XXXXXX3826  
Routh Crabtree Olsen, P.C. 511 SW 10th Ave, Ste 400, Portland, OR 97205  
Case # 12CV1072  
Oregon Affordable Housing Assistance Corp 725 Summer St NE, Ste B, Salem, OR  
97301-1266

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013

1011703

7012 0470 0002 1812 0599

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**

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For delivery information visit our website at www.usps.com

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Certified Fee	2.95	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.95	

Send  
Stamps  
or PC  
City:  
Jeremy & Charity Koehler  
PO Box 2034  
Redmond, OR 97756

**CERTIFIED MAIL**



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*220*  
CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW Lake Court  
Redmond OR 97758-1469

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DEC 01 2012  
REDMOND, OR 97756  
BOWEN

Jeremy & Charity Koehler  
PO Box 2034  
Redmond, OR 97756

*RECEIVED*  
REASON CHECKED  
Unclaimed Not Known  
Attempted Not Known  
Insufficient Address  
No Such Street  
No Such Office In State  
Do Not Remail This Envelope  
REDMOND, OR 97756

RECEIVED BY OWPRD

DEC 23 2013

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SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 2487

Jeremy & Charity Koehler  
PO Box 2034  
Redmond, OR 97756

RE: Tax Map #: 141320D000300 - 6.1 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

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DEC 23 2013

SALEM, OR

1011703

AUTHORIZED LANDS

15-13-30 NESE 1402

TUCKER & JAN MAYBERRY

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Tucker E. & Jan S. Mayberry  
10801 SW Riverside Dr  
Portland, OR 97219

RE: Confiscation of water rights appurtenant to tax map #: 15-13-30 00 01402 3.40 acres Irrigation

Dear Mr. & Ms. Mayberry,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

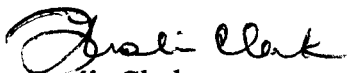
Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

1011703

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DEC 23 2013

SALEM, OR

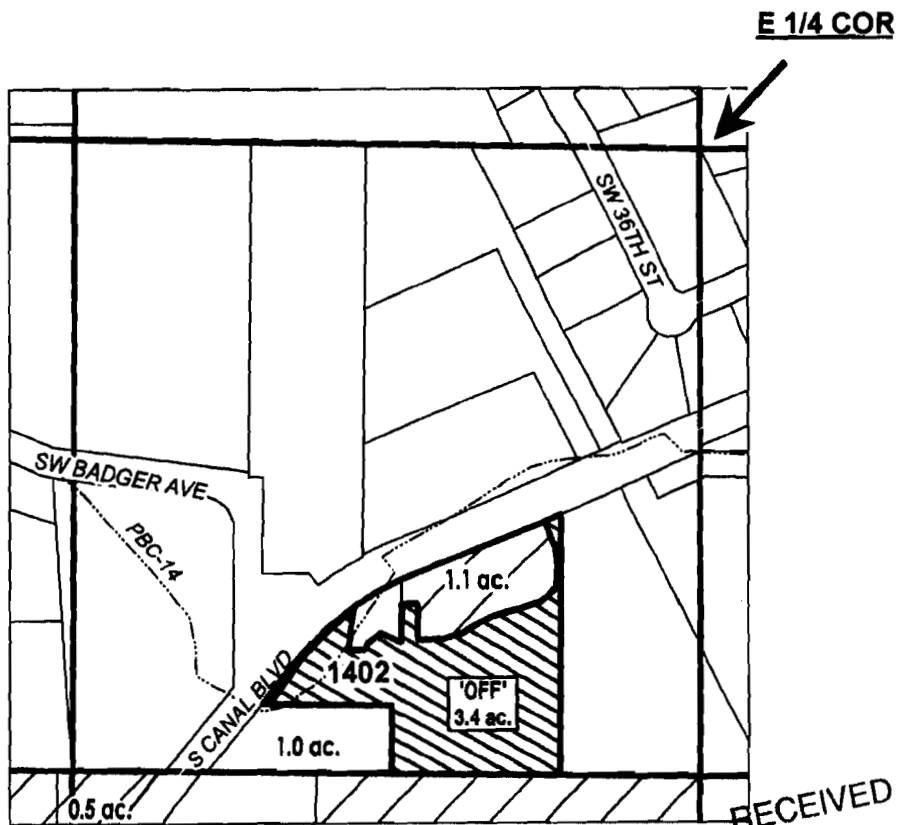
# DESCHUTES COUNTY SEC.30 T15S R13E

SCALE - 1" = 400'



NE 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

	EXISTING WATER RIGHTS
	OFF LANDS
	PARCELS W/ WATER RIGHTS

"OFF" MAP



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: TUCKER & JAN MAYBERRY

1011703

TAXLOT #: 1402

3.4 ACRES

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>Tucker &amp; Jan Mayberry</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Jan &amp; Tucker Mayberry</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Tucker &amp; Jan Mayberry 10801 SW Riverside Dr Portland, OR 97219</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7012 0470 0002 1812 2364</p>



PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$ 0.46	<i>Marked 10/01/13</i> Postmark Here
Certified Fee	\$ 3.10	
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	<i>5¢ yr</i>

Sent 7

Street or PO

City, State

PS Form 3811

Tucker & Jan Mayberry  
10801 SW Riverside Dr  
Portland, OR 97219

7012 0470 0002 1812 2364

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RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR





# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 1525

Tucker & Jan Mayberry  
10801 SW Riverside Dr  
Portland, OR 97219

RE: Tax Map #: 151330 00 01402, 4.5 acres total Irrigation water rights  
3.4 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.**

1011703

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DEC 2 9 2013  
SALEM, OR

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, cover front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p><i>Jan S. Mayberry</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p><i>Jan S. Mayberry</i></p> <p>C. Date of Delivery</p>
<p>1. Article addressed to:</p> <p>Tucker &amp; Jan Mayberry 10801 SW Riverside Dr Portland, OR 97219</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>Service Type: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7012 0470 0002 1812 0438</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102585-02-M-1540</p>	



7012 0470 0002 1812 0438

U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ 0.65
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.95
Sent to: Street or PO: City, State, ZIP+4®:	Tucker & Jan Mayberry 10801 SW Riverside Dr Portland, OR 97219

Mailed 12/07/12  
Postmark Here  
*1/12 yr*

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

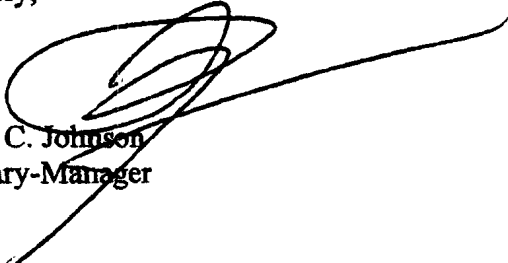
1011703

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*Hyperion Capital Group, LLC 5885 SW Meadows Rd, Ste 850, Lake Oswego, OR 97035*  
*Loan # 4025447*  
*Hyperion Capital Group, LLC 5885 SW Meadows Rd, Ste 850, Lake Oswego, OR 97035*  
*Loan # 4025448*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013

1011503



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 1525

Tucker & Jan Mayberry  
10801 SW Riverside Dr  
Portland, OR 97219

RE: Tax Map #: 1513300001402 - 4.5 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
Hyperion Capital Group, LLC 5885 SW Meadows Rd, Ste 850, Lake Oswego, OR  
97035 Loan # 4025447 & 4025448

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

1011703

AUTHORIZED LANDS

16-12-10 SWSE 1300

LAWRENCE LINDSEY  
TRISA RUSSELL

1011703

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Lawrence Lindsey  
Trisa Russell  
8484 SW 82nd St  
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 16-12-10 D0 01300 1 acres Irrigation

Dear Mr. Lindsey & Ms. Russell,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

1011703

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

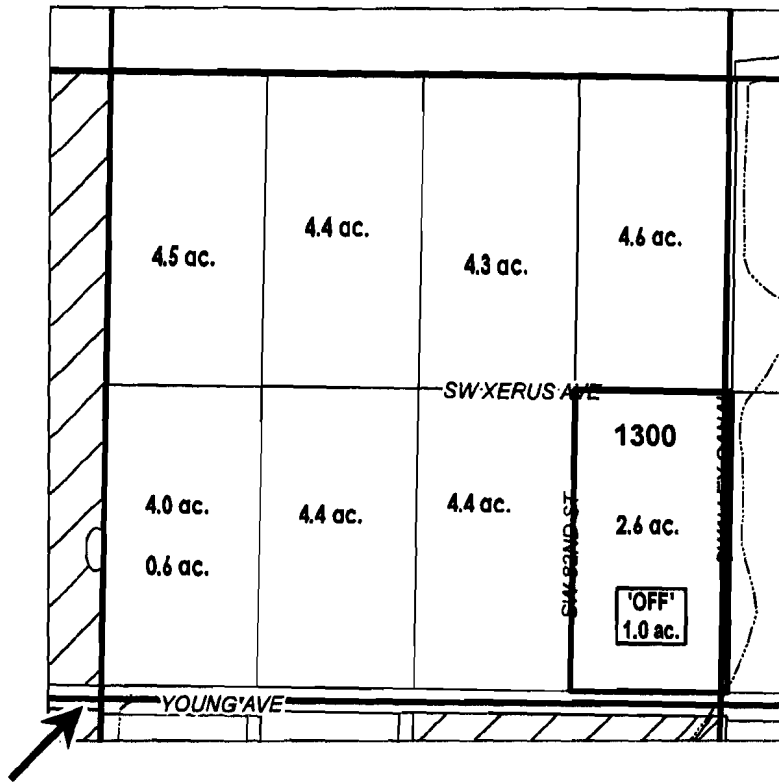
# DESCHUTES COUNTY SEC.10 T16S R12E

SCALE - 1" = 400'



SW 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

S 1/4 COR

# ac.	'OFF' LAND PARCELS
# ac.	PARCELS W/ WATER RIGHTS

"OFF" MAP

1011703

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: LAWRENCE LINDSEY & TRISA RUSSELL

TAXLOT #: 1300

1.0 ACRES

CENTRAL OREGON



WATER & POWER DISTRICT



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <i>Lindsay</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  Lawrence Lindsey & Trisa Russell 8484 SW 82nd St Redmond, OR 97756		B. Received by (Printed Name) <i>Trisa Lindsey</i> C. Date of Delivery	
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7012 0470 0002 1812 2319	
PS Form 3811, February 2004		Domestic Return Receipt	
		10255-02-11-1546	

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.46	<i>Mailed 10/2/13</i> Postmark Here  <i>5th yr</i>
Certified Fee	\$ 3.10	
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	

Sent 1  
Street or PO  
City, State & ZIP+4®  
PS Form 3811, February 2004

Lawrence Lindsey & Trisa Russell  
8484 SW 82nd St  
Redmond, OR 97756

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Lawrence Lindsay  
 Tricia Russell  
 8484 SW 82nd St  
 Redmond, OR 97756*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*[Signature]*

B. Received by (Printed Name) *James Post*

C. Date of Delivery  
**DEC 20 2012**

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **7012 0470 0002 1812 0032**

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ <del>2.45</del> 0.15	<i>Mailed 12/07/12</i> Postmark Here <i>4th yr</i>
Certified Fee	2.45	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.95</b>	

Sent To  
*Lawrence Lindsay + Tricia Russell*  
 Street, Apt. No., or PO Box No. *8484 SW 82nd St*  
 City, State, ZIP+4 *Redmond, OR 97756*

PS Form 3800, August 2006 See Reverse for Instructions

7012 0470 0002 1812 0032

RECEIVED BY OWRD  
 DEC 23 2013  
 SALEM, OR

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 2185

Lawrence Lindsey & Trisa Russell  
8484 SW 82nd St  
Redmond, OR 97756

RE: Tax Map #: 161210 D0 01300, 3.6 acres total Irrigation water rights  
1 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities.** (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

1011703

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DEC 23 2013

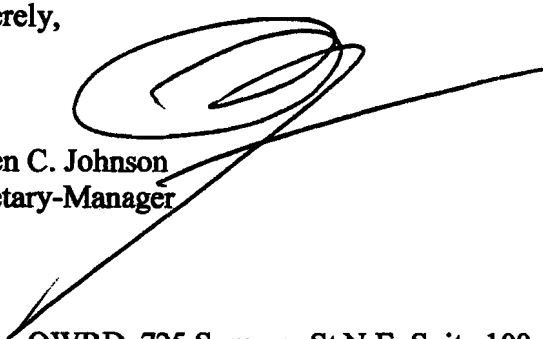
SALEM, OR

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*America's Wholesale Lender PO Box 10219, Van Nuys, CA 91410-0219*  
*Tax Acct # 130436*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 2185

Lawrence Lindsey & Trisa Russell  
8484 SW 82nd St  
Redmond, OR 97756

RE: Tax Map #: 161210D001300 - 3.6 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011503

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
America's Wholesale Lender PO Box 10219, Van Nuys, CA 91410-0219 Tax Acct #  
130436

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

1011703

AUTHORIZED LANDS

16-12-14 SESE 200

ALFRED JAMES WEST

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Alfred James West  
65675 SW 61st St  
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 16-12-14 D0 00200 0.15 acres Irrigation

Dear Mr. West,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

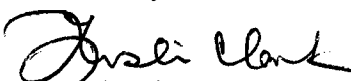
Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



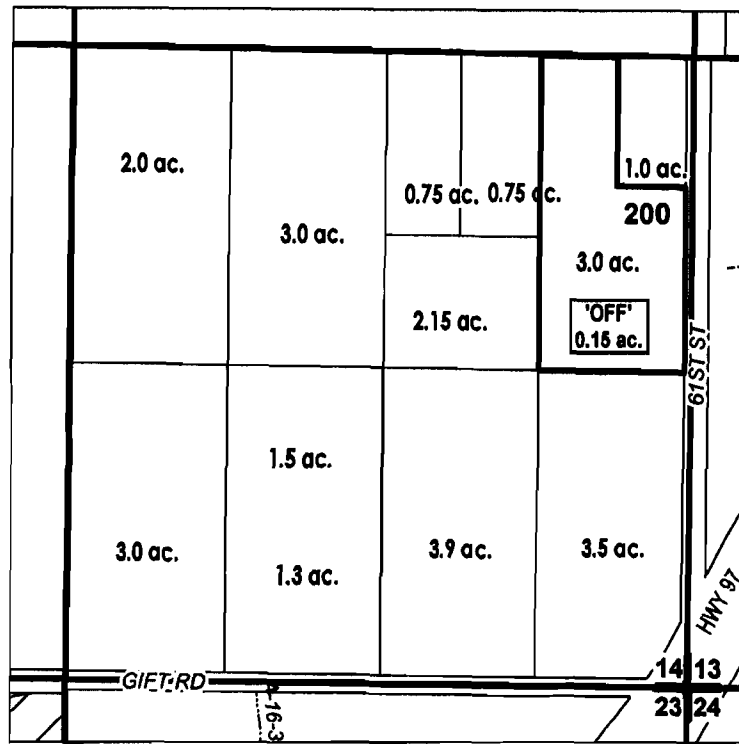
# DESCHUTES COUNTY SEC.14 T16S R12E

SCALE - 1" = 400'



SE 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

"OFF" MAP

1011703

# ac.	'OFF' LAND PARCELS
# ac.	PARCELS W/ WATER RIGHTS

CENTRAL OREGON



APPLICATION FOR WATER RIGHTS TRANSFER

NAME: ALFRED JAMES WEST

TAXLOT #: 200

0.15 ACRES

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee  <i>x Karawilliams</i></p> <p>B. Received by (Printed Name) <i>Karawilliams</i> C. Date of Delivery <i>10/02</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Alfred James West 65675 SW 61st St Bend, OR 97701</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7012 0470 0002 1812 2371</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-11640</p>	

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$ 0.46	<i>Mailed 10/01/13</i>  Postmark Here  <i>5th yr</i>
Certified Fee	\$ 3.10	
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.11	

7012 0470 0002 1812 2371

PS

Alfred James West  
65675 SW 61st St  
Bend, OR 97701

RECEIVED BY OWRD  
 DEC 23 2013  
 SALEM, OR

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 762240

Alfred James West  
65675 SW 61st St  
Bend, OR 97701

RE: Tax Map #: 161214 D0 00200, 3.15 acres total Irrigation water rights  
0.4 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.**

1011703

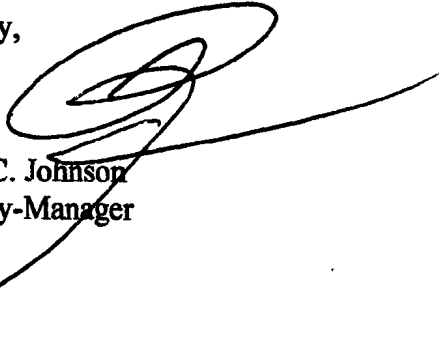
RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*No known Lien Holders*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 762240

Alfred James West  
65675 SW 61st St  
Bend, OR 97701

RE: Tax Map #: 161214D000200 - 3.15 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

1011703

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
No known Lienholders

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <i>X Alfred James West</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>A. James West</i> C. Date of Delivery <i>12/08</i></p>
<p>1. Article Addressed to:</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>Alfred James West          65675 SW 61st St          Bend, OR 97701</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>7012 0470 0002 1812 0414</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.65	<i>Mailed 12/07/12</i>  Postmark Here  <i>4th yr</i>
Certified Fee	2.45	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.45	

7012 0470 0002 1812 0414

Sent to  
 Street, or PO  
 City, St

Alfred James West  
 65675 SW 61st St  
 Bend, OR 97701

PS Form 3811

RECEIVED BY OWRD  
 DEC 23 2013  
 SALEM, OR

1011703

AUTHORIZED LANDS

16-12-27 NESW 700

GARY PRICE

1011703

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR





## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Gary L. Price et al  
20965 Sunset PL  
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 16-12-27 C0 00700 0.50 acres Irrigation

Dear Mr. Price,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

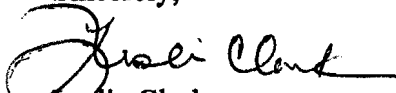
Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

DEC 23 2013

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

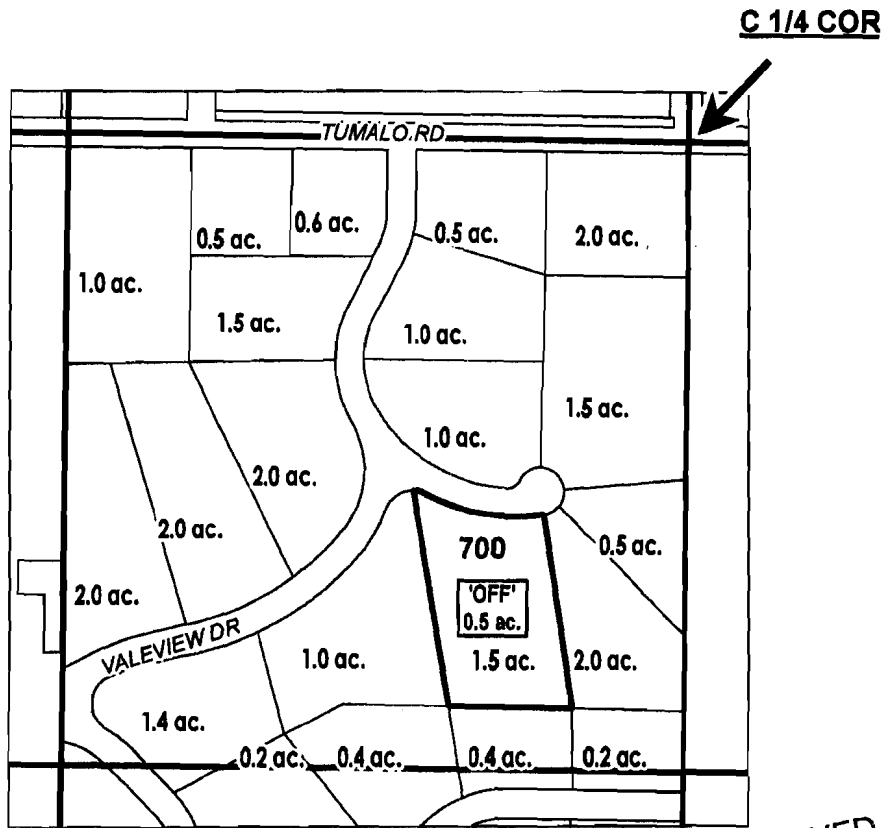
# DESCHUTES COUNTY SEC.27 T16S R12E

SCALE - 1" = 400'



NE 1/4 OF THE SW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

"OFF" MAP

700, 703

# ac.	'OFF' LAND PARCELS
# ac.	PARCELS W/ WATER RIGHTS

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: GARY PRICE

TAXLOT #: 700

0.5 ACRES



7012 0470 0002 1812 2302

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.46
Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>

*Mailed 10/21/13*

Postmark  
Here

*5th yr*

Sent To

Street, A  
or PO B  
City, Sta

PS Form

Gary Price, et al  
20965 Sunset Pl  
Bend, OR 97701

CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW Lake Court  
Redmond OR 97756-1469

Address Service Requested

**CERTIFIED MAIL**



PORTLAND OR 970  
01 OCT 2013 PM 4:1

7012 0470 0002 1812 2302

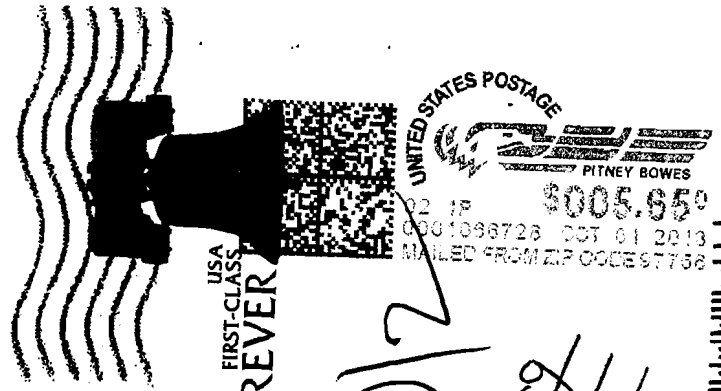
Gary Price, et al  
20965 Sunset Pl  
Bend, OR 97701

**UNCLAIMED**

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



USA  
FIRST-CLASS  
**FOREVER**

UNITED STATES POSTAGE  
PITNEY BOWES  
02 18  
\$005.650  
0001098728 OCT 01 2013  
MAILED FROM ZIP CODE 97758

*21012*  
*6-07*  
*10-19*  
*10-17*  
1st NOTICE  
2nd NOTICE  
RETURN REF

97701897765

1011903

7012 0470 0002 1812 0049

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.45
Certified Fee	2.45
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.45</b>

*Mailed 12/07/12*

Postmark  
Here

*4th yr*

Sent To *Gary Price et al*  
 Street, Apt. No., or PO Box No. *20965 Sunset Pl*  
 City, State, ZIP+4 *Bend, OR 97701-8977*

PS Form 3800, August 2006 See Reverse for Instructions

**CERTIFIED MAIL**



7012 0470 0002 1812 0049

*JP*  
CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW Lake Court  
Redmond OR 97756-1469

Address Service Requested



USA  
FIRST-CLASS  
**FOREVER**

UNITED STATES POSTAGE  
PITNEY BOWES  
\$005.50<sup>00</sup>  
02 1P  
0001088728 DEC 07 2012  
MAILED FROM ZIP CODE 97758

**NOT UNCLAIMED**

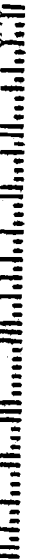
*W1210*  
*12-21*  
*12-28R*

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

9770138977 R006





## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 901385

Gary Price, et al  
20965 Sunset Pl  
Bend, OR 97701

RE: Tax Map #: 161227 C0 00700, 2 acres total Irrigation water rights  
0.5 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.**

RECEIVED BY OWRD  
DEC 25 2013

SALEM, OR

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*Washington Mutual Bank, FA 9451 Corbin Ave, Northridge, CA 91324*  
*Tax Acct # 113300*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 901385

Gary L Price, et al  
20965 Sunset Pl  
Bend, OR 97701-8977

RE: Tax Map #: 161227C000700 - 2 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD

1011703

DEC 23 2013

SALEM, OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
Washington Mutual, Attn: Doc Ops FSCE 440 2210 Enterprise Dr, Florence, SC 29501  
Tax Acct # 113300  
PNC Mortgage Corp of America 75 North Fairway Dr, Vernon Hills, IL 60061 Tax  
Acct # 161227C000700

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

7011703



AUTHORIZED LANDS

17-12-13 NWSE 602

COLE & ROBIN WALKER

101.703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Cole & Robin Walker  
PO Box 8594  
Bend, OR 97708

RE: Confiscation of water rights appurtenant to tax map #: 17-12-13 00 00602 0.40 acres Irrigation

Dear Mr. & Ms. Walker,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

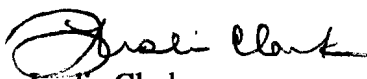
Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

# DESCHUTES COUNTY SEC.13 T17S R12E

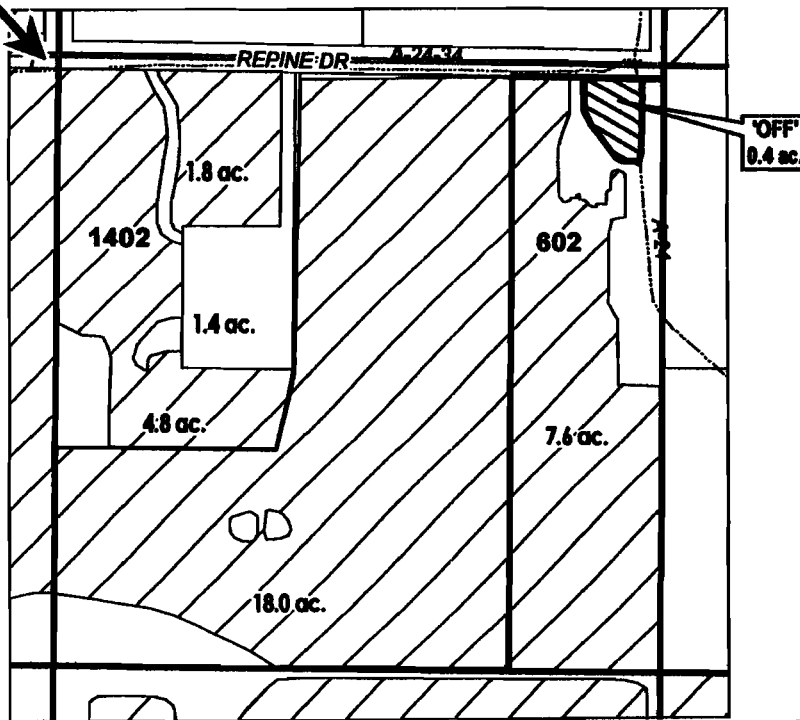
SCALE - 1" = 400'



NW 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003

C 1/4 COR



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

201303



"OFF" MAP

CENTRAL OREGON



IRRIGATION DISTRICT

APPLICATION FOR WATER RIGHTS TRANSFER

NAME: COLE & ROBIN WALKER

TAXLOT #: 602

0.4 ACRES

Date: 11/25/2013

FILE: I:\TRANSFER\WR\TRANS13P-2013-003\171213\_NWSE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cole & Robin Walker  
PO Box 8594  
Bend, OR 97708

2. Article Number  
(Transfer from service label)

7012 0470 0002 1812 2418

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

x *Cole Walker*

Agent  
 Addressee

B. Received by (Printed Name)

*Cole Walker*

C. Date of Delivery

*10-11-13*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only. No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.46
Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>

Mailed 10/01/13

Postmark Here

5# 41

Sent \_\_\_\_\_  
Via \_\_\_\_\_  
or P \_\_\_\_\_  
City \_\_\_\_\_

PS F \_\_\_\_\_

Cole & Robin Walker  
PO Box 8594  
Bend, OR 97708

7012 0470 0002 1812 2418

7011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input checked="" type="checkbox"/> <i>Cole Walker</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>Cole &amp; Robin Walker</i> <i>PO Box 8594</i> <i>Beav, OR 97108</i>		B. Received by (Printed Name) <i>Cole Walker</i>	C. Date of Delivery <i>1/15/13</i>
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7012 0470 0002 1812 0667	

PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.65	<i>Mailed 01/04/13</i> Postmark Here  <i>4th yr</i>
Certified Fee	2.95	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.95</b>	

Sent To *Cole & Robin Walker*  
Street, Apt. No. or PO Box No. *PO Box 8594*  
City, State, ZIP+4 *Beav, OR 97108*

PS Form 3809, August 2006      See Reverse for Instructions

7012 0470 0002 1812 0667

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

01703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 2569

Cole & Robin Walker  
PO Box 8594  
Bend, OR 97708

RE: Tax Map #: 171213 00 00602, 8 acres total Irrigation water rights  
0.4 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

7011703

RECEIVED BY OWRD  
DEC 23 2013


SALEM, OR

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
Wells Fargo Bank, N.A. PO Box 10304, Des Moines, IA 50306-0304  
Tax Acct # 17-12-13-00-00602  
RCO Legal, P.C. 511 SW 10th Ave, Ste 400, Portland, OR 97205-3623  
Ref. # 7023.59707

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 2569

Cole & Robin Walker  
15715 SW Salmon Rd  
Redmond, OR 97756

RE: Tax Map #: 1712130000602 - 8 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

01703



By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



*dr*  
Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
Wells Fargo Home Mortgage 3601 Minnesota Dr, Ste 200, Bloomington, MN 55435  
Tax Acct # 1712130000602  
Kathy Taggart, Northwest Trustee Services, Inc PO Box 997, Bellevue, WA 98009-0997  
File # 7023-94578

Sent by certified mail December 7, 2012 - *ret'd.* Receipt 12/12/12 - *ret'd.* Receipt 2/24/13  
Copy sent by first class mail December 7, 2012 } to DIAL address to updated address in WIF

T011703

AUTHORIZED LANDS

17-12-14 NESE 00805  
BOYD DYER REVOCABLE LIVING TRUST

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

10-15-03



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Boyd J. Dyer  
Revocable Living Trust  
63223 Hamhook Rd  
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 17-12-14 00 00805 2 acres Irrigation

Dear Mr. Dyer,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

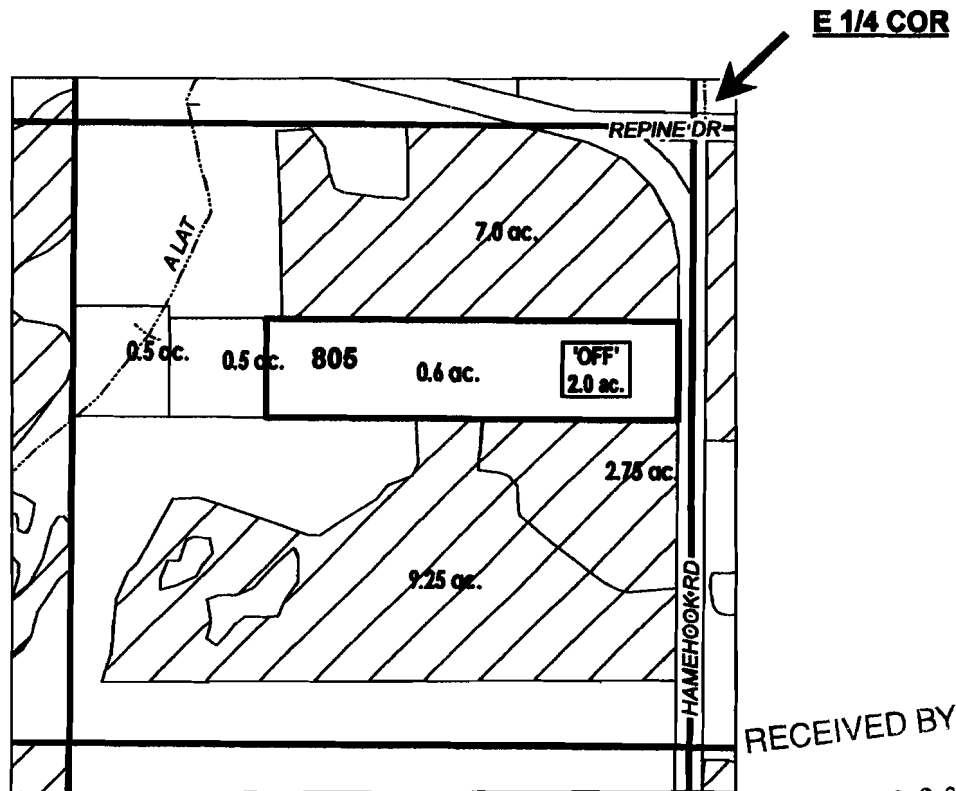
# DESCHUTES COUNTY SEC.14 T17S R12E

SCALE - 1" = 400'



NE 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

"OFF MAP

1011703

	EXISTING WATER RIGHTS
	'OFF' LAND PARCELS
	PARCELS W/ WATER RIGHTS



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: BOYD J. DYER REVOCABLE LIVING TRUST

TAXLOT #: 805

2.0 ACRES

Date: 11/25/2013

FILE: I:\TRANSFER\WR\TRANS13171213\_S\WWW\_311

7012 0470 0002 1812 2456

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 2.46
Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11

*Mailed*  
10/01/13  
Postmark  
Here

*5th yr*

Send  
Street or P.O.  
City

Boyd J. Dyer Revocable Living Trust<sup>1</sup>  
63363 Hamhook Rd<sup>1</sup>  
Bend, OR 97701<sup>1</sup>

PS Form 3800, June 2010

**CERTIFIED MAIL**

CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW Lake Court  
Redmond OR 97756-1469  
Address Service Requested

PORTLAND OR 970  
01 OCT 2013 PM 2 L



7012 0470 0002 1812 2456



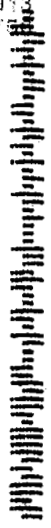
USA  
FIRST-CLASS  
FOREVER

UNITED STATES POSTAGE  
PITNEY BOWES  
02 IP \$005.65<sup>00</sup>  
0001096728 OCT 01 2013  
MAILED FROM ZIP CODE 97701

Boyd J. Dyer Revocable Living Trust<sup>1</sup>  
63363 Hamhook Rd<sup>1</sup>  
Bend, OR 97701<sup>1</sup>

**SET FORWARDED**

10/3-14/13  
10/9/13  
10/25/13  
1ST NOTICE  
2ND NOTICE  
3RD NOTICE



97701974563

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

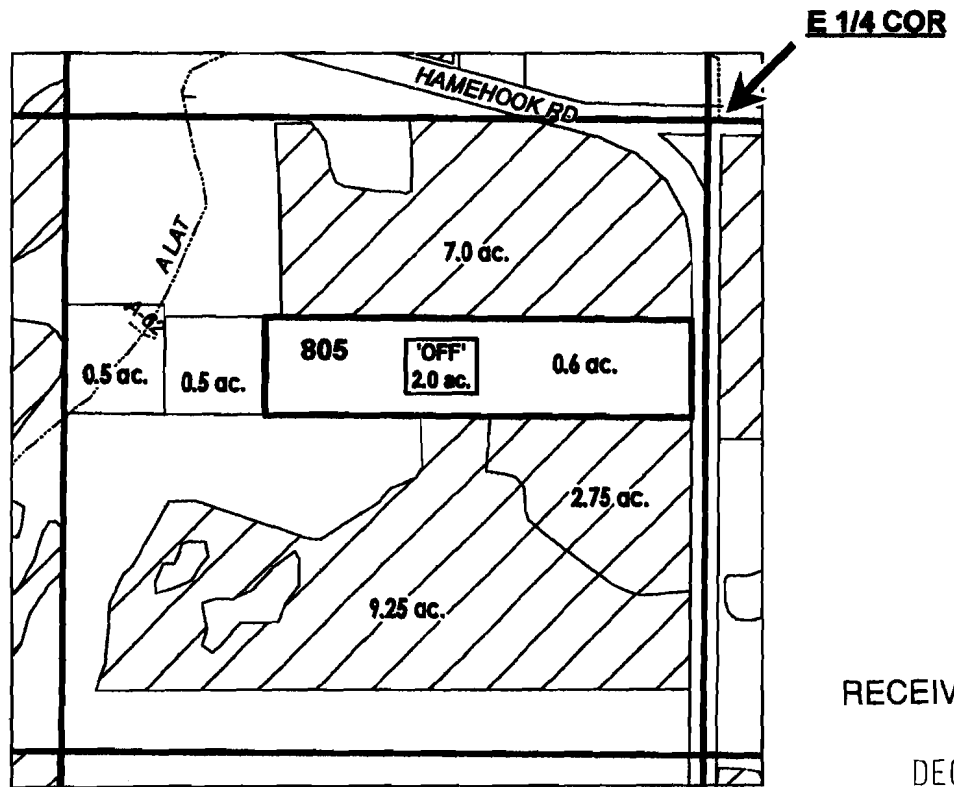
7011703

# DESCHUTES COUNTY SEC.14 T17S R12E

SCALE - 1" = 400'



NE 1/4 OF THE SE 1/4



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

	EXISTING WATER RIGHTS
	'OFF' LAND PARCELS
	PARCELS W/ WATER RIGHTS

"OFF" MAP

13-1703



**WATER RIGHTS CONFISCATION MAP**  
**NAME: BOYD J. DYER REVOCABLE LIVING TRUST**

**TAXLOT #: 805**

**2.0 ACRES**

CERTIFIED MAIL

CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW Lake Court  
Redmond OR 97756-1469

Address Service Requested



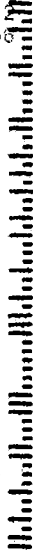
7012 0470 0002 1812 0087



Boyd & Joyce Dyer  
63363 Hamehook Rd  
Bend, OR 97701

*12-11-12  
12-11-12  
12-11-12*

UNITED STATES POSTAGE  
PITNEY BOWES  
02 1F \$005.50<sup>00</sup>  
0001066728 DEC 07 2013  
MAILED FROM ZIP CODE 97756



9770139745 R023

U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only: No Insurance Coverage Provided)  
For delivery information visit our website at www.usps.com

Postage	\$ 0.65
Certified Fee	8.45
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.95

Postmark Here

*Mailed 12/6/12*

Sent to *Boyd & Joyce Dyer*  
 Street Apt No. or PO Box No. *63363 Hamehook Rd*  
 City, State, ZIP+4 *Bend, OR 97701*

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

7012 0470 0002 1812 0087



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 190300

Boyd J. Dyer Revocable Living Trust  
63363 Hamhook Rd  
Bend, OR 97701

RE: Tax Map #: 171214 00 00805, 2.6 acres total Irrigation water rights  
2 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.**

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

047885



**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
Chase Bank, N.A. 1111 Polaris Parkway, Floor 4J, Columbus, OH 43240  
Tax Acct # 108826

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 190300

Boyd & Joyce Dyer  
63363 Hamhook Rd  
Bend, OR 97701

RE: Tax Map #: 1712140000805 - 2.6 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

T011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
No known Lienholders

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

AUTHORIZED LANDS

17-12-35 NE SE 1402  
GEORGE & CONSTANCE HOOD

10/1/03

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

George & Constance Hood  
1016 Merrill Ct  
Bullhead City, AZ 86442

RE: Confiscation of water rights appurtenant to tax map #: 17-12-35 00 01402 1.5 acres Irrigation

Dear Mr. & Ms. Hood,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

1011789

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

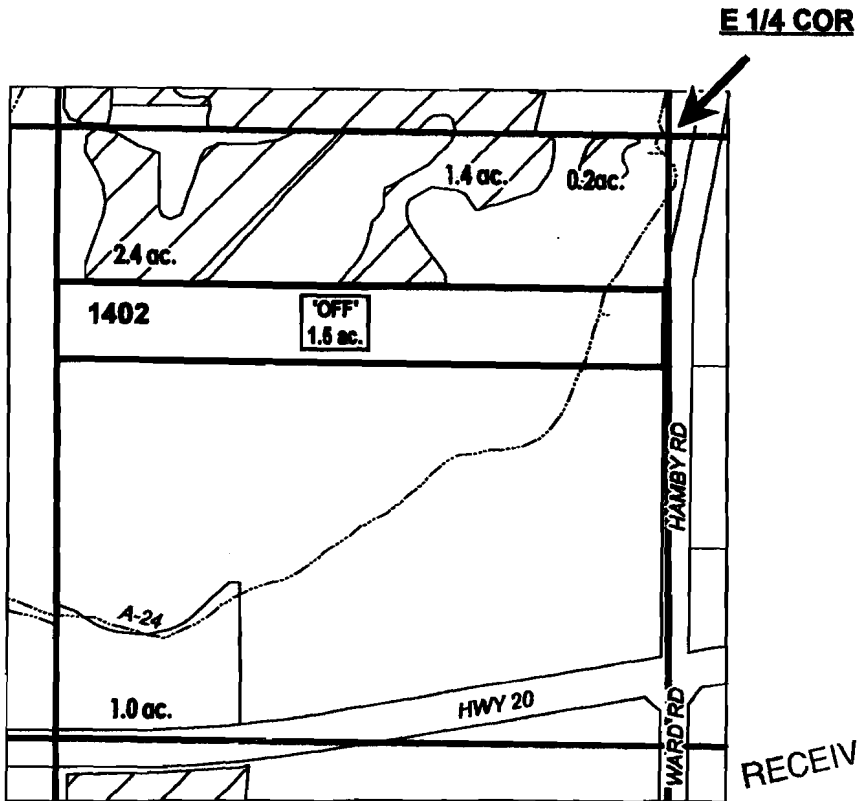
# DESCHUTES COUNTY SEC.35 T17S R12E

SCALE - 1" = 400'



NE 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

1011703

"OFF" MAP

	EXISTING WATER RIGHTS
	'OFF' LAND PARCELS
	PARCELS W/ WATER RIGHTS

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: GEORGE & CONSTANCE HOOD

TAXLOT #: 1402

1.5 ACRES



Date: 11/25/2013

FILE: I:\TRANSFER\WRTRANS13P-2013-003\171235\_NESE

7012 0470 0002 1812 2432

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.46
Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>

*Mailed 10/01/13*

Postmark  
Here

*5th yr*

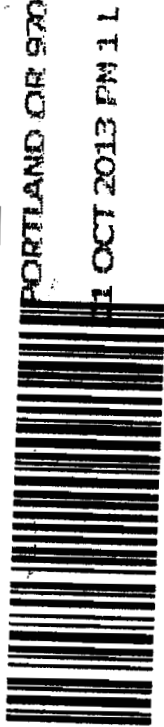
Sent 1  
Street,  
or PO  
City, S  
PS Form

George & Constance Hood  
62167 Hamby Rd  
Bend, OR 97701

**CERTIFIED MAIL**

CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW Lake Court  
Redmond OR 97756-1489

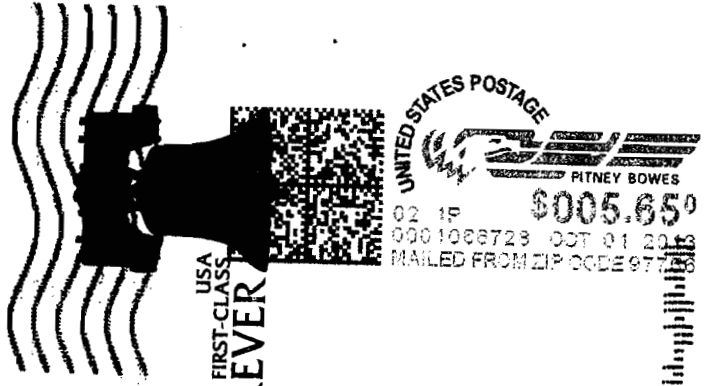
Address Service Requested



PORTLAND OR 970

11 OCT 2013 PM 1 L

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USA  
FIRST-CLASS  
**FOREVER**

UNITED STATES POSTAGE  
RITNEY BOWES  
02 1P  
\$005.650  
0001008728 OCT 01 2013  
MAILED FROM ZIP CODE 97701

George & Constance Hood  
62167 Hamby Rd  
Bend, OR 97701

**UNCLAIMED**

1st NOTICE  
2nd NOTICE  
RETURNED

*10-01*  
*10-01*  
*81-01*

97701953067

RECEIVED BY OWRD

DEC 23 2013

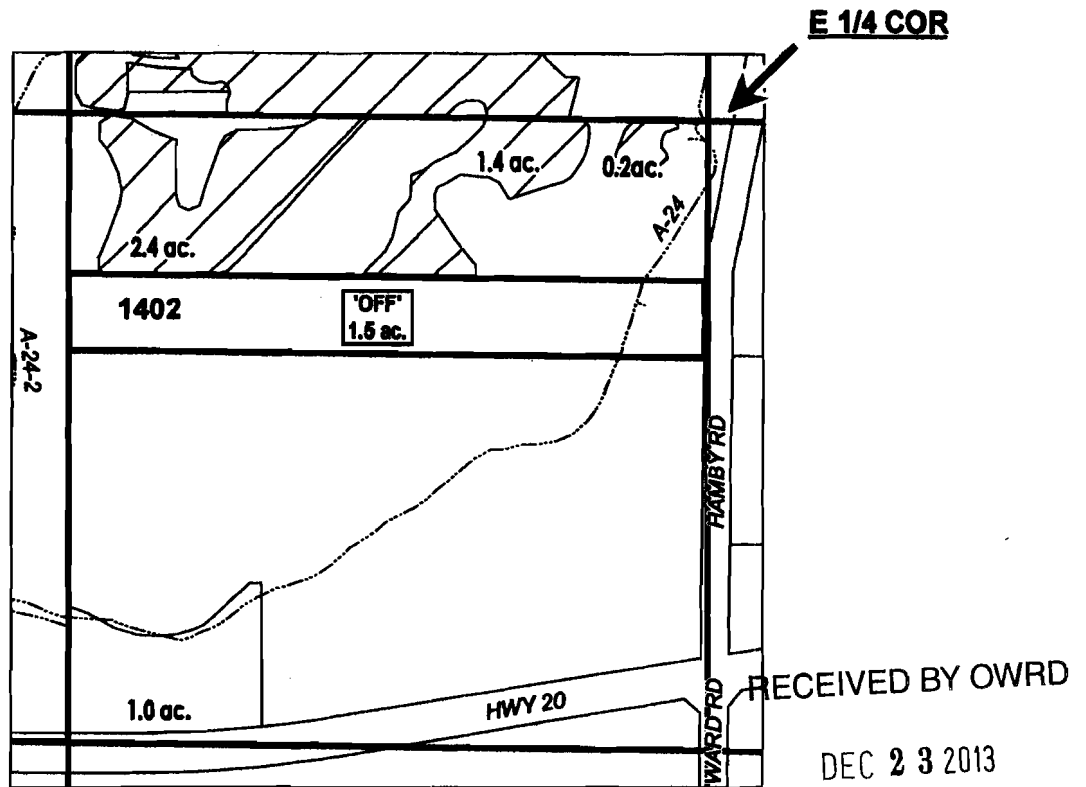
SALEM, OR

# DESCHUTES COUNTY SEC.35 T17S R12E

SCALE - 1" = 400'



NE 1/4 OF THE SE 1/4



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

7011503

"OFF" MAP

	EXISTING WATER RIGHTS
	'OFF' LAND PARCELS
	PARCELS W/ WATER RIGHTS

CENTRAL OREGON



IRRIGATION DISTRICT

WATER RIGHTS CONFISCATION MAP

NAME: GEORGE & CONSTANCE HOOD

TAXLOT #: 1402

1.5 ACRES



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <i>Constance Hood</i>	
	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  <i>George + Constance Hood</i> <i>1016 Merrill Ct</i> <i>Bullhead City, Ky 86442</i>	B. Received by (Printed Name) <i>C. Hood</i>	C. Date of Delivery <i>12/21/12</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7012 0470 0002 1812 0100	
	PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 0.65
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.95
Sent To: <i>George + Constance Hood</i> Street, Apt. No., or PO Box No.: <i>1016 Merrill Ct</i> City, State, ZIP+4: <i>Bullhead City, Ky 86442</i>	
PS Form 3800, August 2005 See Reverse for Instructions	

7012 0470 0002 1812 0100

Marked 12/21/12  
Postmark Here

4th yr

RECEIVED BY OWRD  
 DEC 23 2013  
 SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 203

George & Constance Hood  
62167 Hamby Rd  
Bend, OR 97701

RE: Tax Map #: 171235 00 01402, 1.5 acres total Irrigation water rights  
1.5 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.**

1011703

RECEIVED BY OWRD  
DEC 23 2013

SALEM, OR

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
Wells Fargo Bank, N.A. PO Box 11701, Newark, NJ 07101-4701

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 203

George & Constance Hood  
1016 Merrill Ct  
Bullhead City, AZ 86442

RE: Tax Map #: 1712350001402 - 1.5 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



*scj*  
Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
Wells Fargo Bank, NA PO Box 11701, Newark, NJ 07101-4701

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

1011703

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AUTHORIZED LANDS

18-12-01NWNW 6000

GLYNN MILLER

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011503



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Glynn Mills  
21651 Old Red Rd  
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 18-12-01 B0 06000 0.15 acres Irrigation

Dear Ms. Mills,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

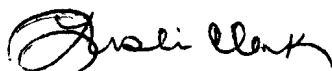
Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

  
Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

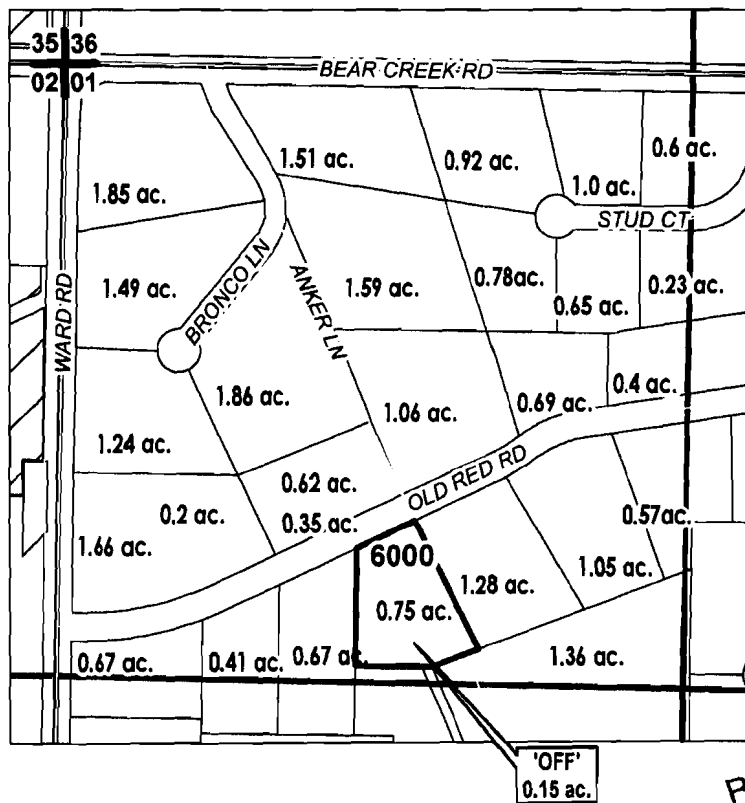
# DESCHUTES COUNTY SEC.01 T18S R12E

SCALE - 1" = 400'



NW 1/4 OF THE NW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

"OFF" MAP

1011703

# ac.	'OFF' LAND PARCELS
# ac.	PARCELS W/ WATER RIGHTS



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: GLYNN MILLS

TAXLOT #: 600

0.15 ACRES

Date: 11/25/2013

FILE: I\TRANSFER\WRTRANS13\P-2013-003\181201\_NWNW



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Jan Mills</i> C. Date of Delivery <i>10-2</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Glynn Mills 21651 Old Red Rd Bend, OR 97701</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <hr/> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7012 0470 0002 1812 2401</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$ 0.46
Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>

Mailed 10/01/13

Postmark Here

5# y

Glynn Mills  
21651 Old Red Rd  
Bend, OR 97701

7012 0470 0002 1812 2401

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

1011703

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <i>X [Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Glynn Mills  21651 Old Red Rd  Bend, OR 97701</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <hr/> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label)</p>	<p style="text-align: center;">7012 0470 0002 1812 0193</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$ 0.65	<i>Mailed 12/07/12</i> Postmark Here  <i>44 yr</i>
Certified Fee	2.95	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.95</b>	

*Sent 1*

Glynn Mills  
21651 Old Red Rd  
Bend, OR 97701

7012 0470 0002 1812 0193

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

7012703



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 902008

Glynn Mills  
21651 Old Red Rd  
Bend, OR 97701

RE: Tax Map #: 181201 B0 06000, 0.9 acres total Irrigation water rights  
0.15 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.**

RECEIVED BY OWRD  
DEC 3 2013

1011703

SALEM, OR

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*Selco Community Credit Union 501 NE Bellevue Dr, Bend, OR 97701*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 902008

Glynn Mills  
21651 Old Red Rd  
Bend, OR 97701

RE: Tax Map #: 181201B006000 - 0.9 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
No know Lienholders

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

1011703

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AUTHORIZED LANDS

18-12-04 SWSW 2002  
18-12-09 NWNW 1000 & 1100

JOHN H. ARENZ TRUST

1011703

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

John Arenz  
John H. Arenz Trust  
1200 SW Main St  
Portland, OR 97205

RE: Confiscation of water rights appurtenant to tax map #: 18-12-04 CC 02002 2 acres Irrigation  
18-12-09BB 01000 0.15 acres Irrigation and 18-12-09 BB 01100 7.63 acres Irrigation

Dear Mr. Arenz,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703



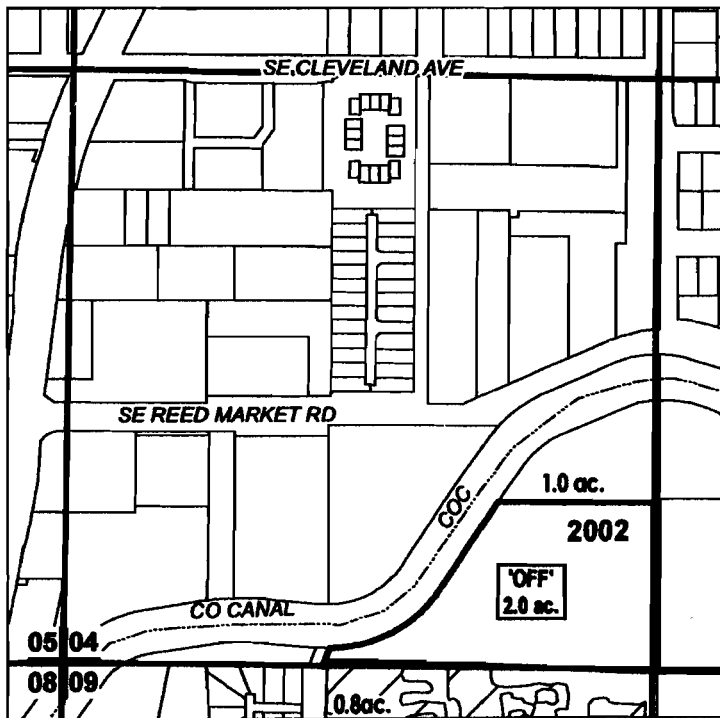
# DESCHUTES COUNTY SEC.04 T18S R12E

SCALE - 1" = 400'



SW 1/4 OF THE SW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

"OFF" MAP

# ac.

'OFF' LAND PARCELS

# ac.

PARCELS W/ WATER RIGHTS

CENTRAL OREGON



IRRIGATION DISTRICT

APPLICATION FOR WATER RIGHTS TRANSFER

NAME: MK III - BEND LLC

TAXLOT #: 2002

2.0 ACRES

Date: 11/25/2013

FILE: I:\TRANSFER\WR\TRANS13P-2013-003\181204\_SWSW

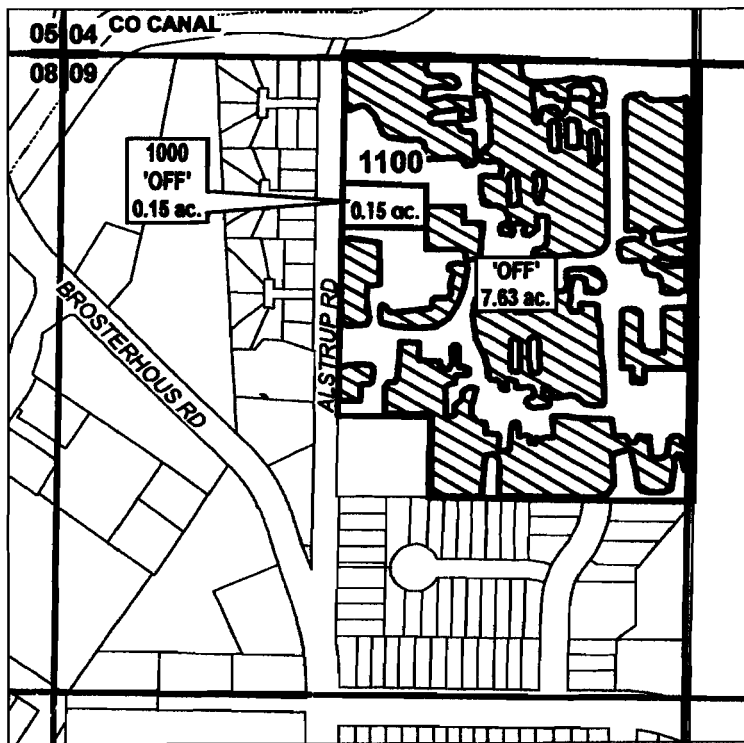
# DESCHUTES COUNTY SEC.09 T18S R12E

SCALE - 1" = 400'



NW 1/4 OF THE NW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

201303

	'OFF' LANDS
	'OFF' LAND PARCELS

"OFF" MAP

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: MK III - BEND LLC

TAXLOT #: 1000, 1100

7.78 ACRES



Date: 12/3/2013

FILE: I:\TRANSFER\WRTRANS13P-2013-003\181209\_MWWW

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Mary</i></p> <p>C. Date of Delivery  <i>10/31/13</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;"><b>John H. Arenz Trust</b>  <b>1200 SW Main St</b>  <b>Portland, OR 97205</b></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> G.O.D.</p> <p>4. Restricted Delivery? (Extra Fee)    <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label)</p>	<p style="text-align: center;"><b>7012 0470 0002 1812 2425</b></p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7012 0470 0002 1812 2425

U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ <i>0.66</i>
Certified Fee	\$ <i>3.10</i>
Return Receipt Fee (Endorsement Required)	\$ <i>2.55</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>6.31</i>
Sent to: Street or PO: City:	John H. Arenz Trust 1200 SW Main St Portland, OR 97205

Mailed 10/01/13  
 Postmark Here  
*All 3 letters for 10/01/13  
 12/2007-1/10/2011  
 5th yr*

01903

RECEIVED BY OWRD  
 DEC 23 2013  
 SALEM, OR



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 4022

John H. Arenz Trust  
1200 SW Main St  
Portland, OR 97205

RE: Tax Map #: 181204 CC 02002, 2 acres total Irrigation water rights  
2 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

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RECEIVED BY OWRD

DEC 23 2013

1011703

SALEM, OR

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

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Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*No known Lien Holders*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 4022

John H. Arenz Trust  
1200 SW Main St  
Portland, OR 97205

RE: Tax Map #: 181209 BB 01100, 7.63 acres total Irrigation water rights  
7.63 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

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RECEIVED BY OWRD  
DEC 23 2013

1011703


SALEM, OR

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Sincerely,



Steven C. Johnson  
Secretary-Manager

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Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*No known Lien Holders*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 4022

John H. Arenz Trust  
1200 SW Main St  
Portland, OR 97205

RE: Tax Map #: 181209 BB 01000, 0.3 acres total Irrigation water rights  
0.3 acres water rights to be confiscated in 2013

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

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RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011705




**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

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Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*No known Lien Holders*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013

7011703



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

November 26, 2013

John H. Arenz Trust  
1200 SW Main St  
Portland, OR 97205

RE: 61576 Alstrup Rd, Bend  
0.30 acres Irrigation Water

Dear Mr. Arenz,

Central Oregon Irrigation District (COID) is in the midst of filing a water transfer with Oregon Water Resources Department (OWRD) to remove COID water from this property that has not been beneficially used on the property since 2008 (see copy of enclosed October 1, 2013 letter).

Upon review of aerial photos, I determined only 0.15 acres of the 0.30 acres of irrigation received beneficial use in 2008, making the remaining 0.15 acres ineligible for transfer. This remaining 0.15 acres cannot be used or transferred; it is an enviable water right and must be cancelled. COID cannot file the cancellation because we are not the property owner. I have enclosed the form required by OWRD, an affidavit for the partial cancellation of a water right certificate. By cancelling the 0.15 acres of irrigation on this property you will not be subject to a 2014 assessment of \$323.00. Please sign the affidavit before a notary public and return it to me in the enclosed envelope by December 31, 2013. I will submit the completed affidavit along with a copy of the current property deed and a map identifying the property to OWRD.

If you have any questions please do not hesitate to contact me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Thank you for your time and attention to this matter.

Sincerely,

Leslie Clark  
Water Right Manager

Encl.

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

7012 0470 0002 1812 0612

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.65	<i>Mailed 12/01/12</i> Postmark Here <i>4th yr</i>
Certified Fee	2.95	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.95</b>	

Sent 1  
 Street or PO  
 City, State  
 ZIP Code

MK III - Bend, LLC  
 6605 SW Macadam Ave  
 Portland, OR 97239

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MK III - Bend, LLC  
6605 SW Macadam Ave  
Portland, OR 97239

2. Article Number  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) *V. Jensen* C. Date of Delivery *12/19/12*

D. Is delivery address different from item 1?  Yes  No  
If Yes, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7012 0470 0002 1812 0612

RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

1011703

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7012 0470 0002 1812 0612

Postage	\$ 0.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.95</b>

Mailed 12/10/12  
 Postmark Here  
 4th yr

Sent To  
 Street or PO  
 City, S  
 PS Form

MK III - Bend, LLC  
 6605 SW Macadam Ave  
 Portland, OR 97239

<p><b>SENDER: COMPLETE THIS SECTION</b></p> <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:</p> <p style="text-align: center;">MK III - Bend, LLC          6605 SW Macadam Ave          Portland, OR 97239</p> <p>2. Article Number          (Transfer from service label)</p>	<p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)          K. [Signature]</p> <p>C. Date of Delivery          12/10/12</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If Yes, list delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7012 0470 0002 1812 0612</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-11-1640

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 4022

MK III - Bend, LLC  
6605 SW Macadam Ave  
Portland, OR 97239

RE: Tax Map #: 181209BB01000 - 0.3 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

RECEIVED BY OWRD

181203

DEC 23 2013

SALEM, OR

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If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



*for*  
Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
No known Lienholders

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 4022

MK III - Bend, LLC  
6605 SW Macadam Ave  
Portland, OR 97239

RE: Tax Map #: 181209BB01100 - 7.63 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

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*scj*  
Steven C. Johnson  
Secretary-Manager

Enc

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OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
No known Lienholders

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Copy sent by first class mail December 7, 2012

1011700





## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 4022

MK III - Bend, LLC  
6605 SW Macadam Ave  
Portland, OR 97239

RE: Tax Map #: 181204CC02002 - 2 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

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*for*  
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Secretary-Manager

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cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
No known Lienholders

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

10.17.03

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>[Signature]</i></p> <p>C. Date of Delivery <i>12/10/12</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">MK III - Bend, LLC 6605 SW Macadam Ave Portland, OR 97239</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7012 0470 0002 1812 0612</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$ 0.45	<i>Marked 12/10/12</i> Postmark Here <i>4th yr</i>
Certified Fee	2.95	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.95</b>	

7012 0470 0002 1812 0612

Sent To	MK III - Bend, LLC
Street or PO	6605 SW Macadam Ave
City, S	Portland, OR 97239

PS Form 3811, February 2004

RECEIVED BY OWRD

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SALEM, OR

AUTHORIZED LANDS

18-13-12 NWNW 300

JAMES OOI

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

James Ooi  
4680 Songbird  
Chico, CA 95973-8965

RE: Confiscation of water rights appurtenant to tax map #: 18-13-12 00 00300 3.0 acres Irrigation

Dear Mr. Ooi,

This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.

Enclosed are copies of the district permanent transfer application and maps. Please keep in mind if you wish to protest this transfer application with OWRD, the deadline for protest is 60 days from the date of this mailing.

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2013  
Encl.

1011703

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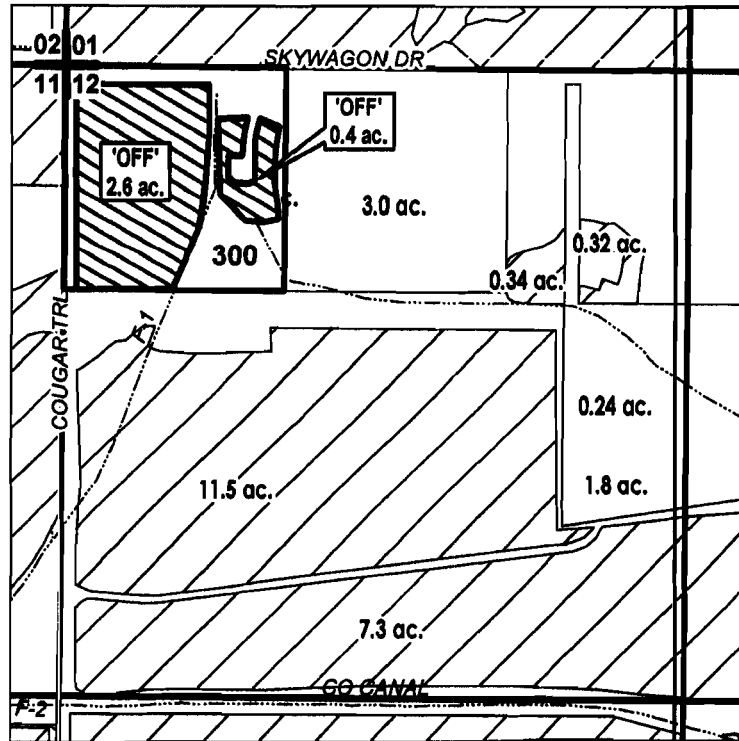
# DESCHUTES COUNTY SEC.12 T18S R13E

SCALE - 1" = 400'



NW 1/4 OF THE NW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

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1011703

"OFF" MAP

	EXISTING WATER RIGHTS
	OFF LANDS
	PARCELS W/ WATER RIGHTS

CENTRAL OREGON



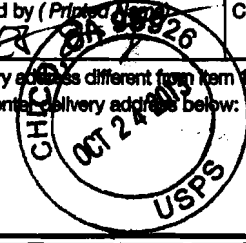
APPLICATION FOR WATER RIGHTS TRANSFER

NAME: JAMES OOI

TAXLOT #: 300

3.0 ACRES

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">James Ooi  4680 Songbird  Chico, CA 95973-8965</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label)</p>	<p>7012 0470 0002 1812 2395</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



7012 0470 0002 1812 2395

U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> <b>OFFICIAL USE</b>	
Postage	\$ 0.46
Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11
Sent	James Ooi 4680 Songbird Chico, CA 95973-8965
Street or PO	
City	
PS F	R005

Mailed 10/21/13  
Postmark Here  
5th yr

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DEC 23 2013  
SALEM, OR

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<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>James Ooi</i> C. Date of Delivery <i>12/07/12</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">James Ooi 4680 Songbird Chico, CA 95973-8965</p>	<p>D. Is delivery address different from item #1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7012 0470 0002 1812 0315</p>

PS Form 3811, February 2004 Domestic Return Receipt 102565-02-M-1540

**U.S. Postal Service**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 2.65	Mailed 12/07/12 Postmark Here <i>4th yr</i>
Certified Fee	2.95	
Return Receipt Fee (Endorsement Required)	2.35	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>5.95</b>	

James Ooi  
4680 Songbird  
Chico, CA 95973-8965

7012 0470 0002 1812 0315

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## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

October 1, 2013

Patron #: 3664

James Ooi  
4680 Songbird  
Chico, CA 95973-8965

RECEIVED BY OWRD

RE: Tax Map #: 181312 00 00300, 3 acres total Irrigation water rights  
3 acres water rights to be confiscated in 2013

DEC 23 2013

SALEM, OR

Dear Patron,

Our records indicate that you have failed to beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2012 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2013 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2013 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2009 and 2013.

Failure to prove beneficial use is a very serious matter and is cause for forfeiture of the unused water right. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***


1011703

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the District Manager to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors will be held in November to determine if a petition to transfer the water off the lands should be filed with the OWRD Director. Failure to contact the District within 30 days will cause the water to be permanently transferred off of your property.

If you have any evidence that you have beneficially used all of your water right at any time during the last 5 years, please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*Tri Counties Bank 2171 Pillsbury Rd, PO Box 1130, Chico, CA 95927*

Sent by certified mail October 2, 2013  
Copy sent by first class mail October 2, 2013



## CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 7, 2012

Patron ID: 3664

James Ooi  
4680 Songbird  
Chico, CA 95973-8965

RE: Tax Map #: 1813120000300 - 3 acres total Irrigation Water Rights

Dear Patron,

The 2012 irrigation season has come to an end, and with that, the District has completed the required yearly review of beneficial use of all water rights within our District.

It has been brought to my attention that all or a portion of the water right on the above-noted property has not been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.***

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, you have 3 options to protect this water right. You must use the full water right on the ground exactly as it is mapped during the 2013 irrigation season (see enclosed aerial photo for location of mapped water rights); lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2013 season (the District will accept requests for temporary lease applications through February 15, 2013); or transfer off the unused water. By failing to follow any of these options, the District will be forced by Oregon Statute to confiscate the water right at the end of the 2013 season by filing a petition with OWRD to transfer these water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-COID water), that (per ORS 540.510) water may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.*

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DEC 23 2013

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By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2013 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property as well as the Oregon Water Resources Dept (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2009, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo showing where your mapped water rights are located and a copy of the District Confiscation Policy. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2012 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

**REMINDER:** Whether you choose to use, lease, or transfer your water rights, or not use them in 2013; your assessments are still due and payable to COID by the due date. If you fail to pay your assessments, COID will add late fees and legal fees to your bill and file a lien against your property for non-payment.

It is our hope that we can work together and maintain the water rights on your property. If you have any questions or concerns please contact Laura Wollam at 541-504-7577 or by email at [lauraw@coid.org](mailto:lauraw@coid.org) as soon as possible so we can discuss your available options.

Please respond within 30 days from the date of this letter to confirm that the information provided in this notice is correct.

Sincerely,



Steven C. Johnson  
Secretary-Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301  
OWRD Attn: Jeremy Giffin 1340 NW Wall, Ste 100 Bend, OR 97701  
Tri Counties Bank 63 Constitution Dr, Chico, CA 95973

Sent by certified mail December 7, 2012  
Copy sent by first class mail December 7, 2012

1011703

PROPOSED LANDS

14-13-07 SWNE 2702

THOUSAND HILLS RANCH LLC

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Thousand Hills Ranch, LLC  
550 Thousand Hills Rd  
Pismo Beach, CA 93449

RE: Water Right Transfer #P-2013-003

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

"Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- A. The application does not include the information required under OAR 690-385-5200; or
- B. The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002
  - b. The user has the right to protest the application as described in OAR 690-385-5700

You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing."

If no protest is filed by the FROM land user within 60 days and OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by COID.

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

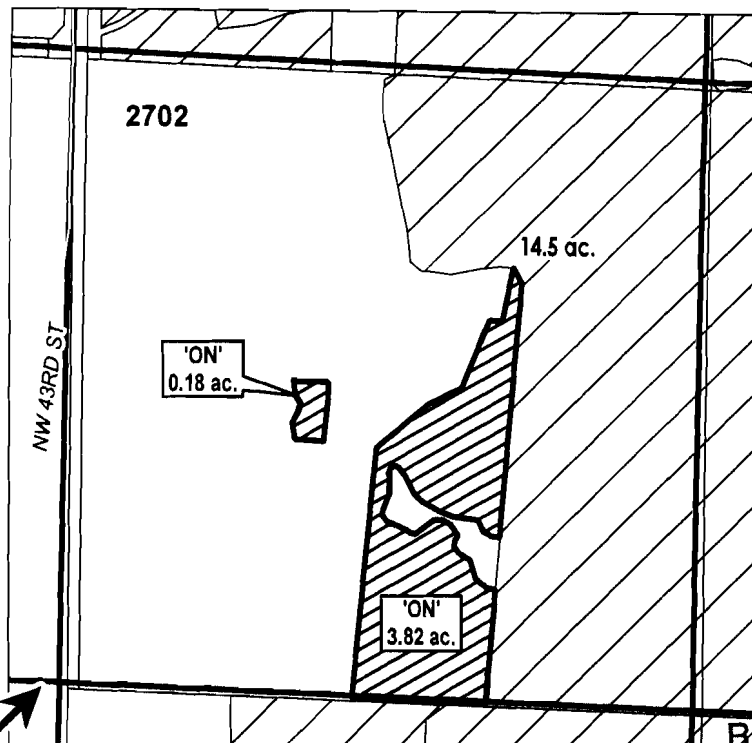
# DESCHUTES COUNTY SEC.07 T14S R13E

SCALE - 1" = 400'



SW 1/4 OF THE NE 1/4

DISTRICT PETITION #: P-2013-003





C 1/4 COR

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SALEM, OR

1011703

	EXISTING WATER RIGHTS
	'ON' LANDS

"ON" MAP

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: THOUSAND HILLS RANCH LLC

TAXLOT #: 2702

4.0 ACRES

Date: 12/16/2013

FILE: I\TRANSFER\WRTRANS13IP-2013-003\141307\_SWNE



PROPOSED LANDS

14-13-09 SESE 2300

ROCKE DEE & DONNA FAYE  
DARLINGTON

1011703

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SALEM, OR





# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Rocke Dee & Donna Darlington  
10091 NE 1st St  
Terrebonne, OR 97760

RE: Water Right Transfer #P-2013-003

Dear Rocke & Donna,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

*"Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:*

- A. *The application does not include the information required under OAR 690-385-5200; or*
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If no protest is filed by the FROM land user within 60 days and OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by COID.

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

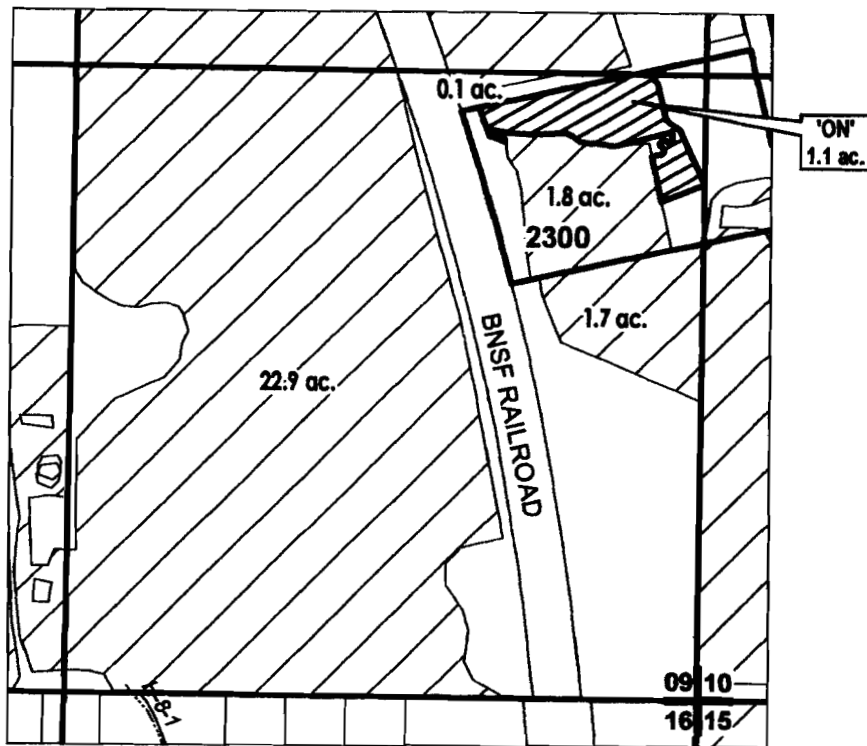
SALEM, OR

# DESCHUTES COUNTY SEC.09 T14S R13E

SCALE - 1" = 400'



SE 1/4 OF THE SE 1/4



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011303

	EXISTING WATER RIGHTS
	ON LANDS

"ON" MAP



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: ROCKE DEE & DONNA FAYE DARLINGTON

TAXLOT #: 2300

1.1 ACRES

Date: 11/22/2013

FILE: I:\TRANSFERWR\TRANS13141309\_SESE

PROPOSED LANDS

14-13-22 NWSE 1400  
14-13-22 SWSE 1400

DERYL & KATHRYN A. FERGUSON,  
TRUSTEES, KATHRYN A. FERGUSON LIVING  
TRUST

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RECEIVED BY OWRD

DEC 23 2013

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# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Daryl & Katherine A. Ferguson, Living Trust  
6775 NE 11th St  
Redmond, OR 97756

RE: Water Right Transfer #P-2013-003

Dear Daryl & Katherine,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

*"Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:*

- A. *The application does not include the information required under OAR 690-385-5200; or*
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If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

# DESCHUTES COUNTY SEC.22 T14S R13E

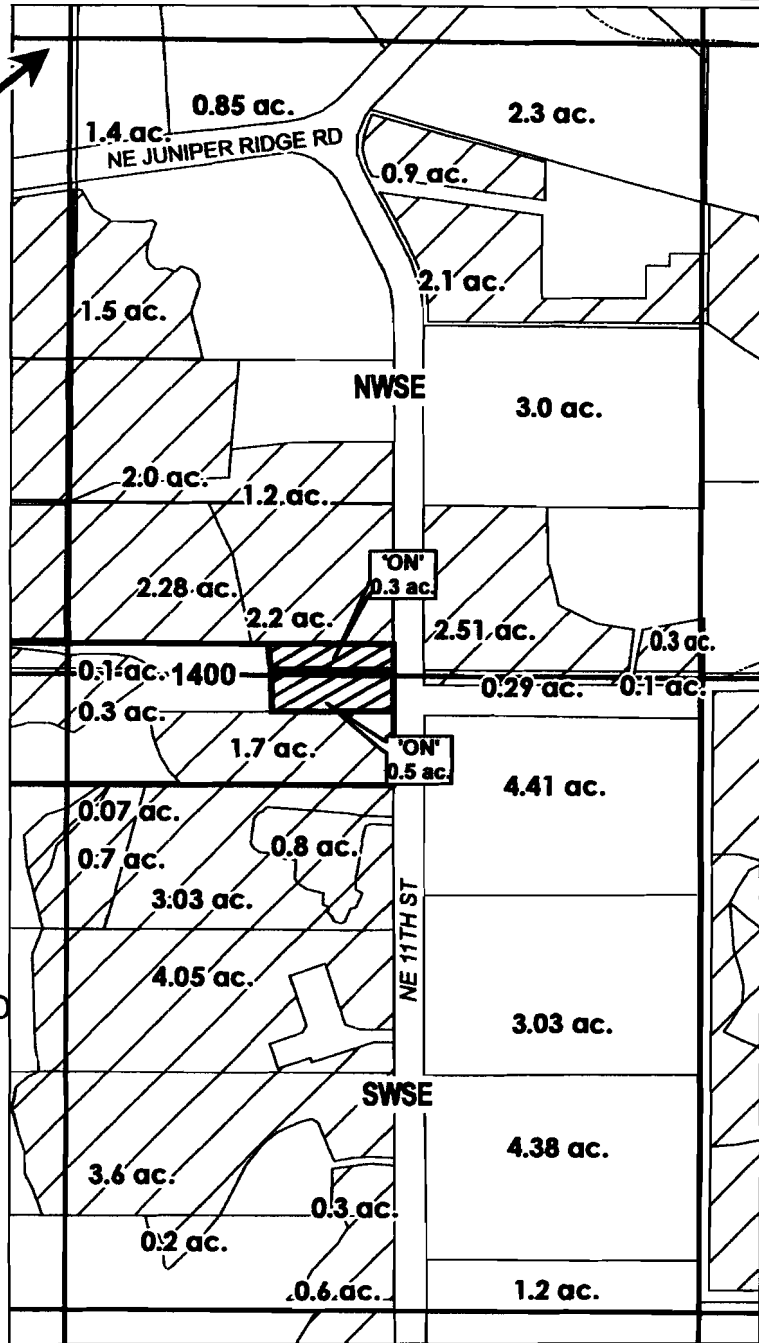
SCALE - 1" = 400'



NW 1/4 OF THE SE 1/4; SW 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003

C 1/4 COR →



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SALEM, OR

"ON" MAP

-  EXISTING WATER RIGHTS
-  ON LANDS

P011703

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: DERYL & KATHRYN A. FERGUSON, TRUSTEES,  
KATHRYN A. FERGUSON LIVING TRUST

TAXLOT #: 1400

0.8 ACRES



DATE: 12/2/2013

FILE I:\TRANSFER\WRTRANS13P-2013-003\141322\_WSE

PROPOSED LANDS

14-13-35 NWNW 901

MICHAEL J. & REGINA L. RICKETTS,  
JORDAN M. RICKETTS, IAN M. RICKETTS

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DEC 23 2013

SALEM, OR

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Michael Ricketts  
4618 NE 17th St  
Redmond, OR 97756

RE: Water Right Transfer #P-2013-003

Dear Michael,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

*"Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:*

- A. *The application does not include the information required under OAR 690-385-5200; or*
- B. *The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002*
  - b. *The user has the right to protest the application as described in OAR 690-385-5700*

*You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing."*

If no protest is filed by the FROM land user within 60 days and OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by COID.

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011703 RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

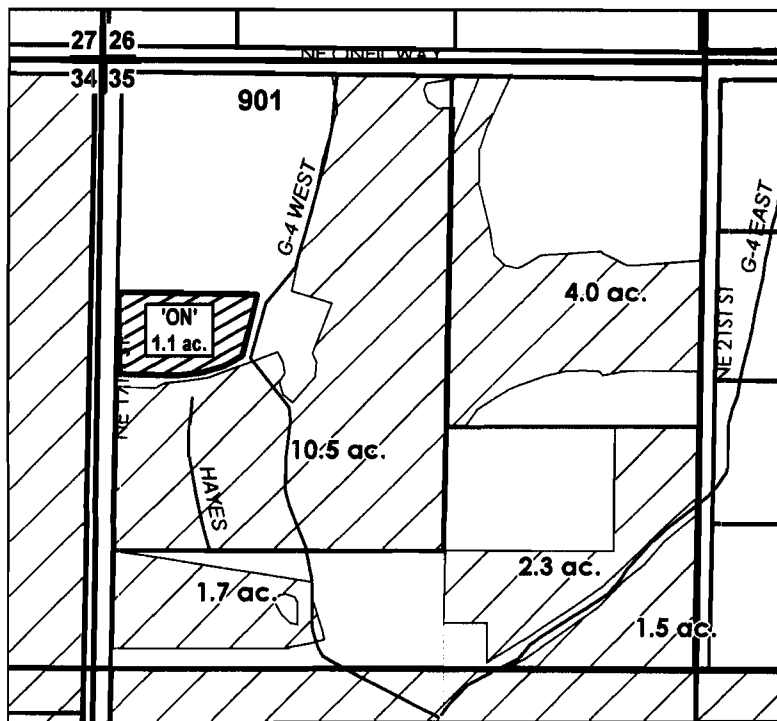
# DESCHUTES COUNTY SEC.35 T14S R13E

SCALE - 1" = 400'



NW 1/4 OF THE NW 1/4

DISTRICT PETITION #: P-2013-003



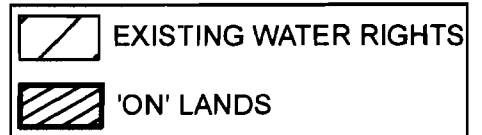
RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

"ON" MAP

1011703



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: MICHAEL J. & REGINA RICKETTS AND JORAN M. RICKETTS

TAXLOT #: 901

1.1 ACRES

Date: 12/13/2013

FILE: I:\TRANSFER\WRTRANS13\P-2013-003\141335\_NWNW\_REV



PROPOSED LANDS

14-14-19 NWSW 300

KASBERGER RANCH, LLC

1011703

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SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Kasberger Ranch, LLC  
4501 N Lonepine Rd  
Redmond, OR 97756

RE: Water Right Transfer #P-2013-003

Dear Paul,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

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If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

RECEIVED BY OWRD

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011703

DEC 23 2013

SALEM, OR

# CROOK COUNTY SEC.19 T14S R14E

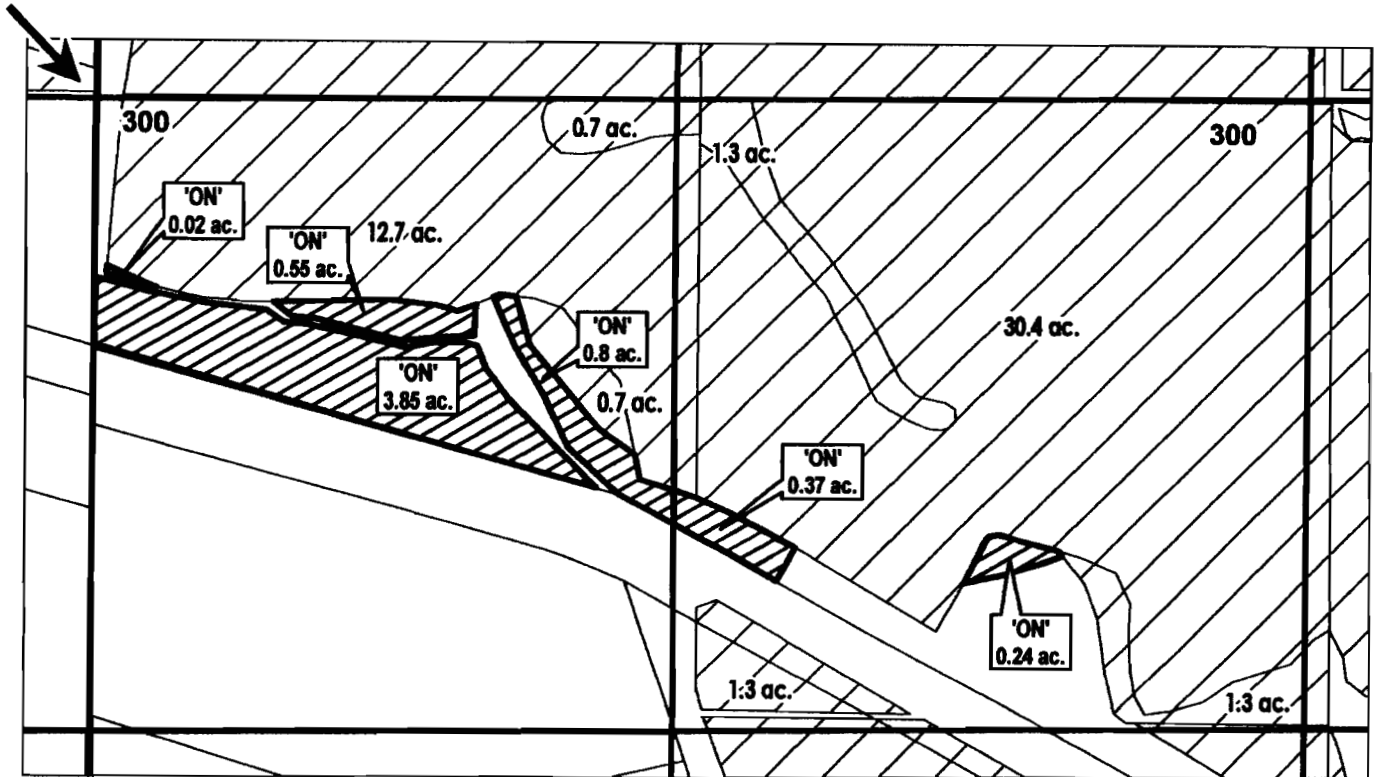
SCALE - 1" = 400'



NW 1/4 OF THE SW 1/4; NE 1/4 OF THE SW 1/4

DISTRICT PETITION #: P-2013-003

**W 1/4 COR**



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

	EXISTING WATER RIGHTS
	ON LANDS

"ON" MAP

1011703



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: KASBERGER RANCH, LLC

TAXLOT #: 300

5.83 ACRES

Date: 11/25/2013

FILE: I:\TRANSFER\WRTRANS13P-2013-003\141419\_NSW

PROPOSED LANDS

15-12-14 NENE 100  
ROBERT R. BURNETT JR., TRUSTEE ROBERT  
BURNETT JR. LIVING TRUST

RECEIVED BY OWRD

1011703

DEC 23 2013

SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Robert Burnett Jr., Trustee  
PO Box 484  
Redmond, OR 97756

RE: Water Right Transfer #P-2013-003

Dear Robert ,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

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If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

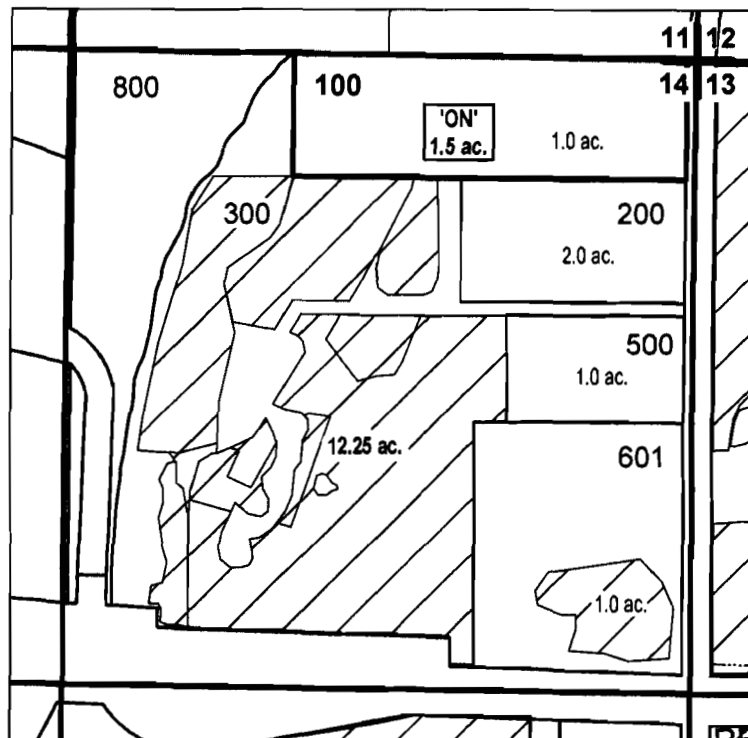
# DESCHUTES COUNTY SEC.14 T15S R12E

SCALE - 1" = 400'



NE 1/4 OF THE NE 1/4

DISTRICT PETITION #: T-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

"ON" MAP

# ac.	'OFF' LAND PARCELS
# ac.	PARCELS W/ WATER RIGHTS
	EXISTING WATER RIGHTS



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: ROBERT E. BURNETT JR. LIVING TRUST

TAXLOT #: 100

1.5 ACRES

DATE: 12-02-13

FILE: \\TRANSFER\WRTRANS\13\P-2013-003\151214\_NENE

PROPOSED LANDS

15-12-24 NENW 103

LORNA D. PECK, GENE A. WARING, LEE  
E. WAREING, DALE S. WAREING

1011703

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DEC 23 2013

SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Gene Wareing et al  
21676 SW Creek Court  
Tualatin, OR 97062

RE: Water Right Transfer #P-2013-003

Dear Gene et al,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

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If no protest is filed by the FROM land user within 60 days and OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by COID.

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011503

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



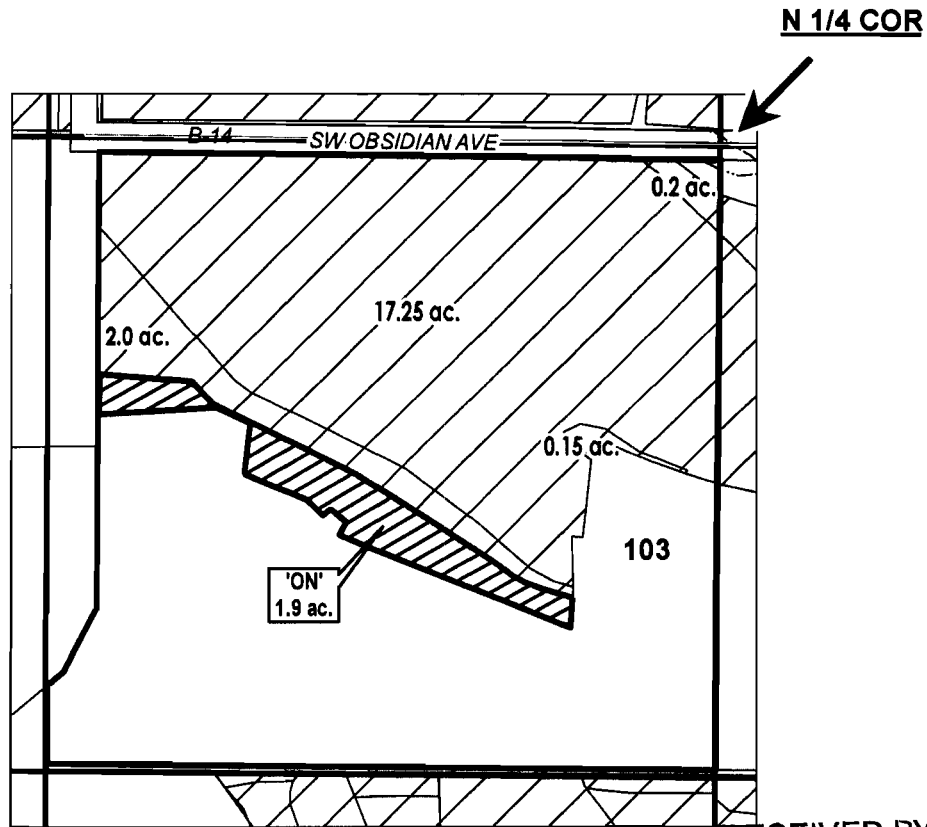
# DESCHUTES COUNTY SEC.24 T15S R12E

SCALE - 1" = 400'



NE 1/4 OF THE NW 1/4

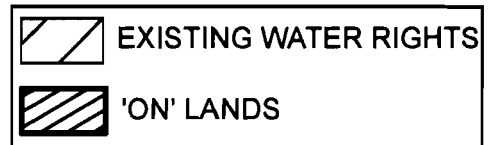
DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



"ON" MAP

1011703

CENTRAL OREGON



IRRIGATION DISTRICT

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: LORNA D. PECK, GENE A. WAREING,  
LEE E. WAREING, & DALE S. WAREING

TAXLOT #: 103

1.9 ACRES

Date: 12/2/2013

FILE I:\TRANSFER\WRTRANS13IP-2013-003\151230\_NENW

PROPOSED LANDS

15-13-03 NENE 100

LESLEE ARMSTRONG

RECEIVED BY OWRD

1011703

DEC 23 2013

SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Leslee Armstrong  
PO Box 1455  
Redmond, OR 97756

RE: Water Right Transfer #P-2013-003

Dear Leslee,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

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If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

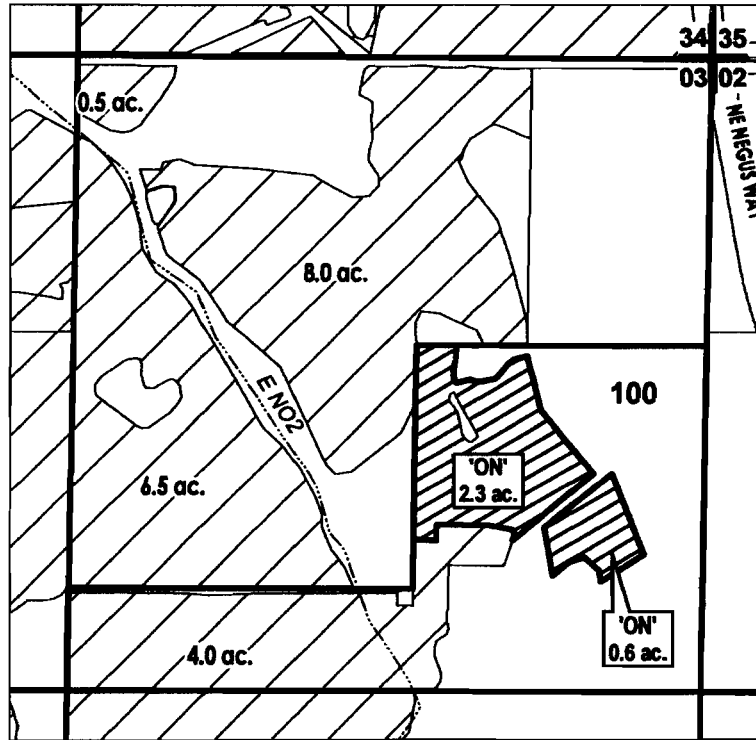
# DESCHUTES COUNTY SEC.03 T15S R13E

SCALE - 1" = 400'



NE 1/4 OF THE NE 1/4

DISTRICT PETITION #: P-2013-003



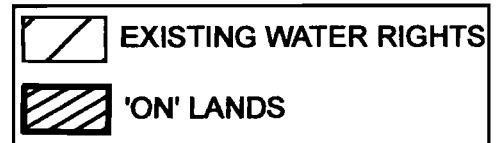
RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

"ON" MAP

1011703



CENTRAL OREGON



IRRIGATION DISTRICT

APPLICATION FOR WATER RIGHTS TRANSFER

NAME: LESLEE ARMSTRONG

TAXLOT #: 100

2.9 ACRES

Date: 12/2/2013

FILE: I:\TRANSFER\WRTRANS13\P-2013-003\151303\_NENE

PROPOSED LANDS

15-13-30 NWSW 1100

WENDY SOLTYS

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Wendy Soltys  
4150 SW Helmholtz Way  
Redmond, OR 97756

RE: Water Right Transfer #P-2013-003

Dear Wendy,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

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Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

2013703

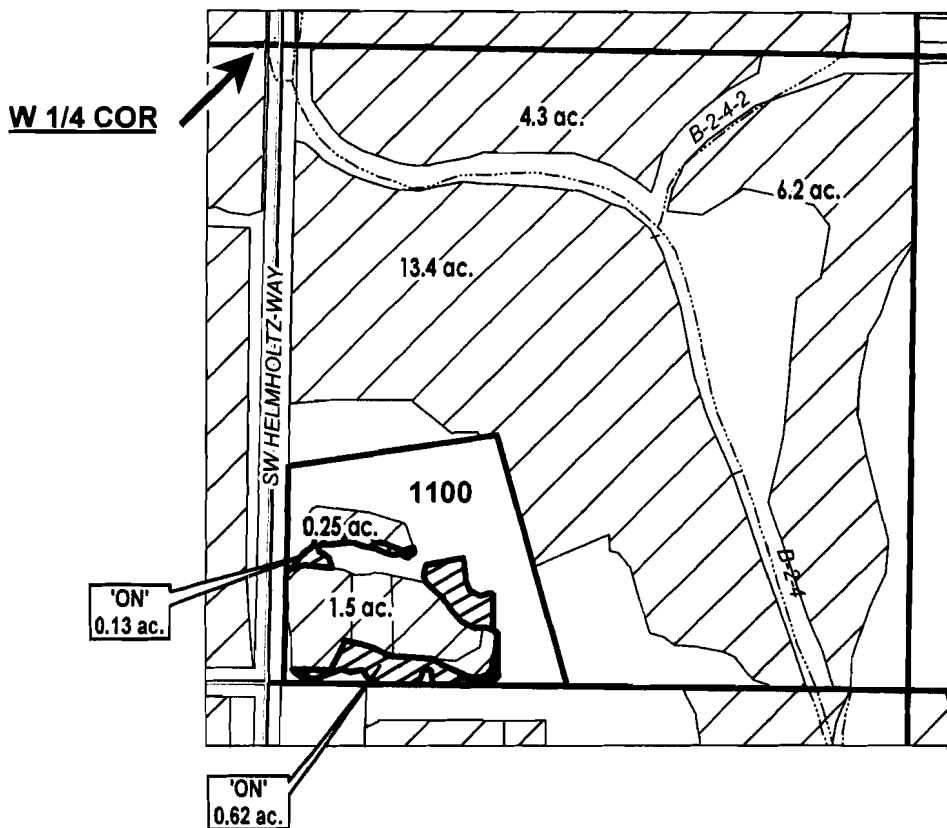
# DESCHUTES COUNTY SEC.30 T15S R13E

SCALE - 1" = 400'



NW 1/4 OF THE SW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD  
DEC 23 2013  
SALEM, OR

"OFF" MAP

1011703

APPLICATION FOR WATER RIGHTS TRANSFER

NAME: WENDY L. SOLTYS

TAXLOT #: 1100

0.75 ACRES

CENTRAL OREGON



IRRIGATION DISTRICT

Date: 12/2/2013

FILE: I:\TRANSFER\WRTRANS13IP-2013-003\151330\_NWSW

PROPOSED LANDS

16-12-02 NESW 701

RICHARD M. & SHIRLEY L. LANGSTON

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703





# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Richard M. & Shirley L. Langston  
7314 SW McVey  
Redmond, OR 97756

RE: Water Right Transfer #P-2013-003

Dear Richard & Shirley,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

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Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011303

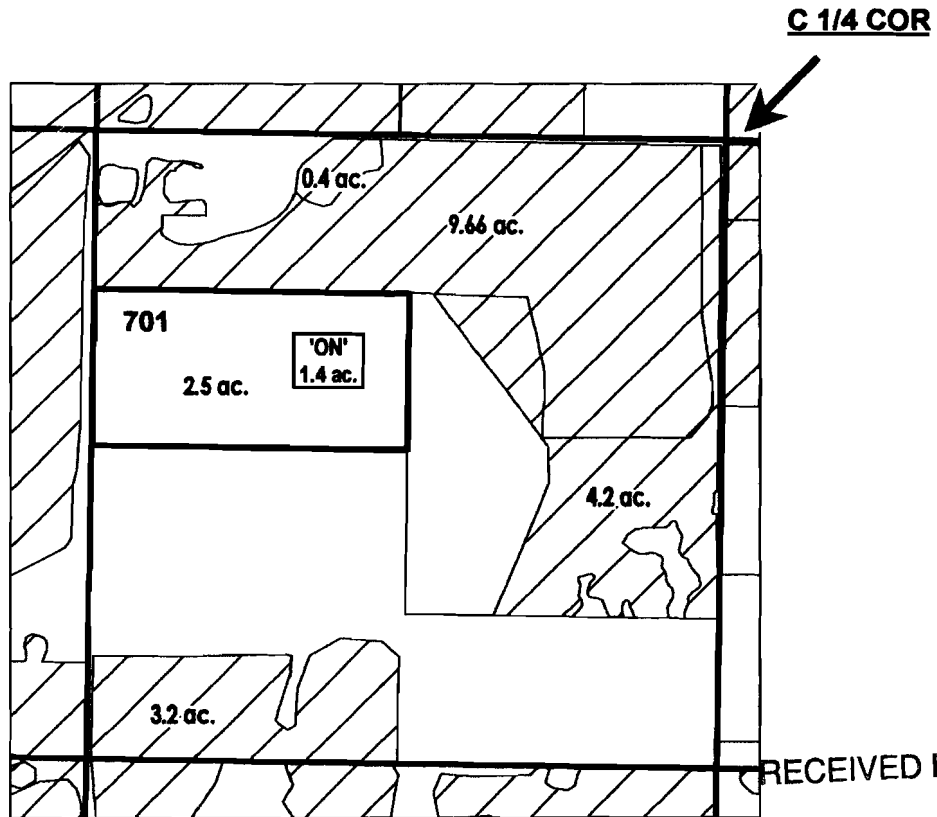
# DESCHUTES COUNTY SEC.02 T16S R12E

SCALE - 1" = 400'



NE 1/4 OF THE SW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

"ON" MAP

1011703

	EXISTING WATER RIGHTS
	'OFF' LAND PARCELS
	PARCELS W/ WATER RIGHTS



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: RICHARD M. & SHIRLEY L. LANGSTON

TAXLOT #: 701

1.4 ACRES

Date: 12/2/2013

FILE: I:\TRANSFER\WRTRANS13\P-2013-003\161202\_NESW

PROPOSED LANDS

17-12-11 NWN 202

KENNETH & CONNIE MILLER

1011203

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Kenneth & Connie Miller  
63920 Deschutes Mkt Rd  
Bend, OR 97701

RE: Water Right Transfer #P-2013-003

Dear Kenneth & Connie,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

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*"Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:*

- A. *The application does not include the information required under OAR 690-385-5200; or*
- B. *The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002*
  - b. *The user has the right to protest the application as described in OAR 690-385-5700*

*You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing."*

If no protest is filed by the FROM land user within 60 days and OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by COID.

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

# DESCHUTES COUNTY SEC.11 T17S R12E

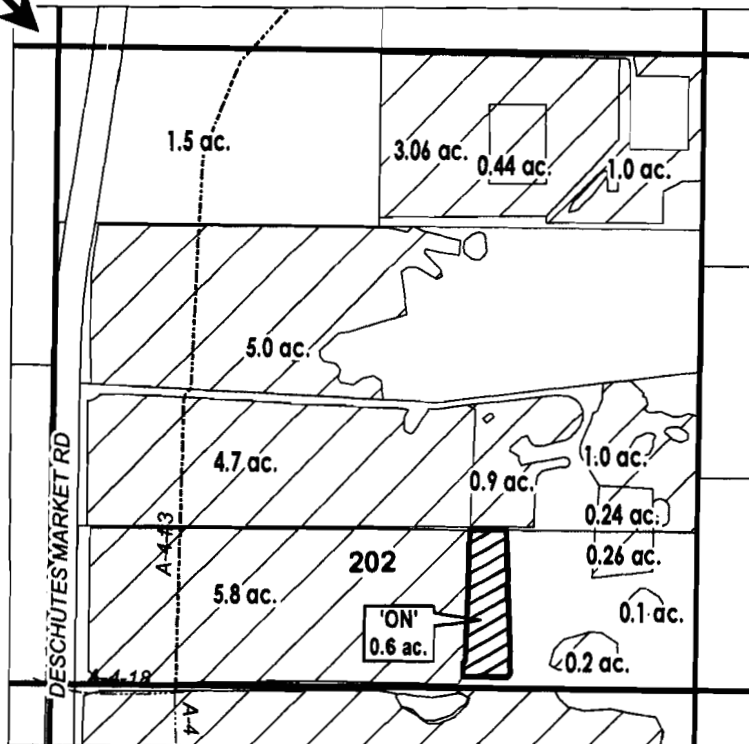
SCALE - 1" = 400'



NW 1/4 OF THE NE 1/4

DISTRICT PETITION #: P-2013-003

N 1/4 COR



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

	EXISTING WATER RIGHTS
	ON LANDS
# ac.	PARCELS W/ WATER RIGHTS

"ON" MAP



## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: KENNETH & CONNIE MILLER

TAXLOT #: 202

0.6 ACRES

Date: 12/2/2013

FILE: I:\TRANSFER\WRTRANS13P-2013-003\171211\_NWNE

PROPOSED LANDS

15-14-13 NENE 100  
15-14-13 SENE 100

THOMAS & ELIZABETH EVANS

10.1.13

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Thomas & Elizabeth Evans  
11311 SW Fleming Rd  
Powell Butte, OR 97753

RE: Water Right Transfer #P-2013-003

Dear Thomas & Elizabeth,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

*"Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:*

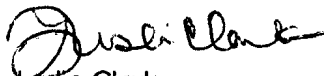
- A. *The application does not include the information required under OAR 690-385-5200; or*
- B. *The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002*
  - b. *The user has the right to protest the application as described in OAR 690-385-5700*

*You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing."*

If no protest is filed by the FROM land user within 60 days and OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by COID.

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

  
Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

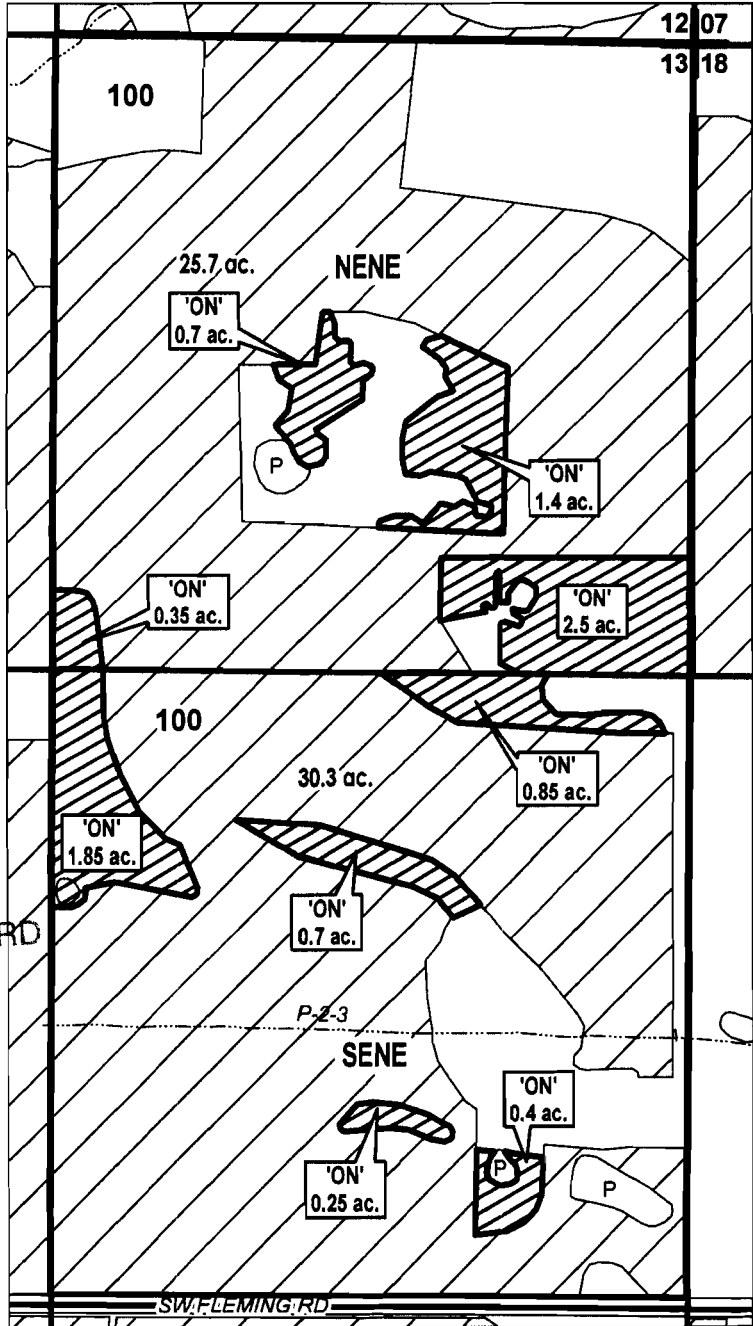
# CROOK COUNTY SEC.13 T15S R14E

SCALE - 1" = 400'



NE 1/4 OF THE NE 1/4; SE 1/4 OF THE NE 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

1011703

DEC 23 2013

"ON" MAP

SALEM, OR

	EXISTING WATER RIGHTS
	ON LANDS
	POND

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: THOMAS & ELIZABETH EVANS

TAXLOT #: 100

9.0 ACRES



Date: 12/3/2013

FILE: I:\TRANSFER\WRTRANS13\P-2013-003\151413\_ENE



PROPOSED LANDS

16-14-08 NESE 102 4.40

JAMES C. & SANDRA M. CARPENTER

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

James & Sandra Carpenter  
11999 SW Powell Butte Hwy  
Powell Butte, OR 97753

RE: Water Right Transfer #P-2013-003

Dear James & Sandra,

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

*"Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:*

- A. *The application does not include the information required under OAR 690-385-5200; or*
- B. *The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002*
  - b. *The user has the right to protest the application as described in OAR 690-385-5700*

*You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing."*

If no protest is filed by the FROM land user within 60 days and OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by COID.

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

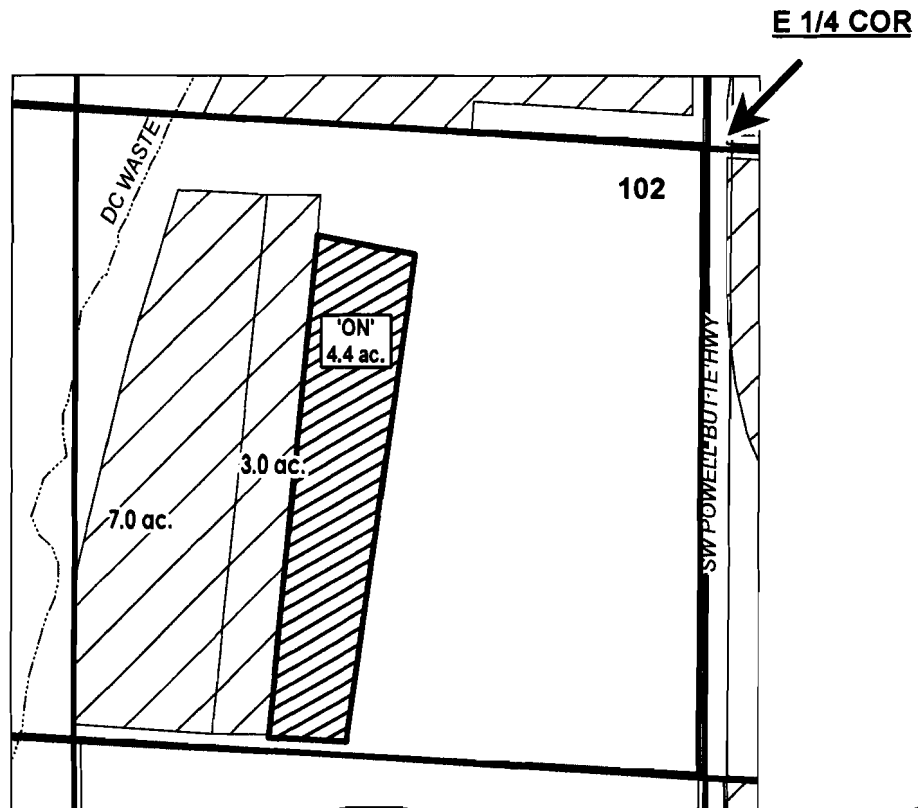
# CROOK COUNTY SEC.08 T16S R14E

SCALE - 1" = 400'



NE 1/4 OF THE SE 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

"ON" MAP

P013003

	EXISTING WATER RIGHTS
	'ON' LANDS

## APPLICATION FOR WATER RIGHTS TRANSFER

NAME: JAMES C. & SANDRA M. CARPENTER

TAXLOT #: 102

4.4 ACRES

CENTRAL OREGON



IRRIGATION DISTRICT

Date: 12/2/2013

FILE: I:\TRANSFER\WRTRANS13\P-2013-003\161408\_NESE

PROPOSED LANDS

16-14-16 NENW 101

R.J. & M.E. MARTIN  
JIM & JILL ENGLAND

1011703

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR



# CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

[www.coid.org](http://www.coid.org)

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

December 20, 2013

Jim & Jill England  
R. J. & M. E. Martin  
12518 SW Powell Butte Hwy  
Powell Butte, OR 97753

RE: Water Right Transfer #P-2013-003

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2013. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

The user of the lands FROM which these water rights are being transferred has been noticed of the following:

*"Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:*

- A. *The application does not include the information required under OAR 690-385-5200; or*
- B. *The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002*
  - b. *The user has the right to protest the application as described in OAR 690-385-5700*

*You have 60 days from the date of mailing of this notice to submit a protest of the permanent transfer application to OWRD. OAR 690-385-5700(2) & (3) states that: Protest shall be filed in accordance with OAR Chapter 690, Division 002, and shall include the fee required under ORS 536.050; and, each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing."*

If no protest is filed by the FROM land user within 60 days and OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by COID.

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7576 or by email: [lesliec@coid.org](mailto:lesliec@coid.org).

Sincerely,

Leslie Clark  
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 20, 2013  
Encl.

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

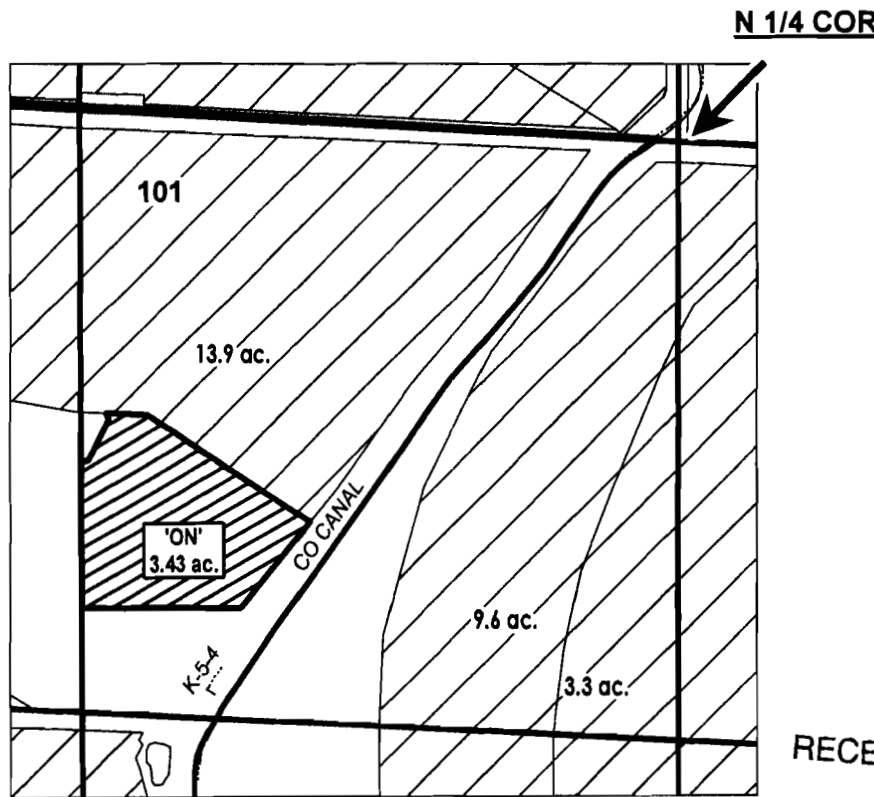
# CROOK COUNTY SEC.16 T16S R14E

SCALE - 1" = 400'



NE 1/4 OF THE NW 1/4

DISTRICT PETITION #: P-2013-003



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703

"ON" MAP

	EXISTING WATER RIGHTS
	'ON' LANDS



APPLICATION FOR WATER RIGHTS TRANSFER

NAME: R.J. & M.E. MARTIN AND JIM & JILL ENGLAND

TAXLOT #: 101

3.43 ACRES

Date: 12/2/2013

FILE I:\TRANSFER\WRTRANS13IP-2013-003\161416\_NENW

AUTHORIZED & PROPOSED LANDS

ORS 540.580

REGULAR DISTRICT TRANSFER

14-13-09 SWSW 2300

14-13-09 SE SE 2300

ROCKE DEE & DONNA FAYE DARLINGTON

RECEIVED BY OWRD

1011703

DEC 23 2013

SALEM, OR



**Oregon Water Resources Department**  
 721 Summer Street NE, Suite A  
 Salem, OR 97301-1271

**OAR Chapter 690, Division 385**  
**NOTICE OF DISTRICT PERMANENT TRANSFER**  
**Place of Use**

District: CENTRAL OREGON IRRIGATION DISTRICT

Contact Person: LESLIE CLARK Phone: (541) 548-6047

Mailing Address: 1055 S.W. LAKE COURT; REDMOND, OR 97756

District Internal Notice #: T-2013-023\_in conjunction with 540.572 transfer

I. Pursuant to ORS 540.580 and OAR Chapter 690, Division 385, the district is providing the Water Resources Department this notice of a proposed change in place of use prior to making the change. The district proposes to change the place of use for the following water rights:

WATER RIGHTS			
PERMIT NUMBER	CERTIFICATE NUMBER	PRIORITY DATE	PRIMARY (P) or SUPP (S)
	83571	October 31, 1900 and December 2, 1907	P
	76714	February 28, 1913	S

II. The authorized point(s) of diversion for the water rights proposed for transfer are as follows:

AUTHORIZED POINT(S) OF DIVERSION / APPROPRIATION		
DECREE or CERTIFICATE	POD#	LOCATION - LEGAL DESCRIPTION
83571	11	SE ¼ NE ¼ SEC. 29, T. 17 S., R. 12 E., W.M.; 850' N. AND 630' W. FROM THE E ¼ CORNER OF SEC. 29
76714	11	

III. The district proposes to change the place of use from the authorized location listed in Table 1 to the location listed in Table 2.

IV. Enclosed is a map for the proposed change in place of use meeting the standards of OAR Chapter 690, Division 385.

V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.

VI. Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district.

RECEIVED BY OWRD

1019505

DEC 23 2013



DEC 23 2013

SALEM, OR

**TABLE 1. - AUTHORIZED PLACE OF USE**

WATER RIGHT		USE	POD #	LEGAL DESCRIPTION						ACRES	USER NAME
Cert/Decree	Cert/Perm			TWP	RNG	SEC	QQ	TAX LOT			
PRIMARY	SUPP										
83571	76714	IRRIG	11	14 S	13 E	10	SWSW	2300	0.20	Rocke Dee & Donna Faye Darlington	

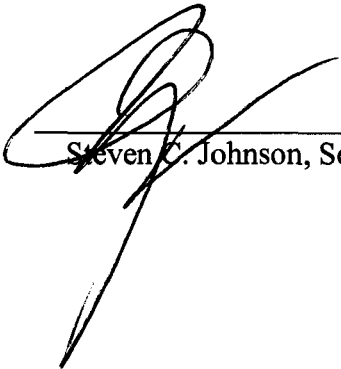
**TABLE 2. - PROPOSED PLACE OF USE**

WATER RIGHT		USE	POD #	LEGAL DESCRIPTION						ACRES	USER NAME
Cert/Decree	Cert/Perm			TWP	RNG	SEC	QQ	TAX LOT			
PRIMARY	SUPP										
83571	76714	IRRIG	11	14 S	13 E	09	SESE	2300	0.20	Rocke Dee & Donna Faye Darlington	

1011703

**VII.** The undersigned understand and acknowledge that the proposed transfer is subject to the approval of the Water Resources Department. The undersigned also understand and acknowledge that if the Water Resources Department finds the change in place of use allowed by the district under this notice results in injury to an existing water right, the Department may direct the district to cease delivery of water to the proposed place of use or direct the district to mitigate the injury.

I certify that the information contained in this Notice of District Permanent Transfer is true and accurate.

  
\_\_\_\_\_  
Steven C. Johnson, Secretary-Manager

16 Dec. 2013  
Date

**INSTRUCTIONS:**

- 1) Pursuant to OAR 690-385-4100(3), the district shall deliver this Notice Form and Map(s) to the local Watermaster *prior to* delivering water to the proposed place of use.
  
- 2) Pursuant to OAR 690-385-4100(4), the district also shall concurrently deliver a copy of the Notice Form to:  
Oregon Water Resources Department  
Transfer Section  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

The Water Resources Department shall publish a summary of the Notice of District Permanent Transfer in the Department's weekly publication for the purpose of providing public notice.

RECEIVED BY OWRD

1011703

DEC 23 2013

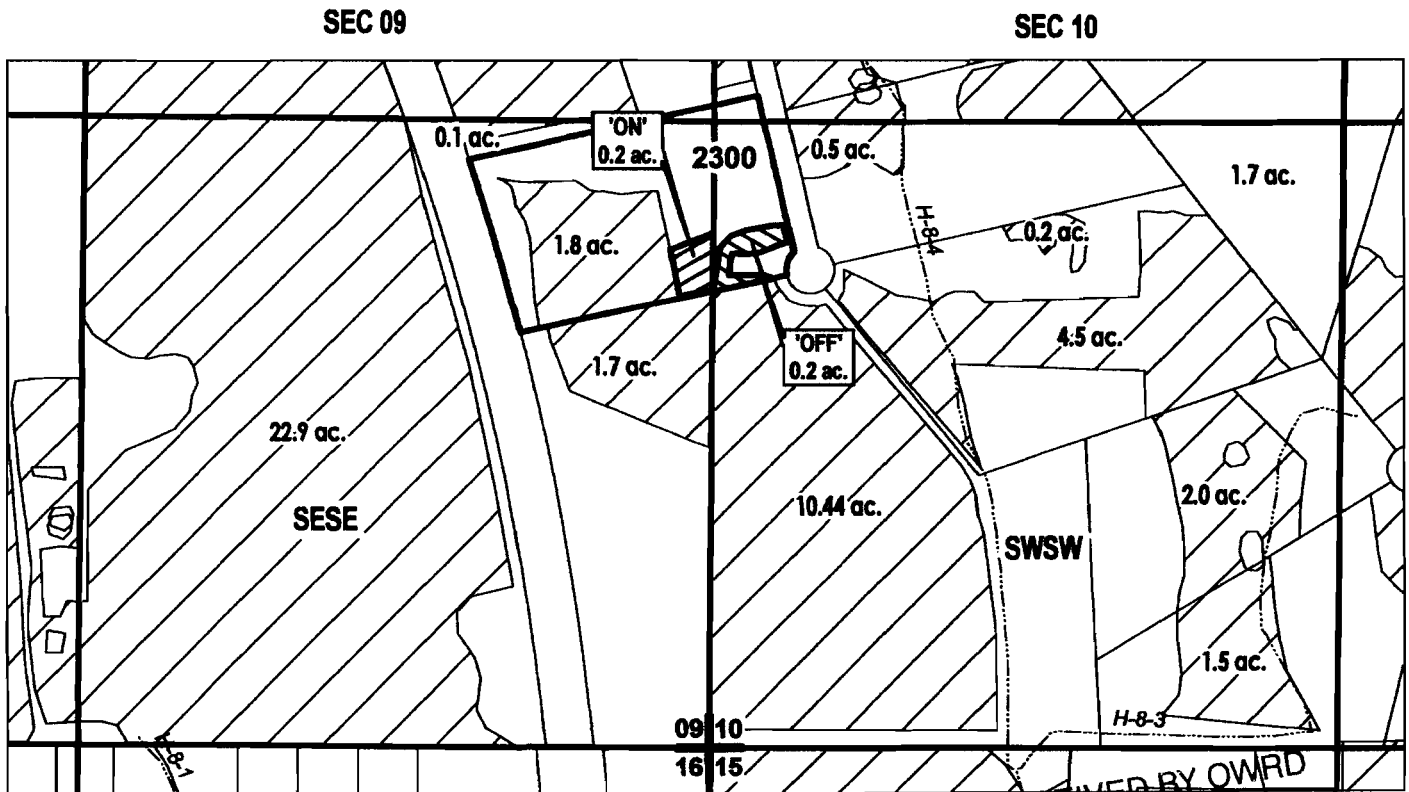
# DESCHUTES COUNTY SEC.09, 10 T14S R13E

SCALE - 1" = 400'



SE 1/4 OF THE SE 1/4 (SEC 09); SW 1/4 OF THE SW 1/4 (SEC 10)

DISTRICT INTERNAL  
NOTICE #: T-2013-023



RECEIVED BY OWIRD

DEC 23 2013

SALEM, OR

1011703

	EXISTING WATER RIGHTS
	OFF LANDS
	ON LANDS

"OFF / ON" MAP



## APPLICATION FOR WATER RIGHTS TRANSFER

ROCKE DEE & DONNA FAYE DARLINGTON  
ROCKE DEE & DONNA FAYE DARLINGTON

TAXLOT #: 2300

0.2 ACRES

Date: 11/22/2013

FILE: I:\TRANSFER\WRTRANS13\141309\_10\_2300

# OPMV Transfer

**TranId** 21833  
**Transaction Date** 12/11/2013  
**Remarks** Operationally Moved Transfer T-2013-023

RECEIVED BY [unclear]  
 DEC 23 2013  
 SALEM, OR

## Off Lands Waterrights

Patron Number	Patron Name	TRSQ	Lot	Service Area	Beat	Headgate	Usage	Acreage
606	Darlington, Rocke Dee/Donna	141310SWSW	02300		PB4	H-8-4	Irrigation	0.200
<b>Acreage -</b>								<b>0.200</b>

## On Lands Waterrights

Patron Number	Patron Name	TRSQ	Lot	Service Area	Beat	Headgate	Usage	Acreage
606	Darlington, Rocke Dee/Donna	141309SESE	02300		PB4	H-8-4	Irrigation	0.200
<b>Acreage -</b>								<b>0.200</b>

1011703

AUTHORIZED & PROPOSED LANDS

ORS 540.580

REGULAR DISTRICT TRANSFER

14-14-19 NESW 300

KASBERGER RANCH, LLC

RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

1011703



**Oregon Water Resources Department**  
 721 Summer Street NE, Suite A  
 Salem, OR 97301-1271

**OAR Chapter 690, Division 385**  
**NOTICE OF DISTRICT PERMANENT TRANSFER**  
 Place of Use

District: CENTRAL OREGON IRRIGATION DISTRICT

Contact Person: LESLIE CLARK Phone: (541) 548-6047

Mailing Address: 1055 S.W. LAKE COURT; REDMOND, OR 97756

District Internal Notice #: T-2013-024\_in conjunction with 540.572 transfer

I. Pursuant to ORS 540.580 and OAR Chapter 690, Division 385, the district is providing the Water Resources Department this notice of a proposed change in place of use prior to making the change. The district proposes to change the place of use for the following water rights:

WATER RIGHTS			
PERMIT NUMBER	CERTIFICATE NUMBER	PRIORITY DATE	PRIMARY (P) or SUPP (S)
	83571	October 31, 1900 and December 2, 1907	P
	76714	February 28, 1913	S

II. The authorized point(s) of diversion for the water rights proposed for transfer are as follows:

AUTHORIZED POINT(S) OF DIVERSION / APPROPRIATION		
DECREE or CERTIFICATE	POD#	LOCATION - LEGAL DESCRIPTION
83571	11	SE ¼ NE ¼ SEC. 29, T. 17 S., R. 12 E., W.M.; 850' N. AND 630' W. FROM THE E ¼ CORNER OF SEC. 29
76714	11	

III. The district proposes to change the place of use from the authorized location listed in Table 1 to the location listed in Table 2.

IV. Enclosed is a map for the proposed change in place of use meeting the standards of OAR Chapter 690, Division 385.

V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.

VI. Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district.

RECEIVED BY OWRD  
 DEC 23 2013  
 SALEM, OR

**TABLE 1. – AUTHORIZED PLACE OF USE**

WATER RIGHT		USE	POD #	LEGAL DESCRIPTION						ACRES	USER NAME
Cert/Decree	Cert/Perm			TWP	RNG	SEC	QQ	TAX LOT			
PRIMARY	SUPP										
83571	76714	IRRIG	11	14 S	14 E	19	NESW	300	0.18	Kasberger Ranch, LLC	

**TABLE 2. – PROPOSED PLACE OF USE**

WATER RIGHT		USE	POD #	LEGAL DESCRIPTION						ACRES	USER NAME
Cert/Decree	Cert/Perm			TWP	RNG	SEC	QQ	TAX LOT			
PRIMARY	SUPP										
83571	76714	IRRIG	11	14 S	14 E	19	NESW	300	0.18	Kasberger Ranch, LLC	

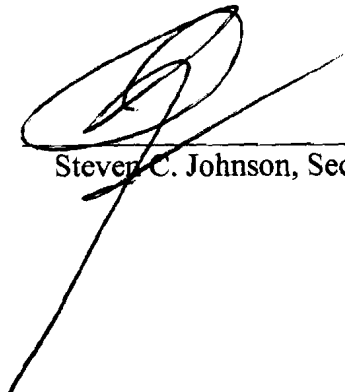
1011703

VII. The undersigned understand and acknowledge that the proposed transfer is subject to the approval of the Water Resources Department. The undersigned also understand and acknowledge that if the Water Resources Department finds the change in place of use allowed by the district under this notice results in injury to an existing water right, the Department may direct the district to cease delivery of water to the proposed place of use or direct the district to mitigate the injury.

VIII. Applicant(s) understand that pursuant to ORS 540.580, those lands where water rights have been removed from must be dried up. Failure to do so may result in the State of Oregon Department of Water Resources denying or revoking this transfer notice. Applicant(s) understand the off-lands cannot be irrigated again until a transfer of water rights is filed with Oregon Water Resources Department.

\_\_\_\_\_  
\_\_\_\_\_

I certify that the information contained in this Notice of District Permanent Transfer is true and accurate.

  
\_\_\_\_\_  
Steven C. Johnson, Secretary-Manager

10 Dec. 2013  
Date

RECEIVED BY OWRD  
DEC 29 2013  
SALEM, OR

**INSTRUCTIONS:**

- 1) Pursuant to OAR 690-385-4100(3), the district shall deliver this Notice Form and Map(s) to the local Watermaster *prior to* delivering water to the proposed place of use.
- 2) Pursuant to OAR 690-385-4100(4), the district also shall concurrently deliver a copy of the Notice Form to:  
Oregon Water Resources Department  
Transfer Section  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

The Water Resources Department shall publish a summary of the Notice of District Permanent Transfer in the Department's weekly publication for the purpose of providing public notice.



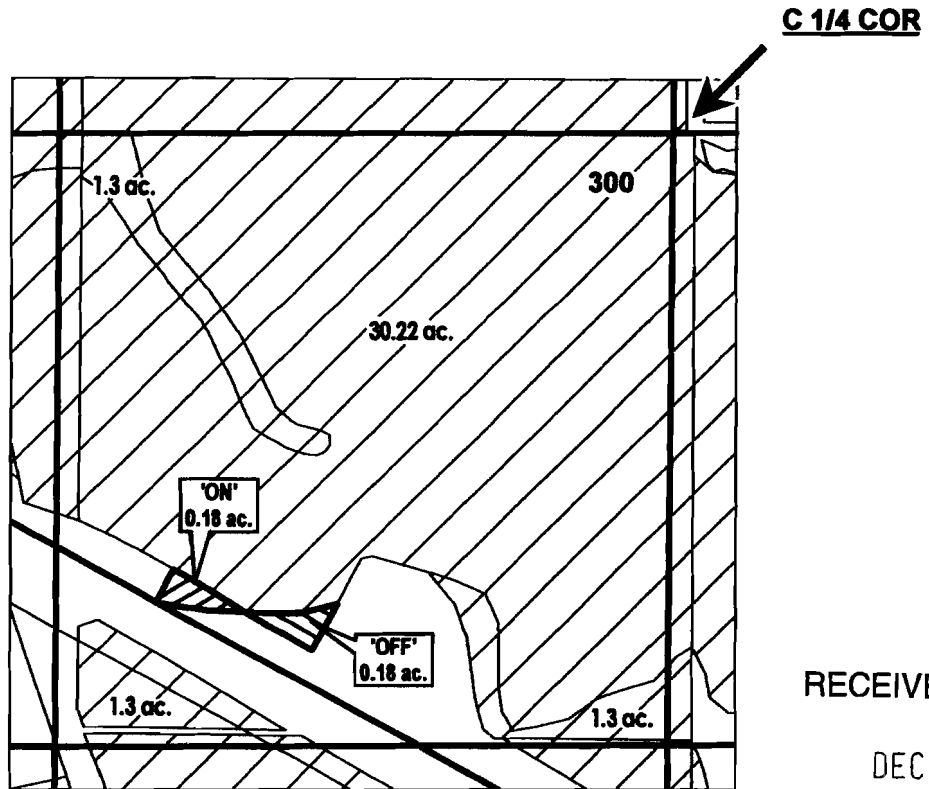
**CROOK COUNTY  
SEC.19 T14S R14E**

SCALE - 1" = 400'



**NE 1/4 OF THE SW 1/4**

DISTRICT INTERNAL  
NOTICE #: T-2013-024



RECEIVED BY OWRD

DEC 23 2013

SALEM, OR

"OFF / ON" MAP

1011703

	EXISTING WATER RIGHTS
	OFF LANDS
	ON LANDS



**APPLICATION FOR WATER RIGHTS TRANSFER  
KASBERGER RANCH, LLC / KASBERGER RANCH, LLC**

**TAXLOT #: 300**

**0.18 ACRES**

Date: 11/22/2013

FILE: I:\TRANSFER\WRTRANS13P-2013-003\141419\_NESW

# OPMV Transfer

**Tranid** 21834  
**Transaction Date** 12/11/2013  
**Remarks** Operationally Moved Transfer T-2013-024

RECEIVED BY OWRD  
 DEC 23 2013  
 SALEM, OR

## Off Lands Waterrights

Patron Number	Patron Name	TRSQ	Lot	Service Area	Beat	Headgate	Usage	Acreage
4203	Kasberger Ranch, LLC	141419NESW	00300		PB3	L-1	Irrigation	0.180
							<b>Acreage -</b>	<b>0.180</b>

## On Lands Waterrights

Patron Number	Patron Name	TRSQ	Lot	Service Area	Beat	Headgate	Usage	Acreage
4203	Kasberger Ranch, LLC	141419NESW	00300		PB3	L-1	Irrigation	0.180
							<b>Acreage -</b>	<b>0.180</b>

1011703