



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, ORS 540.580 and OAR Chapter 690, Division 385, 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	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	Desch 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	Desch 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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IV. Enclosed is a map for each proposed change in place of use meeting the standards of OAR Chapter 690, Division 385.

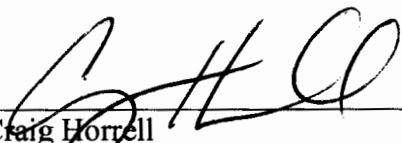
V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.

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: ~~\$1,300.00~~ 1,450.00

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



Craig Horrell
Secretary-Manager for Central Oregon Irrigation District

12/11/15
Date

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TABLE 1. - AUTHORIZED PLACE OF USE

WATER RIGHT Cert/Decree	PRIORITY DATE	USE (IR/IS)	POD #	LEGAL DESCRIPTION						ACRES	USER NAME	NOTICE NUMBER
				TWP	RNG	SEC	QQ	TAX LOT				
83571/76714	10/31/1900	IR/IS	11	14 S	13 E	9	NESE	1700	0.9	GEORGE H. & PATRICKIA K. KIMBALL and LEO BIEBER (contract buyer)	T-2015-017	
			11	14 S	13 E	14	NWSW	500	0.15	KATHRYN A. FERGUSON LIVING TRUST	T-2015-017	
			11	14 S	13E	31	SWNE	1400	0.6	KAREN L. MILLS	T-2015-017	
			1	17 S	13 E	31	NWSE	1105	0.4	STEVEN & KAREN SKELLENGER	T-2015-017	
			1	18 S	13 E	12	NWSW	605	0.15	WILLIAM KAISER	T-2015-017	
								Total:	2.2	<i>Confiscated Acres</i>		

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TABLE 2. – PROPOSED PLACE OF USE												
WATER RIGHT Cert/Decree	PRIORITY DATE	USE (IR/IS)	POD #	LEGAL DESCRIPTION						ACRES	USER NAME	NOTICE NUMBER
				TWP	RNG	SEC	QQ	TAX LOT				
83571/76714	10/31/1900	IR/IS	11	15 S	12 E	24	NENW	103	0.7	Lorna D. Peck, Gene A. Wareing Lee E. Wareing & Dale S. Wareing	T-2015-017	
			11	15 S	12 E	24	NWNE	1800	0.15	Lorna D. Peck, Gene A. Wareing Lee E. Wareing & Dale S. Wareing	T-2015-017	
			11	15 S	12 E	24	NWNE	1100	0.8	MARK D. NORDBERG	T-2015-017	
			1	14 S	14 E	26	NESE	100	0.55	DAVID M. & CINDY M. TOWNSEND	T-2015-017	
Total:									2.2	Confiscated Acres		

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P-2015-004

540.572 CONFISCATION TRANSFER
AUTHORIZED LANDS

14-13-09 NESE 01700

LEO BIEBER (CONTRACT BUYER)

GEORGE H. & PATRICIA KIMBALL (CONTRACT HOLDER)

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7013 0600 0002 2642 9367

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

12/23/15
 Postmark
 Here

Sent To
 Street, Apt. No.;
 or PO Box No. **Leo Bieber**
 City, State, ZIP+4 **476 NW Eby Ave**
 Terrebonne, OR 97760

PS Form 3800, August 2006 See for Instructions

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4566 2492 2000 0090 ET01
 7013 0600 0002 2642 9354

OFFICIAL USE

Postage	\$	12/23/15 Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		

Sent To **George & Patricia Kimball**
 Street, Apt. No., or PO Box No. **476 NW Eby Ave**
 City, State, ZIP+4 **Terrebonne, OR 97760**

PS Form 3800, August 2006 See Reverse for Instructions

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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

December 17, 2015

Leo Bieber
476 NW Eby Ave
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 14-13-09 00 01700, 0.90 acres Irrigation

Dear Mr. Bieber,

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 17, 2015
Encl.

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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

December 17, 2015

George & Patricia Kimball
476 NW Eby Ave
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 14-13-09 00 01700, 0.90 acres Irrigation

Dear Mr. & Ms. Kimball,

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.

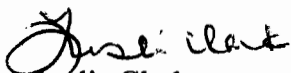
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Sincerely,


Leslie Clark
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 17, 2015
Encl.

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Jessie Smith</i></p> <p>C. Date of Delivery <i>OCT 14 2015</i></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>1. Article Addressed to:</p> <p>Leo Bieber 476 NW Eby Ave Terrebonne, OR 97760</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 (Trans) 7013 0600 0002 2642 8661</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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Postage	\$ 0.49	<i>10/14/15</i> Postmark Here
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.74	

Sent To **Leo Bieber**

Street, Apt. No., or PO Box No. **476 NW Eby Ave**

City, State, ZIP+4 **Terrebonne, OR 97760**

PS Form 3800, August 2006 See Reverse for Instructions

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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, 2015

Patron #: 3555

Leo Bieber
476 NW Eby Ave
Terrebonne, OR 97760

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RE: Tax Map #: 14-13-09 00 01700, 10.0 acres total Irrigation water rights
0.90 acres water rights to be confiscated in 2015

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Dear Mr. Bieber,

Our records indicate that you have failed to beneficially use 0.90 acres of your 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 2014 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 2015 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 2015 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 2011 and 2015.

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.

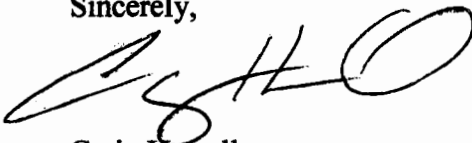
1 10227

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,



Craig Horrell
District 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
George & Patricia Kimball, 476 NW Eby Ave, Terrebonne OR 97760

Sent by certified mail October 2, 2015

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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 2, 2015

George & Patricia Kimball
476 NW Eby Ave
Terrebonne OR 97760

RE: Leo Bieber
476 NW Eby Ave, Terrebonne OR

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for five consecutive years. You will also find a copy of COID's confiscation policy and procedures with a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules. Per this policy COID will confiscate the unused portion of water right appurtenant to this property.

This letter is being sent to you as required by Oregon Water Resources Department because county records show you as a security interest holder in the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

Encl

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Jenny

From: Jenny <jenny@coid.org>
Sent: Tuesday, May 19, 2015 4:53 PM
To: 'vaquero1@bendbroadband.com'
Cc: Leslie Clark ; Larry Roofener
Subject: Leo Bieber / COID Water Rights
Attachments: BIEBLER.pdf; Bieber, Leo- 1-yr Instream Lease App - 05-13-15.pdf

Hello Mr. Oliver,

I am emailing to follow-up on email correspondence from Friday, May 15th. Leslie Clark of my office forwarded to you the OAR's that are specific to the issues with Mr. Bieber's at-risk water. After an extensive review and assessment it has been determined that 0.9 acres of water is what needs to be temporarily instream leased to protect the water. Through the review it has been determined that the area to the North of the house has not been used beyond a 5 year period and the only option is to use the water on the ground. I have attached a map showing the 0.9 acres to be instreamed. As explained, one option to beneficially use and protect the water that has not been used would be to file a temporary Instream Lease on the 0.9 acres of water for one irrigation season. The term of the instream lease will be from the filing date to October 31, 2015. Upon automatic termination of the lease, the 0.9 acres will revert back onto Mr. Bieber's property and be available for him to use on his property in 2016. I have attached an updated Lease Application Signature page reflecting the change in acreage.

Each year COID works with the Deschutes River Conservancy (DRC) on Instream Leases and the DRC pays the \$300 Application Fee for each lease to OWRD. At this time we have passed our deadline with the DRC to cover this fee. However, since protection of water rights is the number one priority for COID, COID will allow Mr. Bieber until 4:00 pm Friday, May 29, 2015, to hand deliver or email a signed instream lease application to the COID office and COID will pay the \$300 Application Fee. OWRD has a deadline to file an Instream Lease Application of July 1, 2015. If Mr. Bieber makes the decision to Instream his water after May 29th and prior to July 1, 2015 to preserve his water rights, he will be responsible for paying the \$300 Application Fee.

As stated in the October 21, 2014 letter to Mr. Bieber, he has three options to protect his water right:

1. Irrigate and produce a crop on his property where the at-risk water is mapped. If he fails to follow-thru, any unused water will be confiscated.
2. File a permanent transfer to map the water to another location on his property. He does not have available ground so this is not a viable option.
3. File a temporary instream lease for one irrigation season.

If he chooses to do nothing during the 2015 irrigation season, the District will be forced by Oregon Statute to confiscate the 0.9 acres of water at the end of the 2015 season. Please understand, at that point in time the District has no other option to protect the water right.

Please let me know how you and Mr. Bieber would like to proceed.

Thank you,

Jenny Hartzell-Hill

Water Use Specialist
Central Oregon Irrigation District

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Christina Bieber</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Christina Bieber</i></p> <p>C. Date of Delivery <input type="checkbox"/> Yes <input type="checkbox"/> No</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>
1. Article Addressed to: <p style="text-align: center;">Leo Bieber 476 NW Eby Ave Terrebonne, OR 97760</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
2. Article Number (Transfer from service label)	7007 3020 0003 0426 7526
PS Form 3811, July 2013 Domestic Return Receipt	

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Postage	\$ 0.49	<i>Marked 10/22/14</i> Postmark Here
Certified Fee	\$ 3.30	
Return Receipt Fee (Endorsement Required)	\$ 2.70	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.49	

Send to:
 Leo Bieber
 476 NW Eby Ave
 Terrebonne, OR 97760

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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 21, 2014

Patron ID: 3555

Leo Bieber
476 NW Eby Ave
Terrebonne, OR 97760

RE: Tax Map #: 1413090001700 - 10 acres total Irrigation Water Rights

Dear Patron,

The 2014 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 2015 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 2015 season (the District will accept requests for temporary lease applications through February 15, 2015); or transfer 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 2015 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 water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

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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 2015 (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 2011, 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 2014 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 in the lower left hand corner of the map.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2015; 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 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,

/s/ *Craig Horrell*

Craig Horrell
Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
George & Patricia Kimball 55790 Swan Rd, Bend, OR 97707

Sent by certified mail October 21, 2014

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Leslie

From: Leslie <lesliec@coid.org>
Sent: Tuesday, November 04, 2014 2:33 PM
To: 'kalicokate46@msn.com'
Cc: 'Laura Wollam'
Subject: Bieber Water Rights
Attachments: Bieber Water Maps.pdf

Hello Patricia,

Water rights in Oregon are mapped to a specific place of use and the mapped areas must be irrigated one year out of every five years per Oregon statute or they are subject to forfeiture by the irrigation district. The attached aerial photos have the water right map overlaid in green hachuring. The first photo was taken in 2010 and the 2nd photo in 2014. The 2010 photo shows the majority of the mapped water right fully irrigated while the 2014 photo clearly shows the dry area (south of the buildings). The years 2011, 2012 and 2013 look the same as the 2014 photo. It is critical that the dry area be seeded and fully irrigated beginning in the spring of 2015 and throughout the irrigation season. If Mr. Bieber does not want to irrigate it he has several options:

1. Request to lease the un-used water instream for the 2015 irrigation season; lease request deadline is February 15, 2015. An instream lease leaves the water in the Deschutes River; it is not diverted down the canal. The State considers an instream lease beneficial use of the water, same as if it were used to irrigate the land. At the end of the 2015 irrigation season, the water will revert back to the land, ready for irrigation in the 2016 season.
2. Sell the un-used water, permanently transferring it off of the land.

Please let me know if you have any questions.

Leslie Clark

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

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SALEM, OR

1 12224

Waterright Beneficial Use

11/4/2014

12:50:05PM

Patron: 3555 Bieber, Leo

TRSQ: 141309NESE

Lot: 01700

Beat: PB4

Headgate: H-8-1

Service Area:

Usage: Irrigation

Acreage: 10.000

Use Year	Use	Acres Used	Comment
2014	Partial	9.00	2014 - 9 ac used. Dry lot, driveway on WR.
2013	Partial	9.00	10/8/14 - Changed 2013 BU from Full to Partial per aerial review. 9 ac used. Dry lot, c
2012	Partial	9.00	10/8/14 - Changed 2012 BU from Full to Partial per aerial review. 9 ac used. Dry lot, c
2011	Partial	9.00	10/8/14 - Changed 2011 BU from Full to Partial per aerial review. 9 ac used. New dry
2010	Full	10.00	
2009	Full	10.00	
2008	Full	10.00	
2007	Full	10.00	
2006	Full	10.00	
2005	Full	10.00	
2004	Full	10.00	
2003	Full	10.00	

Patricia Kimball

541-306-0250

Kalico Kate 46 J msn.com

Kimball said she carries a contract on this property

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1 12224

Jenny

From: Jenny Hartzell-Hill <jenny@coid.org>
Sent: Tuesday, April 07, 2015 2:14 PM
To: 'vaquero1@bendbroadband.com'
Subject: FW: Bieber, Leo Waterrights/Beneficial Use Matter
Attachments: Bieber, Leo 2010-14 Aerials.pdf

Importance: High

Good Afternoon Don,

I am making another attempt to check in with you on the Beneficial Use Matter regarding Mr. Bieber. The areas of concern need to be Instream Leased or fully irrigated in the 2015 irrigation season or COID will confiscate those water rights that have not been beneficially used. If he chooses to instream the water rights in those areas the deadline for having the signed agreement is Friday, April 10, 2015.

Please let me know how Mr. Bieber intends to prove the water rights in the areas of concern in the 2015 irrigation season.

Jenny Hartzell-Hill

From: Jenny Hartzell-Hill [mailto:jenny@coid.org]
Sent: Thursday, April 02, 2015 2:51 PM
To: 'vaquero1@bendbroadband.com'
Subject: FW: Bieber, Leo Waterrights/Beneficial Use Matter

Hi Don,

I am emailing to follow up the previous email I sent to you on March 10, 2015 regarding Mr. Bieber and the Beneficial Use of his irrigation water rights. Have you had an opportunity to discuss this matter with your client? The deadline for Instream Leasing for 2015 is fast approaching and I am just confirming with you whether or not I need to prepare an application for him.

I look forward to hearing from you regarding this matter.

Thank you,

Jenny Hartzell-Hill

From: Jenny Hartzell-Hill [mailto:jenny@coid.org]
Sent: Tuesday, March 10, 2015 5:20 PM
To: 'vaquero1@bendbroadband.com'
Subject: Bieber, Leo Waterrights/Beneficial Use Matter

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Hi Don,

SALEM, OR

Per our conversation today, I am forwarding to you the aerial photos from 2010 – 2014. The areas of concern are: 1. The dry area to the south of the house, and 2. A small piece between the driveway and the ditch. As I explained, the dry areas of concern need to be Instream Leased for the year to reset the Beneficial Use clock or these areas need to be irrigated and the water right proven this year or there is the risk of confiscation of the water that would be applied in those areas.

If your client chooses to Instream Lease the areas of concern we have a deadline for those applications that is quickly approaching. I am trying to get all of the applications completed by April 1, 2015. If you have any questions or wish to discuss this matter further, please let me know.

Thank you,

*Jenny Hartzell-Hill
Administrative Assistant*

*Central Oregon Irrigation District
1055 SW Lake Court
Redmond OR 97756
541.548.6047 Ext. 310
541.504.7582 (direct)
541.548.0243 (fax)*

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SALEM, OR

1 12224

Larry Roofener

From: Larry Roofener <Larry@coid.org>
Sent: Friday, May 29, 2015 1:18 PM
To: Don Oliver (vaquero1@bendbroadband.com)
Cc: Cary Penhollow (caryp@coid.org); 'chorrell@coid.org'
Subject: FW: Leo Bieber

Hello Don:

In my May 22nd email to you (see below), I mentioned that during Leo Bieber's last rotation period (beginning May 21st, 4:23 p.m), he apparently put on what I referred to as "quite the performance" in the presence of his two man crew and CB Foss. Prior to Leo picking up his irrigation water this Sunday (May 31st) at 4:23 p.m. I feel the need to provide you with some additional information and notes related to that May 21st episode, and a request of you.

As it was communicated and described to both me and Cary Penhollow (COID Watermaster) separately by CB Foss, Leo appeared to have similar behaviors as when Cary and I met with you and Leo (May 11th) on Leo's property when he entered CB Foss's property on May 21st to pick up his irrigation water. CB had telephoned the COID after hours emergency call service, and as I was the COID person on call that day I returned CB's call. CB was very upset with Leo's behaviors. Leo apparently entered CB's property to pick up his water well after 5:00 p.m. (his pickup time is 4:23), losing about 45 minutes of the benefit of the water due to arriving late. CB explained to us that Leo was very agitated and to some degree incoherent. Leo was attempting to video his pickup of the water (as he did with us on May 11th). Leo told CB that this was his (Leo's) property and his water and not CB's. Leo started to head off across CB's field and was requested by CB to follow the ditch while on his property (also required of patrons by COID). Per CB, when Leo was attempting to open the headgate on CB's property, he was actually closing it, shutting off his own water. CB informed Leo he was closing the headgate – not opening it. CB said that Leo was also spouting off something about shooting horses.

CB expressed his concern to us that if he allowed Leo to close the headgate rather than opening it, then later when Leo realized he was not receiving water he would accuse CB of stealing his water. CB is concerned as well about Leo coming on to his property in an altered state of mind having unpredictable behaviors.

If you can make the time today, I would request that you please communicate with Leo that he must be respectful of CB Foss's property when he enters it to pick up his water. Do not bring his video camera. He must not remove slide gates and throw them in the ditch. We have asked for CB's patience but cannot request more than is reasonable of him either. As I hope you can see, we have demonstrated that COID is not Leo's opponent.

As expressed previously, Cary and I are very willing to accompany Leo and you in the pickup of his water. In both the District's and Leo's best interests, we will not accompany Leo without you being present. We are also willing to accompany and help orient Leo's irrigator without Leo being present.

Should you like to discuss this matter further, I am very willing to have the conversation with you. Thank you again for representing Leo's best interests.

Respectfully,

Larry Roofener
Operations Manager
Central Oregon Irrigation District

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DEC 23 2015

SALEM, OR

Office: (541) 548-6047
Mobile: (541) 280-9263
Email: larryr@coid.org

From: Don Oliver [mailto:vaquero1@bendbroadband.com]
Sent: Friday, May 22, 2015 8:53 AM
To: Larry Roofener
Subject: Re: Leo Bieber

Larry -

Somehow, I am not surprised.

I will be in touch later today as I have a pile of stuff on my desk that needs immediate attention.

Regards,

Don Oliver

From: Larry Roofener
Sent: Friday, May 22, 2015 7:20 AM
To: Don Oliver
Cc: Cary Penhollow ; chorrell@coid.org ; Jenny Hartzell-Hill ; Leslie
Subject: Leo Bieber

Morning Don.

This morning, I received my office desk phone message that you left yesterday afternoon. I did not return from the field to the office yesterday afternoon so did not hear your message until 6:45 this morning. It was my understanding that not walking Leo's pickup of the water this week was what we decided on Monday when we crossed paths during our lunch hours. As previously mentioned and encouraged, you are free to call, text, or email me on my mobile phone to insure prompt communication.

As I understand it, Leo, in the presence of his two man crew and CB Foss, put on quite the performance yesterday afternoon (well after 5:00 p.m.) when he went onto CB's property to pick up his water. Given Leo's "medical condition", and his behaviors associated with picking up the water on the Foss's property is something we should seriously discuss. I will communicate with you in more detail about this matter later as your busy schedule and mine allow.

Thank you for representing Leo's best interests.

Respectfully,

Larry Roofener
Operations Manager
Central Oregon Irrigation District
Office: (541) 548-6047
Mobile: (541) 280-9263
Email: larryr@coid.org

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DEC 23 2015

SALEM, OR

Larry Roofener

From: Larry Roofener <Larry@coid.org>
Sent: Tuesday, May 12, 2015 5:15 PM
To: Don Oliver (vaquero1@bendbroadband.com)
Subject: Leo Bieber water matters

Hello Don.

You mentioned you now had a smart phone so I thought I would make an effort to reach you via it if you have email on it. At about 5:02 I attempted to return your phone message. I have been in a COID Board of Directors meeting most of the day and attending to other matters away from my office phone. You are very welcome to call me on my mobile phone at **(541) 280-9263** this evening should you choose to. If not, on my return message to you I said I would try to contact you tomorrow (Wednesday). Thank you again for serving as Leo's professional representative.

Larry Roofener
Operations Manager
Central Oregon Irrigation District
Office: (541) 548-6047
Email: larry@coid.org

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Larry Roofener

From: Larry Roofener <Larry@coid.org>
Sent: Wednesday, May 13, 2015 9:54 AM
To: Don Oliver (vaquero1@bendbroadband.com)
Cc: 'chorrell@coid.org'; Cary Penhollow (caryp@coid.org); Jenny Hartzell-Hill (jenny@coid.org); Leslie (lesliec@coid.org)
Subject: FW: Leo Bieber
Attachments: Irrigation Season ramp up - down chart.pdf

Don:

Email is resent this time with the water ramp up chart mentioned in my email below. Thank you.

LR

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DEC 23 2015

From: Larry Roofener [mailto:Larry@coid.org]
Sent: Wednesday, May 13, 2015 9:05 AM
To: Don Oliver (vaquero1@bendbroadband.com)
Cc: Cary Penhollow (caryp@coid.org); 'chorrell@coid.org'; Jenny Hartzell-Hill (jenny@coid.org); Leslie (lesliec@coid.org)
Subject: Leo Bieber

SALEM, OR

Hello Don.

Thank you very much for participating in the meeting with Leo Bieber, Cary Penhollow, and me at Leo's property on Monday late afternoon. It is our perception that Leo's interests (i.e. the water right matters) can be best served by having someone like yourself as his personal professional representative. I was away from my office phone most of the day until late yesterday so did not get your telephone message until about 5:00 p.m. I did return the telephone message late yesterday (5:02) and also sent an email message to you with the hope that you would receive it on your new Smart Phone and call me on my mobile.

This email is written in follow up to our meeting as an attempt to further address the topics discussed and in answer to some of Leo's questions as we understood them.

- **Beneficial use issue urgency:** The Oregon Water Resources Department (OWRD) requires that all water rights be beneficially used (irrigated crop, pasture grass, etc.) on the ground where they are mapped once in every five years. Water rights not used on the ground in that time frame are subject to cancelation by OWRD. As explained to you in your office on April 29th, if the State cancels the water right it will be permanently removed from COID's water right certificate. To be clear, it is first the patron's responsibility to attend to irrigating those areas where the water rights have been placed. In an effort to protect the water rights on the ground and as a service to its patrons, COID monitors the beneficial use and provides informational letters to its water users about the status of their beneficial use on their properties. A letter was mailed to Leo in October 2014 at the end of last Irrigation Season explaining that he has 1.46 acres water right in need of being irrigated as it hadn't been irrigated for four years. As we pointed out, those locations are on the north side of his house in the small corral and old hay stack area, and the corral area to the south. Please help Leo to understand that these are OWRD requirements, not COID's, but the District has the responsibility to enforcement the requirements. As we also explained, Leo has two choices" (1) Those locations must be put into a crop promptly and the beneficial use well documented; (2) or allow COID to instream the 1.46 acres water right into the Deschutes River for this 2015 Irrigation Season which will in turn protect it for another five years. If Leo is willing do this, all that he has to do is sign the instream agreement and needs to do nothing on the ground at this time. As the deadline for in-streaming has actually past, the District need for you and Leo to attend to the instream agreement this week. If

Leo does neither, then COID really has no alternative but to confiscate the 1.46 acres water right to prevent it from being permanently removed from COID's water right certificate by the OWRD as it would be past five years of non-use. As a final comment, if Leo were to agree to instream the water right to protect it for another five years he really would not even notice a difference in flow as that small difference is really unmeasurable over the weir considering the overall quantity of water being delivered (approximately 365 gallons per minute plus 10% carry water) for the 60.57 total rotation acres.

- **Patrons picking up their rotation irrigation water:** It is a requirement of the District that the patron receiving the irrigation water must follow the ditch upstream and pick up the water at the patron's time. One reason for this requirement being that if an upstream patron were to send water to the patron below and that downstream patron was not ready to receive it for some reason or was absent, and the water did property damage, then the upstream patron may be liable for that damage. The gallons referred to are gallons per minute per acre. In Leo and Fosses case, this approximately 365 gallons per minute at full Irrigation Season flows beginning on May 15th.
- **April 2015 low water concern:** The early Irrigation Season ramp up period and the late Season ramp down period was explained to you and Leo on Wednesday. Attached is a chart showing how the ramp up periods work. COID normally begins Irrigation Season flows early-mid April and Season shut off about mid-October, depending on the overall agricultural needs. During the ramp up period, water fluctuations are normal. Once the canals are up to full Season flows, the ditch riders are more able to balance the water in the canal systems. As we mentioned, COID has a one-hundred year old mostly open canal system and having that characteristic, it is not a perfect system.
- **Headgate number question:** Leo's headgate number is H-8-1. COID has approximately 3,400 patron accounts and more than 300 rotations, so we obviously do not have them all memorized.
- **After hours call service question:** The name of the afterhours call service that COID uses for urgencies and emergencies is Centratel, located in Bend. This is really irrelevant as all the patron needs to do (as explained) is to call COID's main office number (541-548-6047) afterhours and the patron is automatically connected to the call service. The call service in turn contacts the COID person on call via text message.

After leaving Leo's property the other afternoon, Cary and I did go to CB Foss's property. CB's sprinklers were continuing to run as Leo had not come up stream to close the headgates to pick up his water yet. Even when the water is picked up, CB is free to run his sprinklers until the pond is pumped down at which time the pump will shut off automatically. Leo must close to headgate to the pond as part of picking his water up. Cary and I did close the pond headgate and we opened the slide gates on the upper end to assist Leo with the pickup of the water. We also measured the COID weir located upstream of Foss Drive. Mrs. Foss suggested to CB that he meet with Leo to walk through all the water pick up needs on the Foss property. We suggested that he not do that at this time as we were working with you as Leo's professional representative, but perhaps we could meet at a later date at your discretion.

I did check the lower end of Leo's property at 7:00 a.m. yesterday morning and it appeared the water had no problem crossing the property as water was beginning to pool at that time at the lower (north) end by Ebby Road. The rain may have contributed to the pooling to some degree. The ditch rider notified me this morning of his observation of a sizeable water pool at that same location with flows crossing under Ebby Road and running onto Canyons Ranch property and into the Rail Road Right of Way. To my knowledge, it did not rain last night.

I will attempt to reach you by phone later today to further discuss the benefits and ease of Leo temporarily instreaming the 1.46 acres to protect it for another five years without him needing to do anything other than signing the paperwork. COID staff is very willing to bring the documents to your office. Being overdue, it must be completed this week.


Thank you again Don for representing Leo Bieber with his water right and other water related needs. I am willing to meet with you again about Leo's matter matters as you deem it necessary and as my busy schedule allows.

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Respectfully,

Larry Roofener
Operations Manager
Central Oregon Irrigation District
Office: (541) 548-6047
Email: larryr@coid.org

called left message at about 9:35 for Don Oliver

3:00 called talked with Don about email. Don said he ~~would~~ had forwarded the email on to Geo. After further discussion Don said he was going to advise Geo to instream the water for the 2015 season. 

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DEC 23 2015

SALEM, OR

I 12224

Jenny

From: Jenny <jenny@coid.org>
Sent: Thursday, May 14, 2015 12:28 PM
To: 'vaquero1@bendbroadband.com'
Subject: COID/Leo Bieber Instream Lease
Attachments: Application 15-27 pdf.pdf; COID Weed Farm Deferral Policy - Exhibit C.pdf

Mr. Oliver,

Per our telephone conversation earlier today, please find attached for your client, Leo Bieber, the instream lease application for a 1-year instream lease on 1.46 acres of water right appurtenant to his land and the DRC's weed policy, which **MUST** be signed and returned with the application. If the signed weed policy is not returned with the application he may be disqualified from participating in the instream leasing program in the future.

Please have Mr. Bieber sign and return the instream lease application and weed policy as soon as possible. The signed application and weed policy may be returned to me via email, regular mail, or drop them off at the office. Please do not fax the signed forms. I must have original or scanned signatures to file the application with the Oregon Water Resources Department.

By signing this lease, Mr. Bieber is obligated to the District and to the State to not use this water (1.46 acres) at any time during the term of the lease. If your ditch is leaking or allowing water onto the ground during the course of this lease, the lease will be terminated. If he needs assistance cleaning the ditch to prevent leakage, please contact the District immediately. The District has the right to terminate the lease should we experience any operational issues, or, if at any time it is observed that water is being used on the ground. The District will notify you in advance if we need to terminate the lease.

COID assumes participants in the Instream Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the leasing program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from the Instream Leasing Program.

Mr. Bieber is still responsible for his assessment while the water is leased instream.

Please contact me at 541-504-7582 or jenny@coid.org if you have any questions.

Jenny Hartzell-Hill

Water Use Specialist
Central Oregon Irrigation District
1055 SW Lake Court
Redmond OR 97756

Phone: 541-548-6047
Direct Line: 541-504-7582
Fax: 541-548-0243

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SALEM, OR



Water Resources Department

**Central Oregon Irrigation District
Calculator for Certificate 83571**

Revised: 3/31/2014

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Laura Wilke at 503-986-0884.

Enter Total Number of Acres Involved from POD #1 (CO Canal) Calculate

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.017		
Season 2 Rate (CFS)	0.023		
Season 3 Rate (CFS)	0.031	0.012	0.043
Duty (AF)			13.78

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.010
Season 2 Rate (CFS)	0.013
Season 3 Rate (CFS)	0.025
Maximum Volume (AF)	7.96

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

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

Table 1

Irrigation District or other Water Purveyor Name: Central Oregon Irrigation District

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

**If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.
Any attached table should include reference to the Lessor.**

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
83571	10/31/1900	11	14 S	13 E	09	NE SE	1700		1.46	Irrig	10	

Any additional information about the right: _____

Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Signature of Lessor
Date: _____
Printed name (and title): Leo Bieber Business name, if applicable: _____
Mailing Address (with state and zip): 476 NW Eby Ave, Terrebonne OR 97760
Phone number (include area code): 541-771-1635 **E-mail address: _____

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

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DEC 23 2015

1 12224

SALEM, OR

Larry Roofener

From: Larry Roofener <Larryr@coid.org>
Sent: Thursday, May 14, 2015 1:31 PM
To: Don Oliver (vaquero1@bendbroadband.com)
Cc: Cary Penhollow (caryp@coid.org)
Subject: FW: Leo Bieber's 2015 Rotation Schedule
Attachments: 2015 Rotation Schedule.pdf

Hello Don.

Attached is Leo Bieber's rotation schedule. The next rotation begins on Friday, May 22nd, at 4:23 p.m. Until I hear from you, Cary and I have tentatively scheduled this next rotation time to meet again with you and Leo for the ditch walk to pick up his water. We will plan to arrive at Leo's at 4:15. That is the Friday beginning the Memorial Day weekend. If that time doesn't work for you and Leo, please suggest another date. Thank you.

Larry Roofener
Operations Manager
Central Oregon Irrigation District
Office: (541) 548-6047
Mobile: (541) 280-9263
Email: larryr@coid.org

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DEC 23 2015

SALEM, OR

T 12224

Jenny

From: Leslie <lesliec@coid.org>
Sent: Monday, May 18, 2015 9:19 AM
To: 'Larry Roofener'; 'Jenny Hartzell-Hill'
Cc: chorrell@coid.org; 'Cary Penhollow'
Subject: RE: Deadline?

Jenny when you get in the office let's sit down and discuss our response/approach so we are all on the same page.

Leslie

From: Larry Roofener [mailto:Larryr@coid.org]
Sent: Monday, May 18, 2015 8:33 AM
To: Leslie; Jenny Hartzell-Hill
Cc: chorrell@coid.org; Cary Penhollow
Subject: FW: Deadline?

Leslie and Jenny:

FYI. I did not see this email from Leo Bieber (below) until this morning. Leo actually sent it twice to me on Friday at 3:33 p.m. and 3:38 pm. Leslie and I did talk on the phone with Attorney Don Oliver late on Friday, and Leslie did provide Don (per his request) with copies of the relevant Administrative Rules. I do not believe I have misrepresented the situation at all as everything that was conveyed to Leo and Don reflects our discussions in the office. Leo's percentage calculation is incorrect as the percentage would be calculated against the entire rotation amount of 60.75 acres, not Leo's 10 acres only. I am providing a copy of Leo's email for your information, your consideration, and for the file. Due to Leo's medical issues (as he and Don both acknowledge), I believe the best approach is to continue working through Don. I am very willing to remove myself from the remainder of the process if it is in the best interests of the District and the preservation of the water right. Thank you.

LR

From: Stranger Horse [mailto:whitebeefcattle@gmail.com]
Sent: Friday, May 15, 2015 3:38 PM
To: Larryr@coid.org
Cc: Don Oliver
Subject: Deadline?

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DEC 23 2015

Larry Roofener,

SALEM, OR

This is not fair.

Don Oliver, my Attorney and legal representative forwarded to me the email you sent to his office about the beneficial use and I read it this morning.

I do not understand the document you are forcing me to sign under duress. I do not understand the options available, why they were not presented earlier or were discussed before this ultimatum. I know there are other options that your other customers have enjoyed, such as moving the irrigated area to a more beneficial place to use the water. You are trying to steal 14.6% of my water in this particular move. You told Don Oliver I had 60

acres and the difference would be miniscule....I only have 10 acres and 14.6% of that is not what you represented.

Then there is the major issue of COID confiscation of over 22% of my water allotment on July 13, 2014 by decreasing the time I can access water from 55.5 hours down to 44.5 hours.....why did you do that?

I don't have enough water between that and the repeated theft of water from CB and Joy Foss, of which I have documented over more than 4 years, to even keep my place watered adequately at all. It seems to me that this is an innovative and suspicious way of trying to 'burn 'em out' as they used to do in Oregon's colorful past. Evidently organized and collusive. An interesting racket.

Don Oliver has not has sufficient time to study and assess the situation. I believe you misrepresented the facts of my situation and your COID policies as you told them to him. I would be happy to participate in a three way discussion about that, but will defer that decision to Don.

I am unable to meet your unrealistic demands for some sort of deadline today as I am not ambulatory today. You know I am disabled and have a handicap.

Thank you for your understanding.

Leo Bieber D.O.

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1 12224

Jenny

From: Leslie <lesliec@coid.org>
Sent: Friday, May 15, 2015 4:58 PM
To: vaquero1@bendbroadband.com
Cc: Larry Roofener; Jenny
Subject: Bieber_Instream Lease
Attachments: Applicable OAR & ORS.pdf

Hello Mr. Oliver,

Attached please find the OAR & ORS specific to the beneficial use issues on the at-risk water rights (approximately 1.40 acres) on Mr. Bieber's property.

1. ORS 540.610 provides that beneficial use is the measure and limit of water in Oregon; clearly states water right must be used for a period of five successive years.
2. OAR 690-385-5100 provides the notice requirements a District must provide to a water user in the 5th year of non-use. Please give special attention to (3)(d) and (B). The district must provide notice to the water user that they can file a transfer (lease) to instream use during the 5th year of nonuse and receive beneficial use of the water right.
3. OAR 690-077-0076- 0077 Describes the application process for an instream lease. Please read 690-077-0077(11), it provides that a water right leased instream shall be considered beneficially used for each year that it was leased.

I hope this assists you in answering any legal questions you may have regarding the process we have followed with Mr. Bieber. It is my understanding that you have a copy of the letter we sent to Mr. Bieber in October, 2014 informing him of the status of the water right, providing him the option to lease his water instream for beneficial use protection, transfer the water off or fully use the water where it is mapped. The letter also stated if none of those options were exercised by Mr. Bieber, it would be our intent to file a forfeiture application to remove the UNUSED portion of his water (approximately 1.40 acres only). If you do not have a copy of this letter please let me know and I will forward one to you.

If you have questions after reading the material I've provided please don't hesitate to contact me Monday and I'll be happy to answer them for you.

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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Chapter 540 — Distribution of Water; Watermasters; Change in Use; Transfer or Forfeiture of Water Rights

2013 EDITION

FORFEITURE OF WATER RIGHTS

540.610 Use as measure of water right; forfeiture for nonuse; 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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OAR 690-385-5100

Notice of Nonuse of Water Right and Intent to Transfer Pursuant to ORS 540.572

(1) Prior to submitting a district permanent transfer application under OAR 690-385-5200, a district shall provide written notice to the user and any security interest holders of record in the land to which the water right is appurtenant.

(2) Notice shall be sent by certified mail to the last known address of the user with a return receipt requested.

(3) The notice shall include:

(a) A statement advising the user that the district has determined that the user's land is no longer irrigated or susceptible of irrigation and that the district intends to submit an application to permanently transfer the water right pursuant to ORS 540.572.

(b) A statement that the user has a 30-day period, from the mailing date of the notice, in which to submit to the district a written objection to the proposed transfer application;

(c) A statement that the user shall notify the district, within the 30-day period described in subsection (3)(b) of this rule, if the user intends to demonstrate that the nonuse is excused by one of the provisions under ORS 540.610.

(d) A statement that the user may demonstrate beneficial use of the water right by:

(A) Beneficially irrigating the lands to which the water right is appurtenant prior to the end of the irrigation season of the fifth consecutive year of nonuse, or

(B) Making beneficial use of water under one of the qualifying programs of the Water Resources Department such as, but not limited to, submitting a water right transfer under OAR 690, division 380 or a transfer to instream use under OAR 690, division 077, prior to the end of the irrigation season of the fifth consecutive year of nonuse.

(e) A general description of the land according to public land survey description to which the water right is appurtenant;

(f) The number of acres of water right, by tax lot, for which the user is charged or assessed by the district and which the district intends to propose for transfer under OAR 690-385-5200;

(g) A description of the type of use described by the water right of record;

(h) A list of the name and address of security interest holders of record in the land to which the water right is appurtenant; and

(i) A request for the user to respond confirming that the information in the notice is correct.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.572

Hist.: WRD 1-1993, f. & cert. ef. 2-3-93; Renumbered from 690-021-0110, WRD 9-2004, f. & cert. ef. 11-16-04

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mailed to the applicant and as appropriate to affected Indian tribes, ODFW, DEQ and Parks. The Director shall also issue a new certificate for any remaining right for the existing use as appropriate.

Stat. Auth.: ORS 197, ORS 536.025, ORS 536.027, ORS 536.220, ORS 536.300, ORS 536.310, ORS 537.338 & ORS 537.356 - ORS 537.358

Stats. Implemented: ORS 197, ORS 536.025, ORS 536.027, ORS 536.220, ORS 536.300, ORS 536.310, ORS 537.338, ORS 537.356 & ORS 537.358

Hist.: WRD 20-1988, f. & cert. ef. 11-4-88; WRD 12-1990, f. & cert. ef. 8-8-90; WRD 9-1992, f. & cert. ef. 7-1-92; WRD 1-1995, f. & cert. ef. 2-14-95; WRD 8-2001, f. & cert. ef. 12-14-01; WRD 8-2006, f. & cert. ef. 10-2-06

690-077-0076

Application for an Instream Lease

(1) A holder of any of the following types of water rights may enter into a lease to convert all or a portion of a water right to an instream water right for a specified time period not to exceed five years:

(a) Surface water rights for beneficial use or storage established by a water right certificate or an adjudication under ORS Chapter 539 as evidenced by court decree; or

(b) A surface water use permit for which a request for issuance of a water right certificate under ORS 537.250 has been received and approved by the Director under ORS 537.250, or transfer application for which an order has been issued under ORS 540.530 approving the change and for which proper proof of completion of the change has been filed with the Commission;

(c) Secondary water rights for the use of stored water established by permit, certificate or court decree; or

(d) The conserver's portion of conserved water allocated under ORS 537.445 to 537.500.

(2) The parties to the lease application shall include but are not limited to:

(a) The holder(s) of the subject water right(s) as the lessor(s);

(b) Any irrigation district or similar organization as defined in ORS Chapters 545, 547, 552, 553, or 554 which conveys water to the subject water right and the owner of any storage facility which is the source of the water, as co-lessor, if applicable; and

(c) The lessee, if different than the Department.

(3) At a minimum, the lease application shall include:

(a) Names and signatures of the parties;

(b) A description of the water right(s) to be leased. If only a portion of a water right will be leased, a clear description, including maps if necessary, of the portion to be leased;

(c) Rate, total volume, timing and location of the instream right, including any necessary conditions to avoid enlargement of the original right or potential injury to other water right holders;

(d) A description of how the lease will serve a public use or uses;

(e) If an instream water right exists on the same reach(es) or lake, or on portions thereof, a statement of whether the proposed lease is intended to add to the amounts of the existing instream water rights or to replace a later priority instream right, or portion thereof, with an earlier priority right.

(f) Provision insuring the original use will be suspended;

(g) The term of the lease;

(h) A statement by the lessors verifying that the water rights described in Subsection (3)(b) of this rule have been used under the terms and conditions of the rights during the last five years, or

Note: These rules were filed with the Office of the Secretary of State and took effect on February 1, 2012. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360(2)(a) when published by the Secretary of State.

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as an instream water right, or an explanation why the water right is not subject to forfeiture under ORS 540.610. As an alternative, an irrigation district or other water purveyor may provide evidence for owners, verifying delivery of water for the lands appurtenant to the rights to be leased;

(i) If the lessor(s), as identified in Subsection (2)(a) of this rule, is not the deeded landowner to which the water right is appurtenant, sufficient documentation to demonstrate that the lessor(s) is authorized to pursue the instream lease. Such documentation shall include:

(A) A notarized statement from the landowner consenting to the lease and a copy of the recorded deed;

(B) A water right conveyance agreement(s) as defined in OAR Chapter 690, Division 380 and a copy of the recorded deed for the landowner at the time the water right was conveyed; or

(C) Other documentation that demonstrates to the Department's satisfaction that the lessor(s) is authorized to pursue the lease in the absence of the consent of the landowner.

(j) The name and address of any water purveyor that conveys water to the water right(s) described in Subsection (3)(b) of this rule.

(4) Lease applications shall conform with applicable provisions of OAR 690-077-0015.

Stat. Auth.: ORS 536.025 & ORS 536.027

Stats. Implemented: ORS 537.332 – 537.360; ORS 537.455 – 537.500

Hist.: WRD 8-2006, f. & cert. ef. 10-2-06

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690-077-0077

Processing an Instream Lease Application

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(1) On receipt of a lease application, the Department shall include notice of the application in its weekly public notice mailing list and post it in the applicable watermaster office.

(2) A written assessment shall be prepared by the watermaster or other Department field staff of whether the lease application meets the requirements of these rules to suspend the original water use and avoid injury or enlargement;

(3) When the Department initially reviews a lease application, particular attention shall be given to potential sources of enlargement or injury. Examples include but are not limited to: issues related to rate and duty, or total volume being changed; the allotment of stored water available to the owner of a storage right in the year leased; the role of return flows; conveyance losses downstream of the original point of diversion; potential issues related to junior users, especially, downstream of the original point of diversion; potential issues related to the priority date of instream water rights; whether a proposal to lease a permit for stored water would result in converting undeveloped rights; and issues potentially arising from water users that share a conveyance system. Any allegations of injury to existing water rights or enlargement of the original water right that are received within 21 days of the date of mailing of the weekly public notice shall be reviewed by the parties to the lease before the Department issues an order approving or denying the lease application. If no comments are received the Department may presume that no injury or enlargement will result from the proposed lease.

(4) If the Department determines that the proposed lease may cause injury to existing water rights or enlargement of the original right, considering issues raised under Section (3) of this rule, the order approving the lease application shall be conditioned to prevent the injury or enlargement. If injury or enlargement cannot be prevented the Department shall deny the lease application. However, if an order approving the lease application has already been issued, and the Department later finds injury or enlargement, the Department shall issue an order modifying or terminating the lease.

Note: These rules were filed with the Office of the Secretary of State and took effect on February 1, 2012. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360(2)(a) when published by the Secretary of State.

(5) If a lease is for more than one year the parties shall review any allegations of injury or enlargement that are received through December 31 of the preceding calendar year of the lease, to determine whether modifications of the lease order are warranted for the remainder of the term of the lease. If injury or enlargement claims are valid and cannot be prevented the Department shall issue an order terminating the lease.

(6) In the event that the Department receives a claim of injury or enlargement after issuing an order approving a lease, the Department shall notify the parties. If the Department determines the claim is valid, it shall not distribute water in a way that would cause the injury or enlargement to continue.

(7) The description of the reach or point of an instream water right provided in response to OAR 690-077-0076(3)(c) shall conform to the provisions of 690-077-0015(7) and (8) and 690-077-0075(2).

(8) Except as provided in OAR 690-077-0079, a lease involving a water right that is limited to a season of use or a duty of water for a season or year shall only allow the use of the original water right or the instream right, not both, during any one season unless the source is from stored water.

(9) If the water right being leased has an associated primary or supplemental water right, the lessor(s) shall assure that neither right is being exercised under the original right during the term of the lease unless the lease is for the use of water legally stored under a supplemental water right. In the case of supplemental stored water, an order approving a lease may be issued that does not restrict the use of the primary source.

(10) Nothing in these rules shall be interpreted to prevent the renewal of a lease application or to prevent outside agreements for longer terms that will be activated by an order approving a lease when needed to establish an instream water right in a particular season or at a particular time. A renewal shall be subject to the provisions of this rule.

(11) ~~Water rights for which an order has been issued approving a lease application under OAR 690-077-0077 are considered to be beneficially used for each year that the lease establishes an instream water right.~~

(12) A lessee has the same standing as the lessor for all purposes regarding management and enforcement of the instream water right.

(13) Copies of orders approving a lease application shall be distributed to all parties, filed with the appropriate watermaster, and tracked on the Department's water rights information system.

(14) Leases that are executed under the provisions of ORS 536.720 to 536.780 "Emergency Water Shortage Powers" shall not be subject to provisions of these rules. Those leases are covered by OAR chapter 690 division 19.

(15) Except as provided in Sections (4) and (5) of this rule, orders approving lease applications shall only be terminated by a superseding order or by specific provision of the originating order approving the lease application.

Stat. Auth.: ORS 536.027 & 537.332 - 539.360

Stats. Implemented:

Hist.: WRD 1-1995, f. & cert. ef. 2-14-95; WRD 8-2001, f. & cert. ef. 12-14-01; WRD 4-2006, f. & cert. ef. 10-2-06; WRD 1-2012, f. & cert. ef. 2-1-2012

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Note: These rules were filed with the Office of the Secretary of State and took effect on February 1, 2012. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360(2)(a) when published by the Secretary of State.

Jenny Hartzell-Hill

From: Jenny Hartzell-Hill <jenny@coid.org>
Sent: Thursday, April 02, 2015 2:51 PM
To: 'vaquero1@bendbroadband.com'
Subject: FW: Bieber, Leo Waterrights/Beneficial Use Matter
Attachments: Bieber, Leo 2010-14 Aerials.pdf

Hi Don,

I am emailing to follow up the previous email I sent to you on March 10, 2015 regarding Mr. Bieber and the Beneficial Use of his irrigation water rights. Have you had an opportunity to discuss this matter with your client? The deadline for Instream Leasing for 2015 is fast approaching and I am just confirming with you whether or not I need to prepare an application for him.

I look forward to hearing from you regarding this matter.

Thank you,

Jenny Hartzell-Hill

From: Jenny Hartzell-Hill [mailto:jenny@coid.org]
Sent: Tuesday, March 10, 2015 5:20 PM
To: 'vaquero1@bendbroadband.com'
Subject: Bieber, Leo Waterrights/Beneficial Use Matter

Hi Don,

Per our conversation today, I am forwarding to you the aerial photos from 2010 – 2014. The areas of concern are: 1. The dry area to the south of the house, and 2. A small piece between the driveway and the ditch. As I explained, the dry areas of concern need to be Instream Leased for the year to reset the Beneficial Use clock or these areas need to be irrigated and the water right proven this year or there is the risk of confiscation of the water that would be applied in those areas.

If your client chooses to Instream Lease the areas of concern we have a deadline for those applications that is quickly approaching. I am trying to get all of the applications completed by April 1, 2015. If you have any questions or wish to discuss this matter further, please let me know.

Thank you,

Jenny Hartzell-Hill
Administrative Assistant

Central Oregon Irrigation District
1055 SW Lake Court
Redmond OR 97756
541.548.6047 Ext. 310
541.504.7582 (direct)
541.548.0243 (fax)

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P-2015-004

540.572 CONFISCATION TRANSFER
AUTHORIZED LANDS

14-13-14 NWSW 00500

KATHRYN A. FERGUSON LIVING TRUST

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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

December 17, 2015

Kathryn A. Ferguson Living Trust
Daryl J. & Kathryn A. Ferguson, Trustees
PO Box 156
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 14-13-14 CO 00500, 0.15 acres Irrigation

Dear Mr. & Ms. Ferguson,

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 17, 2015
Encl.

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SALEM, OR

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.

Kathryn A. Ferguson Living Trust
 Daryl J. & Kathryn A. Ferguson, Trustees
 PO Box 156
 Terrebonne, OR 97760

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Handwritten Signature]* Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 10/23/15

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

[Postmark: TERREBONNE, OR, OCT 23 2015, USPS]

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Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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Total Post	Kathryn A. Ferguson Living Trust Daryl J. & Kathryn A. Ferguson, Trustees	
Sent To	PO Box 156	
Street, Apt or PO Box	Terrebonne, OR 97760	
City, State		

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0002 2642 8654

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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, 2015

Patron #: 502100

Kathryn A. Ferguson Living Trust
Daryl J. & Kathryn A. Ferguson, Trustees
PO Box 156
Terrebonne, OR 97760

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DEC 23 2015

RE: Tax Map #: 14-13-14 C0 00500, 3.50 acres total Irrigation water rights
0.15 acres water rights to be confiscated in 2015

SALEM, OR

Dear Mr. & Ms. Ferguson,

Our records indicate that you have failed to beneficially use 0.15 acres of your 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 2014 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 2015 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 2015 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 2011 and 2015.

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,



Craig Horrell
District 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
Community First Bank, 555 NW Third St, Prineville OR 97754

Sent by certified mail October 1, 2015

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1 12224

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 2, 2015

Community First Bank
555 NW Third St
Prineville OR 97754

RE: Deryl Ferguson
1765 NE Wilcox Ave, Terrebonne OR

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for five consecutive years. You will also find a copy of COID's confiscation policy and procedures with a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules. Per this policy COID will confiscate the unused portion of water right appurtenant to this property.

This letter is being sent to you as required by Oregon Water Resources Department because county records show you as a security interest holder in the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

Encl

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112224



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

July 13, 2015

Deryl Ferguson
PO Box 156
Terrebonne, OR 97760

Dear Mr. Ferguson,

The 2015 irrigation season is well under way and with it comes the responsibility of beneficially using your water rights. In 2014 you received a letter from COID informing you that it appeared you had not exercised your full water right in four consecutive years and provided options to you to protect any unused water and the consequences if you chose not to.

In order to protect and preserve the at-risk water on your property it is critical that you make every effort to irrigate it throughout this irrigation season. COID staff will be out to your property in September to confirm the full use of the water. Please be aware that irrigation of native vegetation such as sagebrush, cheat grass, foxtails, bunch grass, knapweed, mustard grass, broadleaf, and other weeds, or use of irrigation for dust abatement is not beneficial use of the water.

If you do not intend on irrigating the at-risk area you may have the option of transferring the water off of the property. COID may have water users interested in purchasing the water at current market value. If you would like to discuss this option please call me as soon as possible. If you are unable to locate a buyer for the water the option to transfer the water off the property may not be available to you. Do not wait until the end of the season to inquire about selling the water.

If you fail to beneficially use or transfer the unused water right before the end of the 2015 irrigation season, COID will have no option but to proceed with the confiscation of the unused water right as allowed by Oregon Water Resources Department and ORS 540.572.

If you have questions or are interested in selling the unused water right please contact me on my direct line: 541-504-7576 or my email: lesliec@coid.org.

Thank you,

Leslie Clark
Water Right Manager

112224

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

7/28/15^{a.m.} Kathy Ferguson called regarding
the 7/13/15 letter. - went to my voice mail.
I called her back 7/28 1:20 & got her voice
mail

7/28/15 Talked to Kathy. They have new
renters who said they would irrigate. ~~The~~ Kathy
will go out to property to see if ~~the~~ renters are
irrigating all of it or if they need to improve.
She thanked me for the reminder

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224

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:

Deryl Ferguson
PO Box 156
Terrebonne, OR 97760

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
Deryl Ferguson

B. Received by (Printed Name) C. Date of Delivery
Deryl Ferguson *12/10/14*

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)

7013 0600 0002 2642 8302

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7013 0600 0002 2642 8302

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OFFICIAL USE

Postage	\$ 0.69
Certified Fee	\$ 3.30
Return Receipt Fee (Endorsement Required)	\$ 2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.69

Mailed
12/08/14
Postmark
Here

Send
Street
or P.O.
City

Deryl Ferguson
PO Box 156
Terrebonne, OR 97760

PS Form

Instructions

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224



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 8, 2014

Patron ID: 317

Deryl Ferguson
PO Box 156
Terrebonne, OR 97760

RE: Tax Map #: 141314C000500 - 3.50 acres total Irrigation Water Rights

Dear Patron,

The 2014 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 2015 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 2015 season (the District will accept requests for temporary lease applications through February 15, 2015); or transfer 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 2015 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 water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

RECEIVED BY OWRD

1 12224

DEC 23 2015

SALEM OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2015 (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 2011, 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 2014 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 in the lower left hand corner of the map.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2015; 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 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,

/s/ *Craig Horrell*

Craig Horrell
Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
Community First Bank 555 NW Third St, Prineville, OR 97754

Sent by certified mail December 9, 2014

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 19991



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 8, 2014

Community First Bank
555 NW Third St
Prineville, OR 97754

Reference: Deryl Ferguson, 1764 NE Wilcox Ave, Terrebonne, OR 97760

RE: Irrigation water rights beneficial use letter from Central Oregon Irrigation District

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for four consecutive years. You will also find a copy of COID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department because you are shown as a security interest holder for the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,

Laura Wollam
Water Use Specialist

Enc

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12 2014

P-2015-004
540.572 CONFISCATION TRANSFER
AUTHORIZED LANDS

14-13-31 SWNE 01400

KAREN L. MILLS

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224

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OFFICIAL USE

7073 0600 0002 2642 9378

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Insurance		
Sent To Karen Mills		
4012 NW El Camino LN		
Redmond, OR 97756		
Street, Apt. No.; or PO Box No.		
City, State, ZIP+4		

PS Form 3800, August 2014 [Reverse for Instructions](#)

12/23/15
Postmark Here

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DEC 23 2015

SALEM, OR

12224



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 17, 2015

Karen Mills
4012 NW El Camino LN
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 14-13-31 A0 01400, 0.60 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.

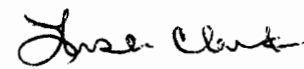
Per OAR 690-385-5400(2)(a) OWRD shall approve the district permanent transfer application as provided under OAR 690-385-5600 unless:

- 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 17, 2015
Encl.

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224

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

Address Service Requested

CERTIFIED MAIL™



7013 0600 0002 2642 8685

Karen Mills
4012 NW El Camino LN
Redmond, OR 97756

NIXIE

970 SE 1

0010/29/15

RETURN TO SENDER
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UNABLE TO FORWARD

BC: 97756146955

97756 0146955

*1329-07027-06-42

7013 0600 0002 2642 8685

272
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10.14
10.24

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OFFICIAL USE

Postage	\$ 0.49
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.74

10/2/15
Postmark
Here

Sent To **Karen Mills**
4012 NW El Camino LN
 Street, Apt. No.; or PO Box No. **Redmond, OR 97756**
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224



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, 2015

Patron #: 502100

Karen Mills
4012 NW El Camino LN
Redmond, OR 97756

RE: Tax Map #: 14-13-31 A0 01400, 0.60 acres total Irrigation water rights
0.60 acres water rights to be confiscated in 2015

RECEIVED BY OWRD

DEC 23 2015

Dear Ms. Mills,

SALEM, OR

Our records indicate that you have failed to beneficially use 0.60 acres of your 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 2014 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 2015 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 2015 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 2011 and 2015.

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.

1 12224

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,



Craig Horrell
District 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
George W. Mead, 1754 Willamette Falls Dr, West Linn, OR 97068
Oregon Affordable Housing Assistance Corp, 725 Summer St NE, Suite B, Salem, OR 97301-1266

Sent by certified mail October 2, 2015

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224



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 2, 2015

Oregon Affordable Housing Assistance Corp
725 Summer St NE, Suite B
Salem, OR 97301-1266

RE: Loan # MPA33899-5716 – Karen Mills
4012 NW El Camino LN, Redmond, OR 97756

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for five consecutive years. You will also find a copy of COID's confiscation policy and procedures with a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules. Per this policy COID will confiscate the unused portion of water right appurtenant to this property.

This letter is being sent to you as required by Oregon Water Resources Department because county records show you as a security interest holder in the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

Encl

RECEIVED BY OWRD

DEC 23 2015

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 2, 2015

George W. Mead
1754 Willamentte Falls Dr,
West Linn, OR 97068

RE: Loan #68434409 – Karen Mills
4012 NW El Camino LN, Redmond, OR 97756

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for five consecutive years. You will also find a copy of COID's confiscation policy and procedures with a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules. Per this policy COID will confiscate the unused portion of water right appurtenant to this property.

This letter is being sent to you as required by Oregon Water Resources Department because county records show you as a security interest holder in the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

Encl

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DEC 23 2015

1 12225

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

July 13, 2015

Karen Mills
4012 NW El Camino Lane
Redmond, OR 97756

Dear Ms., Mills,

The 2015 irrigation season is well under way and with it comes the responsibility of beneficially using your water rights. In 2014 you received a letter from COID informing you that it appeared you had not exercised your full water right in four consecutive years and provided options to you to protect any unused water and the consequences if you chose not to.

In order to protect and preserve the at-risk water on your property it is critical that you make every effort to irrigate it throughout this irrigation season. COID staff will be out to your property in September to confirm the full use of the water. Please be aware that irrigation of native vegetation such as sagebrush, cheat grass, foxtails, bunch grass, knapweed, mustard grass, broadleaf, and other weeds, or use of irrigation for dust abatement is not beneficial use of the water.

If you do not intend on irrigating the at-risk area you may have the option of transferring the water off of the property. COID may have water users interested in purchasing the water at current market value. If you would like to discuss this option please call me as soon as possible. If you are unable to locate a buyer for the water the option to transfer the water off the property may not be available to you. Do not wait until the end of the season to inquire about selling the water.

If you fail to beneficially use or transfer the unused water right before the end of the 2015 irrigation season, COID will have no option but to proceed with the confiscation of the unused water right as allowed by Oregon Water Resources Department and ORS 540.572.

If you have questions or are interested in selling the unused water right please contact me on my direct line: 541-504-7576 or my email: lesliec@coid.org.

Thank you,

Leslie Clark
Water Right Manager

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

UNITED STATES POSTAL SERVICE

OR 970
06 NOV '14

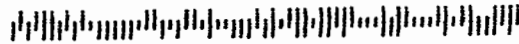


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Laura Wollam
Central Oregon Irrigation District
1055 SW Lake Ct
Redmond, OR 97756

756146955



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Postage	\$ 0.69
Certified Fee	* 3.30
Return Receipt Fee (Endorsement Required)	\$ 2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.69

Mailed
10/21/14

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Sent To
Street,
or PO B
City, Stz

Karen Mills
4012 NW El Camino Ln
Redmond, OR 97756

PS Form

RECEIVED BY OWRD

DEC 23 2015

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 21, 2014

Patron ID: 502100

Karen Mills
4012 NW El Camino Ln
Redmond, OR 97756

RE: Tax Map #: 141331A001400 - 0.6 acres total Irrigation Water Rights

Dear Patron,

The 2014 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 2015 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 2015 season (the District will accept requests for temporary lease applications through February 15, 2015); or transfer 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 2015 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 water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2015 (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 2011, 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 2014 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 in the lower left hand corner of the map.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2015; 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 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,

/s/ *Craig Horrell*

Craig Horrell
Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
Oregon Affordable Housing Assistance Corp 725 Summer St NE, Ste B, Salem, OR 97301-1266
Countrywide Home Loans, Inc 4500 Park Granada, MSN# SVB-314, Calabasas, CA 91302-1613 Tax
Acct # 128497
Bank of the Cascades Mrtg Center 1070 NW Bond St, Ste 100, Bend, OR 97701

Sent by certified mail October 21, 2014

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

P-2015-004

540.572 CONFISCATION TRANSFER

AUTHORIZED LANDS

17-13-31 NWSE 01105

STEVEN & KAREN SKELLENGER

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement)	

12/11/15

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Total Postage

Steven & Karen Skellenger

Sent To	62201 Chickadee LN
Street, Apt. No. or PO Box No.	Bend, OR 97701
City, State, ZIP	

PS Form 3800

See reverse for Instructions

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224



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 17, 2015

Steven & Karen Skellenger
62201 Chickadee LN
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 1713310001105, 0.40 acres Irrigation

Dear Mr. & Ms. Skellenger,

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 17, 2015
Encl.

1 12 2015

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

7013 0090 0000 2642 8692

U.S. Postal Service							
CERTIFIED MAILTM RECEIPT							
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>							
For delivery information visit our website at www.usps.com							
OFFICIAL USE							
Postage	\$ 0.49						
Certified Fee	3.45						
Return Receipt Fee (Endorsement Required)	2.80						
Restricted Delivery Fee (Endorsement Required)							
Total Postage & Fees	\$ 6.74						
<table border="0"> <tr> <td style="text-align: right;">Postmark Here</td> <td>10/21/15</td> </tr> </table>		Postmark Here	10/21/15				
Postmark Here	10/21/15						
<table border="0"> <tr> <td style="text-align: right;">Sent To</td> <td>Steven & Karen Skellenger</td> </tr> <tr> <td style="text-align: right;">Street, Apt. No., or PO Box No.</td> <td>214315 E. Cochran Rd.</td> </tr> <tr> <td style="text-align: right;">City, State, ZIP+4</td> <td>Kennewick, WA 99337-7118</td> </tr> </table>		Sent To	Steven & Karen Skellenger	Street, Apt. No., or PO Box No.	214315 E. Cochran Rd.	City, State, ZIP+4	Kennewick, WA 99337-7118
Sent To	Steven & Karen Skellenger						
Street, Apt. No., or PO Box No.	214315 E. Cochran Rd.						
City, State, ZIP+4	Kennewick, WA 99337-7118						
PS Form 3800, August 2006 See Reverse for Instructions							

12/18/15
 Co ID has not received a signed receipt or a
 mail return as of this date.

RECEIVED BY OWRD
 DEC 23 2015
 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, 2015

Patron #: 2788

Steven & Karen Skellenger
214315 E. Cochran Rd
Kennewick, WA 99337-7118

RECEIVED BY OWRD

DEC 23 2015

RE: Tax Map #: 17-13-31 00 01105, 1.0 acres total Irrigation water rights
0.40 acres water rights to be confiscated in 2015

SALEM, OR

Dear Mr. & Ms. Skellenger,

Our records indicate that you have failed to beneficially use 0.40 acres of your 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 2014 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 2015 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 2015 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 2011 and 2015.

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.

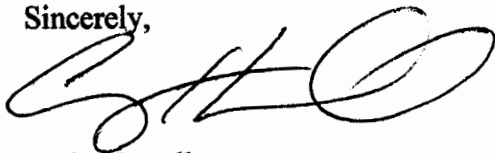
112224

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,



Craig Horrell
District 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
Mortgageit, Inc, 33 Maiden Lane 6th Floor, New York, NY 10018-33, Loan # 4038254 & #40383321
Beneficial Oregon Inc., 61249 S Hwy 97, Suite E, Bend OR 97702

Sent by certified mail October 2, 2015

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12124



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 2, 2015

WaMuMortgage Plus
444 Oxford Valley Rd, Suite 300
Langhorne, PA 19047

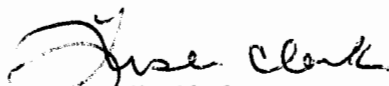
RE: Loan # 0748283553 Steven & Karen Skellenger
62201 Chickadee LN, Bend, OR 97701

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for five consecutive years. You will also find a copy of COID's confiscation policy and procedures with a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules. Per this policy COID will confiscate the unused portion of water right appurtenant to this property.

This letter is being sent to you as required by Oregon Water Resources Department because county records show you as a security interest holder in the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7576 or lesliec@coid.org.

Sincerely,


Leslie Clark
Water Right Manager

Encl

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224



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 2, 2015

Beneficial Oregon Inc.
61249 S Hwy 97, Suite E
Bend OR 97702

RE: Steven & Karen Skellenger
62201 Chickadee LN, Bend, OR 97701

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for five consecutive years. You will also find a copy of COID's confiscation policy and procedures with a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules. Per this policy COID will confiscate the unused portion of water right appurtenant to this property.

This letter is being sent to you as required by Oregon Water Resources Department because county records show you as a security interest holder in the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

Encl

RECEIVED BY OWRD

DEC 23 2015

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 2, 2015

Mortgageit, Inc
33 Maiden Lane 6th Floor
New York, NY 10018-33

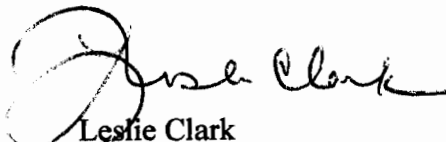
RE: Loan # 4038254 & #40383321 - Steven & Karen Skellenger
62201 Chickadee LN, Bend, OR 97701

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for five consecutive years. You will also find a copy of COID's confiscation policy and procedures with a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules. Per this policy COID will confiscate the unused portion of water right appurtenant to this property.

This letter is being sent to you as required by Oregon Water Resources Department because county records show you as a security interest holder in the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7576 or lesliec@coid.org.

Sincerely,



Leslie Clark
Water Right Manager

Encl

RECEIVED BY OWRD

DEC 23 2015

1 12224

SALEM, OR

7013 0600 0002 2642 8197
4518 2492 2000 0090 ETDL

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Certified Fee	\$ 3.30	
Return Receipt Fee (Endorsement Required)	\$ 2.70	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.69	
Send to: Name Street or P.O. Box City, State, ZIP+4®	Steven & Karen Skellenger 214315 E Cochran Rd Kennewick, WA 99337-7118	Additional Services

This receipt was never returned nor was the envelope. We assume it was delivered

RECEIVED BY OWRD
DEC 23 2015
SALEM, OR

1 1220



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 21, 2014

Patron ID: 2788

Steven & Karen Skellenger
214315 E Cochran Rd
Kennewick, WA 99337-7118

RE: Tax Map #: 1713310001105 - 1 acres total Irrigation Water Rights

Dear Patron,

The 2014 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 2015 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 2015 season (the District will accept requests for temporary lease applications through February 15, 2015); or transfer 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 2015 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 water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2015 (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 2011, 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 2014 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 in the lower left hand corner of the map.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2015; 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 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,

/s/ *Craig Horrell*

Craig Horrell
Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
Mortgageit, Inc 33 Maiden Ln, 6th Floor, New York, NY 10018 Loan # 40383321
American General Financial Services PO Box 5155, Bend, OR 97706-5155
Washington Mutual Bank 2273 N Green Valley Parkway, Ste # 14, Henderson, NV 89014 Loan #
0748283553

Sent by certified mail October 21, 2014

RECEIVED BY OWRD

DEC 23 2015

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 21, 2014

American General Financial Services
PO Box 5155
Bend, OR 97706-5155

Reference: Steven & Karen Skellenger, 62201 Chickadee Ln, Bend, OR 97701

RE: Irrigation water rights beneficial use letter from Central Oregon Irrigation District

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for four consecutive years. You will also find a copy of COID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department because you are shown as a security interest holder for the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,

Laura Wollam
Water Use Specialist

Enc

RECEIVED BY OWRD

DEC 23 2015

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 21, 2014

Mortgageit, Inc
33 Maiden Ln 6th Floor
New York, NY 10018

Reference: Loan # 40383321 – Steven & Karen Skellenger

RE: Irrigation water rights beneficial use letter from Central Oregon Irrigation District

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for four consecutive years. You will also find a copy of COID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department because you are shown as a security interest holder for the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,

Laura Wollam
Water Use Specialist

Enc

RECEIVED BY OWRD

DEC 23 2015

T 12224

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 21, 2014

Washington Mutual Bank
2273 Green Valley Parkway Ste #14
Henderson, NV 89014

Reference: Loan # 0748283553 – Steven & Karen Skellenger

RE: Irrigation water rights beneficial use letter from Central Oregon Irrigation District

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for four consecutive years. You will also find a copy of COID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department because you are shown as a security interest holder for the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,

Laura Wollam
Water Use Specialist

Enc

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

T 12224

P-2015-004

540.572 CONFISCATION TRANSFER

AUTHORIZED LANDS

18-13-12 NWSW 00605

WILLIAM KAISER

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

T 12224

7013 0600 0002 2642 9316

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Postage	\$0.925	12/17/15 Postmark Here
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 7.17	

Sent To **William Kaiser**
 24029 Dodds Rd
 Bend, OR 97701

Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12/23/15



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 17, 2015

William Kaiser
24029 Dodds Rd
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 181312 00 00605, 0.15 acres Irrigation

Dear Mr. Kaiser,

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 17, 2015
Encl.

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

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

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Postage	\$ 0.49	10/21/15 Postmark Here
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.74	

Sent To **William Kaiser**
24029 Dodds Rd
 Street, Apt. No., or PO Box No. **Bend, OR 97701**
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

William Kaiser
 24029 Dodds Rd
 Bend, OR 97701

97701965129
 9775601469

BC: 97756146955
 *1429-06187-06-42

RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD

NIXIE 970 SE 1 0010/30/15

7033 0600 0002 2642 AF78



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RECEIVED BY OWRD

DEC 23 2015

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, 2015

Patron #: 3497

William Kaiser
24029 Dodds Rd
Bend, OR 97701

RE: Tax Map #: 18-13-12 00 00605, 0.60 acres total Irrigation water rights
0.15 acres water rights to be confiscated in 2015

RECEIVED BY OWRD

DEC 23 2015

Dear Mr. Kaiser,

SALEM, OR

Our records indicate that you have failed to beneficially use 0.15 acres of your 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 2014 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 2015 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 2015 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 2011 and 2015.

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.

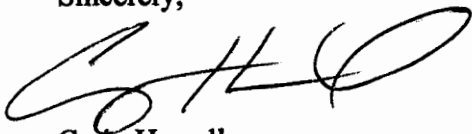
1 12224

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,



Craig Horrell
District 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
Sunset Mortgage Co, 10365 SE Sunnyside Rd #330, Clackamas, OR 97015

Sent by certified mail October 2, 2015

RECEIVED BY OWRD

DEC 23 2015

1 12224

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 2, 2015

Sunset Mortgage Co
10365 SE Sunnyside Rd #330
Clackamas, OR 97015

RE: Loan # 10004877-William Kaiser
24029 Dodds Rd, Bend, OR 97701

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for five consecutive years. You will also find a copy of COID's confiscation policy and procedures with a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules. Per this policy COID will confiscate the unused portion of water right appurtenant to this property.

This letter is being sent to you as required by Oregon Water Resources Department because county records show you as a security interest holder in the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

Encl

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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

July 1, 2015

William Kaiser
24029 Dodds Rd
Bend, OR 97701

Dear Mr. Kaiser,

The 2015 irrigation season is well under way and with it comes the responsibility of beneficially using your water rights. In 2014 you received a letter from COID informing you that it appeared you had not exercised your full water right in four consecutive years and provided options to you to protect any unused water and the consequences if you chose not to.

In order to protect and preserve the at-risk water on your property it is critical that you make every effort to irrigate it throughout this irrigation season. COID staff will be out to your property in September to confirm the full use of the water. Please be aware that irrigation of native vegetation such as sagebrush, cheat grass, foxtails, bunch grass, knapweed, mustard grass, broadleaf, and other weeds is not beneficial use of the water.

If you do not intend on irrigating the at-risk area you may have the option of transferring the water off of the property. COID may have water users interested in purchasing the water at current market value. If you would like to discuss this option please call me as soon as possible. If you are unable to locate a buyer for the water the option to transfer the water off the property may not be available to you. Do not wait until the end of the season to inquire about selling the water.

If you fail to beneficially use or transfer the unused water right before the end of the 2015 irrigation season, COID will have no option but to proceed with the confiscation of the unused water right as allowed by Oregon Water Resources Department and ORS 540.572.

If you have questions or are interested in selling the unused water right please contact me on my direct line: 541-504-7576 or my email: lesliec@coid.org.

Thank you,

Leslie Clark
Water Right Manager

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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:

William Kaiser
24029 Dodds Rd
Bend, OR 97701

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent
 Addressee

B. Received by (Printed Name) *Kaiser* C. Date of Delivery *10-22-14*

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

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7013 0600 0002 2642 8050**

PS Form 3811, July 2013 Domestic Return Receipt

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	\$ 0.69	<i>Michael</i> 10/21/14 Postmark Here
Certified Fee	\$ 3.30	
Return Receipt Fee (Endorsement Required)	\$ 2.70	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.69	

Sent To
Street, Apt. or PO Box
City, State

William Kaiser
24029 Dodds Rd
Bend, OR 97701

PS Form

0508 2492 2642 8050
7013 0600 0002 2642 8050

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SALEM, OR

1 12924



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 21, 2014

Patron ID: 3497

William Kaiser
24029 Dodds Rd
Bend, OR 97701

RE: Tax Map #: 1813120000605 - 0.6 acres total Irrigation Water Rights

Dear Patron,

The 2014 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 2015 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 2015 season (the District will accept requests for temporary lease applications through February 15, 2015); or transfer 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 2015 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 water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2015 (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 2011, 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 2014 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 in the lower left hand corner of the map.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2015; 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 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,

/s/ *Craig Horrell*

Craig Horrell
Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
Sunset Mortgage Co 10365 SE Sunnyside Rd, #330, Clackamas, OR 97015 Loan # 10004877

Sent by certified mail October 21, 2014

RECEIVED BY OWRD

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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

October 21, 2014

Sunset Mortgage Co
10365 SE Sunnyside Rd #330
Clackamas, OR 97015

Reference: Loan # 10004877 – William Kaiser

RE: Irrigation water rights beneficial use letter from Central Oregon Irrigation District

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sends to its patrons that fail to beneficially use their full water rights for four consecutive years. You will also find a copy of COID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department because you are shown as a security interest holder for the property that the water right is appurtenant to.

If you have any questions regarding the letter or beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,

Laura Wollam
Water Use Specialist

Enc

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SALEM, OR

P-2015-004

540.572 CONFISCATION TRANSFER

PROPOSED LANDS

15-12-24 NENW 00103

15-12-24 NWNE 01800

LORNA D. PECK ET AL

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7013 0600 0002 2642 9323

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CERTIFIED MAIL <small>TM</small> RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	
Sent To	Lorna D. Peck et al
Street, Apt. or PO Box	1701 C Ave
City, State	Terrebonne, OR 97760
PS Form 3800, August 2008 See Reverse for Instructions	

12/23/15
Postmark Here

RECEIVED BY OWRD

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SALEM, OR

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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

December 17, 2015

Lorna D. Peck et al
1701 C Ave
Terrebonne, OR 97760

RE: Water Right Transfer #P-2015-004

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 17, 2015. 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.

Sincerely,

Leslie Clark
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 17, 2015
Encl.

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224

P-2015-004

540.572 CONFISCATION TRANSFER
PROPOSED LANDS

15-12-24 NENW 01100

MARK D. NORDBERG

RECEIVED BY DWRD

DEC 23 2015

SALEM, OR

1 12224

7013 0600 0002 2642 9347

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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OFFICIAL USE

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

12/21/15
Postmark
Here

Sent To Nordberg
 Street, Apt. No.;
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224



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 17, 2015

Mark D. Nordberg
1500 SW 58th St
Redmond, OR 97756

RE: Water Right Transfer #P-2015-004

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 17, 2015. 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.

Sincerely,

Leslie Clark
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 17, 2015
Encl.

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224

P-2015-004
540.572 CONFISCATION TRANSFER
PROPOSED LANDS

14-14-26 NESE 00100
DAVID M. & CINDY M. TOWNSEND

RECEIVED BY OWRD

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SALEM, OR

12324

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OFFICIAL USE

0666 2492 2642 9330
 7013 0600 0002 0090 0000 ET02

Postage	\$	12/21/15 Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To **David & Cindy Townsend**
 Street, or PO Box **10572 SW Fleming**
 City, State **Powell Butte, OR 97754**

PS Form 3800, July 2011 See Reverse for Instructions

RECEIVED BY OWRD

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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

December 17, 2015

David & Cindy Townsend
10572 SW Fleming
Powell Butte, OR 97754

RE: Water Right Transfer #P-2015-004

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 17, 2015. 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.

Sincerely,


Leslie Clark
Water Right Manager

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 17, 2015
Encl.

RECEIVED BY OWRD

DEC 23 2015

SALEM, OR

1 12224