



December 19, 2016

Joan Smith
Oregon Water Resources Department
725 Summer Street, NE Ste "A"
Salem, OR 97301-1271

RE: ORS. 540.572 Transfer – P-2016-003

Dear Joan,

Please find enclosed our Petition Number 2016-003 along with our check for \$1,450.00 as payment of the transfer fee. This Petition includes 2.05 acre's water right forfeited through ORS 540.572.

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

Sincerely,

A handwritten signature in cursive script that reads "Leslie Clark".

Leslie Clark
Water Right Manager

Enclosures

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T 12545



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
I	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 OARD 690-385-5100
- VII. Enclosed is the application fee in the amount of: \$1,400.00

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

12.16.16
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	1	17	12	13	SWNE	108	0.4	Jim & Tracy Duncan, Trustees	T-2016-015
			11	14	13	5	SENE	600	0.5	Lisa L. Cook	T-2016-015
			11	14	13	11	SWSE	801	0.61	Marla Lynn Gibson Trust	T-2016-015
			11	14	13	16	SESE	402	0.24	Shon T. Day	T-2016-015
			11	14	13	34	SWSW	1600	0.3	Chani C. Haynes	T-2016-015
								Total:	2.05		

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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	1	15 S	14 E	13	NWNW	200	0.4	JACQUELINE VEELLE	T-2016-015
			11	15 S	13 E	3	SWNE	401	1.65	BENJAMIN O'KEEFE	T-2016-015
Total:									2.05		

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P-2016-003

540.572 FORFEITURE TRANSFER

PROPOSED LANDS

15-14-13 NWNW 00200

JACQUELINE VEELLE

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December 19, 2016

Jacqueline Veelle
3063 SW Minson Rd
Powell Butte, OR 97753

RE: Water Right Transfer #P-2016-003

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 19, 2016. 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:

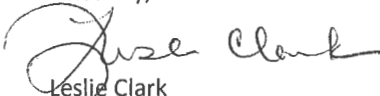
- A. *The application does not include the information required under OAR 690-385-5200; or*
- B. *The user, of lands from which water rights are to be transferred, submits a protest pursuant to OAR Chapter 690, Division 002*
 - b. *The user has the right to protest the application as described in OAR 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 19, 2016
Encl.

RECEIVED BY OWRD

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P-2016-003

540.572 FORFEITURE TRANSFER

PROPOSED LANDS

15-13-03 SWNE 00401

BENJAMIN O'KEEFE

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December 19, 2016

Benjamin O'Keefe
2475 NE 13th St
Redmond, OR 97756

RE: Water Right Transfer #P-2016-003

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 19, 2016. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

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

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- 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*

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

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

Sincerely,

Leslie Clark
Water Right Manager

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cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 19, 2016
Encl.

P-2016-003

540.572 FORFEITURE TRANSFER

AUTHORIZED LANDS

14-13-05 SENW 00600

LISA L. COOK

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December 19, 2016

Lisa Louise Lupton Living Trust
7989 SW Kent Ln
Culver, OR 97734

RE: Confiscation of water rights appurtenant to tax map #: 14-13-05 SENW 600, 0.50 acres Irrigation

Dear Ms. Lupton,

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 19, 2016
Encl.

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U.S. Postal Service™
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Postage	\$ 1.47	10/3/16 Postmark Here
Certified Fee	3.30	
Return Receipt Fee (Endorsement Required)	2.70	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.47	
Sent To Lisa L Cook 23388 Butterfield Trail Bend, OR 97702 Street, Apt or PO Box City, State		
PS Form 3849		ations

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October 3, 2016

Patron #: 3338

Lisa L. Cook
23388 Butterfield Trail
Bend, OR 97702

RE: Tax Map #: 141305B000600, 3.0 acres total Irrigation water rights
0.50 acres water rights to be confiscated in 2016

Dear Patron,

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

Certified letters were sent to you and any known security interest holders following the end of the 2015 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 2016 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 2016 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 2016.

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
JP Morgan Chase Bank, N.A., 1111 Polaris Parkway, Floor 4J, Columbus, OH 43240

Sent by certified mail October 3, 2016

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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

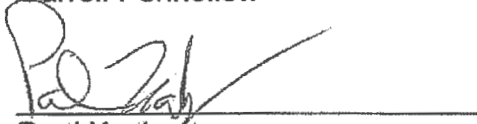
RESOLUTION NUMBER: 2010 - 4
Amendment to Confiscation Policy
(Adopted 9/15/2004)

Oregon Revised Statute 540.610 and the Oregon Administrative Rules enforcing the Statute require a water right be beneficially used 1 year out of every 5 consecutive years. District policy addressing non-use of a water right shall follow ORS and OAR.


District procedures enforcing this Policy shall be updated by staff as rule changes occur.

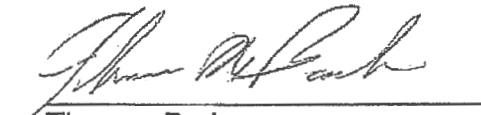
Dated this 12th day of January, 2010:

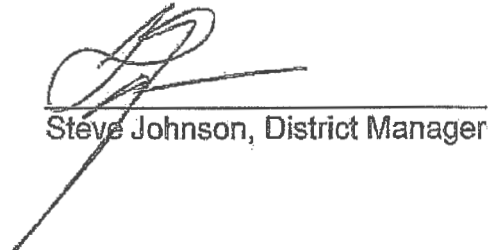

Carroll Penhollow


Paul Kasberger


Terry Blackwell


Robert Borlen


Thomas Burke


Steve Johnson, District Manager

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October 3, 2016

JP Morgan Chase Bank, N.A.
1111 Polaris Parkway, Floor 4J
Columbus, OH 43240

Borrower: Lisa L. Cook
Tax Map #: 14-13-05 B0 00600
Property Address: 12424 NW 29th Ct., Terrebonne, OR 97760

RE: Notice of Transfer to Remove Water Rights Due to Nonuse

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

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 541-504-7576 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

October 19, 2015

Patron ID: 3338

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Lisa Cook
12424 NW 29th Ct
Terrebonne, OR 97760

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RE: Tax Map #: 141305B000600 - 3 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. With that we want to work together with you, our patrons, to preserve this precious resource. The 2015 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* or *all* 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, they are as follows:

1. You must use the full water right on the ground exactly as it is mapped during the 2016 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2016 season (the District will accept requests for temporary lease applications through February 15, 2016). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) or
3. Transfer the unused water.

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2016 season by filing a petition with OWRD to transfer the 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

T 12545

water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2016 (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). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all of your water right at any time since 2012, please present the evidence to our office within 30 days from the date of this letter.

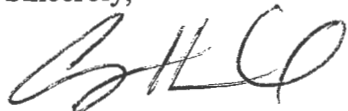
I have enclosed an aerial photo taken June 25, 2015 showing where your mapped water rights are located. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2015 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2016; your 2016 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns please contact Kelley Hamby or Leslie Clark at 541-548-6047 or by email to: lesliec@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,



Craig Horrell
Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
GB Mortgage, LLC

Sent by certified mail October 19, 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 20, 2015

GB Mortgage, LLC

Loan # / Property Address:

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 or Kelley Hamby at 541-548-6047 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Rights Manager

Enc

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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

January 30, 2014

Patron ID: 3338

Lisa L. Cook
12424 NW 29th Ct
Terrebonne, OR 97760

RE: Irrigation Water Rights appurtenant to Tax Map # 141305B000600

Dear Patron,

The 2013 irrigation season has come to an end, and with that, the District has completed its annual survey of beneficial use of all water rights within our District. It appears that the 3 acre water right on the above-noted property *may not* have been fully used since the 2011 irrigation season. If you feel you have fully used your entire water right in 2013, you may disregard this letter. *This letter is meant for informational purposes only, it is not a notice of action to confiscate or cancel water rights.*

I am sending this letter to you to inform you of the State's requirements for beneficial use of water rights, and to provide options that may be available to you if you do not wish to use the full water right in 2014. Please keep in mind as you read this letter and review the enclosed information that your water right is not in jeopardy of being confiscated for non-use at this time. The District is providing this letter as a courtesy to help keep you up-to-date on the status of the water right, and to help you make a well-informed decision on what you would like to do with it in the future.

Oregon Water Resources Dept (OWRD) enforces water right laws for the State of Oregon. The law (Oregon Revised Statutes and Oregon Administrative Rules) requires that water rights be fully exercised on land 1 year out of every 5 years. The 5-year time period is not based on years of ownership (if you just purchased the property), rather it is based on the actual use of the water on the land itself, counting forward from the last reported year of full use.

Please consider how you wish to use your water right in the upcoming years. The preferred choice is to fully use the water on the ground. If you do not wish to or are unable to do this, there are other options available, such as:

- OWRD will allow you to temporarily lease your water right back into the Deschutes River and credit you with beneficial use (leasing instream is considered the same as applying the water to the ground). This benefits you by not having to irrigate, and benefits the river by increasing the flow. The District will accept requests for instream lease applications for the upcoming irrigation season from any interested party through February 15th. *Please note that requests to lease for the 2014 irrigation season will not be accepted after February 15, 2014.*

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- If you have a portion of your property that is difficult to irrigate, you may want to consider transferring that part of your water right to another area on your property.
- If you have a portion of your property that is difficult to irrigate, you may also consider selling that portion of your water right.

The District will work with you in every way we can to protect the water right now and in the future. Please review the enclosed beneficial use information sheet for further information on these and other options that may be available to you.

I have also enclosed an aerial photo showing where your mapped water rights are located. Full beneficial use of a water right means that you have irrigated and grown something non-native in all of the mapped areas. If your water right is 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. Full beneficial use of an unmapped water right means that you have irrigated and grown something non-native on land equal to the number of acres of water right (Ex: 1 acre of water right = 1 acre of irrigated land). Please note that the aerial photo may not fully represent your irrigation habits for the full 2013 irrigation season or show any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

If you have any questions or concerns regarding your water right and beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,



Laura Wollam
Water Use Specialist

Enc

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P-2016-003

540.572 FORFEITURE TRANSFER

AUTHORIZED LANDS

14-13-11 SWSE 00801

MARLA LYNN GIBSON TRUST

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T 12545



December 19, 2016

Marla Lynn Gibson
PO Box 220
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 14-13-11 SWSE 801, 0.61 acres Irrigation

Dear Ms. Gibson,

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 19, 2016
Encl.

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

LeslieClark

From: LeslieClark
Sent: Monday, November 28, 2016 1:38 PM
To: 'mg@sizzlinjranch.com'
Cc: Jenny
Subject: Board Decision_Forfeiture Hearing

Marla,

On November 22, 2016 the Central Oregon Irrigation District Board of Directors unanimously voted to confiscate the 0.61 acres of irrigation water from your property due to nonuse. A water transfer application will be filed with Oregon Water Resources Department prior to December 31, 2016 to remove the 0.61 acres of water per ORS 545.572. You will receive a copy of the application along with a formal notice of transfer with instructions to file a protest if you so desire.

Sincerely,

Leslie Clark

Water Right Manager
Central Oregon Irrigation District
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

LeslieClark

From: LeslieClark
Sent: Wednesday, November 09, 2016 4:17 PM
To: 'mg@sizzlinjranch.com'
Subject: Hearing Continuance

Dear Marla,

Upon your request, the November 8, 2016 hearing was postponed and has been rescheduled for November 22, 2016 at the Central Oregon Irrigation District office, 1055 SW Lake Court, Redmond, OR. The hearing will begin promptly at 12:15 p.m. and end at 12:45 p.m., allowing you 30 minutes to present your case.

This hearing is your opportunity to testify to the Board regarding the pending forfeiture of 0.61 acres of the 1.25 acres of irrigation appurtenant to your property located at 9990 NE Crooked River Dr., Terrebonne, OR. If you have witnesses appearing on your behalf, please call COID by 4:00 p.m. November 21st at: 541-548-6047 to provide the names of all witnesses.

Thank you,

Leslie Clark
Water Right Manager
Central Oregon Irrigation District
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576

Sent by Standard Mail November 10, 2016

RECEIVED BY OWRD
DEC 22 2016
SALEM, OR



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

November 9, 2016

Marla Lynn Gibson Trust
Marla Gibson
PO Box 220
Terrebonne, OR 97760

RE: Continuance of Hearing Before the Board of Directors

Dear Marla,

Upon your request, the November 8, 2016 hearing was postponed and has been rescheduled for November 22, 2016 at the Central Oregon Irrigation District office, 1055 SW Lake Court, Redmond, OR. The hearing will begin promptly at 12:15 p.m. and end at 12:45 p.m., allowing you 30 minutes to present your case.

This hearing is your opportunity to testify to the Board regarding the pending forfeiture of 0.61 acres of the 1.25 acres of irrigation appurtenant to your property located at 9990 NE Crooked River Dr., Terrebonne, OR. If you have witnesses appearing on your behalf, please call COID by 4:00 p.m. November 21st at: 541-548-6047 to provide the names of all witnesses.

Sincerely,

Leslie Clark
Water Right Manager

Sent by Standard Mail November 10, 2016

Sent by Email to: mg@sizzlinjranch.com November 9, 2016

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

T 12545

Confiscation Hearing

November 8, 2016

Landowner: Marla Gibson

Property: 14-13-11 SWSE 00801 – 9990 NE Crooked River Dr.

Appurtenant Water Rights: 1.25 acres Irrigation

5th Year Nonuse: 0.61 acres Irrigation

TIMELINE:

- 11/1/16: COID letter to Ms. Gibson - Exhibit A (sent by standard mail and email)
- 10/27/16: Letter from Ms. Gibson – Exhibit B
- 10/3/16: Ms. Gibson came into COID office and met with Craig Horrell to discuss her delivery. Craig handed her a letter from COID – Exhibit C
- 10/3/16: COID letter to Ms. Gibson – Exhibit C – mandatory notice of pending 2016 confiscation placed in the mail with certified delivery/return receipt request.
- 9/6/16: Confiscation site visit – Exhibit D
- 8/24/16: COID letter sent to all patrons on the J-6-2 Delivery (part of a system evaluation prompted by Ms. Gibson's 5/24/16 email) – Exhibit E
- Evaluation of the J-6-2 delivery – Exhibit F
- 5/24/16: Email from Ms. Gibson – Exhibit G
- 10/19/15: COID letter to Ms. Gibson – Exhibit H – mandatory notice of 4th year nonuse
- 7/26/15 & 8/6/15: Beneficial Use Site Visits – Exhibit I
- 1/30/14: COID letter to Ms. Gibson – Exhibit J
- 7/2014: Beneficial Use Site Report – Exhibit K

HISTORICAL TIMELINE:

- 11/8/11: Confiscation Hearing before the COID Board of Directors. Affidavits and photos were submitted to the Board for review. The 1.25 acres of irrigation were granted full beneficial use in 2011.

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

T 12545



November 1, 2016

Marla Lynn Gibson Trust
Marla Gibson
PO Box 220
Terrebonne, OR 97760

RE: Request for Hearing Before the Board of Directors

Dear Marla,

A hearing before the COID Board of Directors ("Board") has been set at your request. You are scheduled to appear November 8, 2016 at 9:15 a.m. at the Central Oregon Irrigation District office, 1055 SW Lake Court, Redmond, OR.

This hearing is your opportunity to testify to the Board regarding the pending forfeiture of 0.61 acres of the 1.25 acres of irrigation appurtenant to your property located at 9990 NE Crooked River Dr., Terrebonne, OR. If you have witnesses appearing on your behalf, please call COID by 4:00 p.m. November 7th at: 541-548-6047 and provide the names of all witnesses.

Sincerely,

Leslie Clark
Water Right Manager

Sent by Standard Mail November 1, 2016

Sent by Email to: mg@sizzlinjranch.com November 1, 2016

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

LeslieClark

From: LeslieClark
Sent: Tuesday, November 01, 2016 8:49 AM
To: 'mg@sizzlinjranch.com'
Cc: CraigHorrell
Subject: Request for Hearing Before the Board of Directors

Dear Marla,

A hearing before the COID Board of Directors ("Board") has been set at your request. You are scheduled to appear November 8, 2016 at 9:15 a.m. at the Central Oregon Irrigation District office, 1055 SW Lake Court, Redmond, OR.

This hearing is your opportunity to testify to the Board regarding the pending forfeiture of 0.61 acres of the 1.25 acres of irrigation appurtenant to your property located at 9990 NE Crooked River Dr., Terrebonne, OR. If you have witnesses appearing on your behalf, please call COID by 4:00 p.m. November 7th at: 541-548-6047 and provide the names of all witnesses.

Sincerely,

Leslie Clark
Water Right Manager
Central Oregon Irrigation District
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576

Sent by Standard Mail November 1, 2016
Sent by Email to: mg@sizzlinjranch.com November 1, 2016

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

Oct. 27, 2016

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

ATTN: Central Oregon Irrigation District

RE: Attempt to confiscate irrigated water rights

This letter is to inform you that the confiscation of my water rights will not be tolerated. Your claim that the required 1.25 acres has not been irrigated in the last 5 years is a false statement. I have pictures and many who will validate that my fields were watered. Due to your company's actions, some fields are once again, having to be re-seeded. I will not continue to absorb this cost when the fault lies with COID.

What is a true statement is that your company has failed to properly maintain your ditches, which greatly affects the water flow to most of the properties located on J-6. Due to this willful negligence, pastures that were seeded in 2011 were unable to be maintained properly as the water flow in 2013-2015 was severely restricted. Many patrons on this line had repeatedly informed you that they were not getting a proper flow in 2014 yet you paid no attention. Ditches were not cleaned until the middle of 2015 irrigation season.

Since 1983 repeated attempts were made to have COID explain and correct the lack of flow for many properties on that line. COID willfully and negligently failed to identify the reason. In 2010 they finally admitted that the clogged ditch full of cattails was their responsibility. That was the sole problem for the lack of flow. Yet with full knowledge that those cattails presented a severe lack of water flow, you did not attempt to keep them clean. Due to the inefficient flow many of the new pastures were severely damaged due to lack of water.

There is no map, to my knowledge, that shows where I am to water. It is an unmapped water right. According to your information, I must cover the amount

of ground equal to the total water right. That is what I have done and have measured the area that I irrigate and it is within that amount of water right.

This is a MUA 10 agriculture use of property area. While some new property owners think that a 5 acre lawn is proper use it is not a real agricultural use. Lack of water is destructive to pasture use. I grew a field of chamomile flowers for most the season on a portion of that water right and then removed them due to the information that it would cause blistering on a horse's muzzle. New pasture was planted in that area this fall.

Many patrons still have to use others water in order to 'green' up their fields to pass your inspection. This has caused water wars for so many years and turned neighbor against neighbor for stealing water. Then to find out that the majority of the problem was all COID's fault is disgusting.

I will meet with the Board to discuss this issue once again before following through with the Attorney as per her recommendation. But I have had enough of being profiled, harassed and selectively attacked by COID.

Sincerely,


Marla Gibson

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

T 12545



October 3, 2016

Patron #: 1143

Marla Lynn Gibson Trust
PO Box 220
Terrebonne, OR 97760

RECEIVED BY OWRD

RE: Tax Map #: 141311 D000801, 1.25 acres total Irrigation water rights
0.61 acres water rights to be confiscated in 2016

DEC 22 2016

Dear Patron,

SALEM, OR

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

Certified letters were sent to you and any known security interest holders following the end of the 2015 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 COLD's intent to confiscate any remaining unused water at the end of the 2016 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 2016 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 2016.

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.



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,

A handwritten signature in black ink, appearing to read "CH", is written over the typed name.

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
JP Morgan Chase Bank, N.A., 1111 Polaris Parkway, Floor 4J, Columbus, OH 43240

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

Sent by certified mail October 3, 2016



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

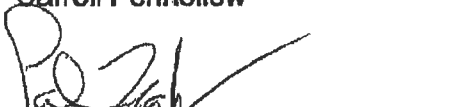
RESOLUTION NUMBER: 2010 - 4 Amendment to Confiscation Policy (Adopted 9/15/2004)


Oregon Revised Statute 540.610 and the Oregon Administrative Rules enforcing the Statute require a water right be beneficially used 1 year out of every 5 consecutive years. District policy addressing non-use of a water right shall follow ORS and OAR.


District procedures enforcing this Policy shall be updated by staff as rule changes occur.

Dated this 12th day of January, 2010:



Carroll Penhollow


Paul Kasberger


Terry Blackwell


Robert Borlen


Thomas Burke


Steve Johnson, District Manager

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DEC 22 2016

SALEM, OR



October 3, 2016

JP Morgan Chase Bank, N.A.
1111 Polaris Parkway, Floor 4J
Columbus, OH 43240

Borrower: Marla Lynn Gibson Trust
Tax Map #: 14-13-11 D0 00801
Property Address: 9990 NE Crooked River Dr., Terrebonne, OR 97760

RE: Notice of Transfer to Remove Water Rights Due to Nonuse

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

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 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

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DEC 22 2016

SALEM, OR

Encl.

CONFISCATION SITE REPORT – 2016 – 5TH YEAR NONUSE

Property Owner: MARLA LYNN GIBSON TRUST

Property Address: 9990 NE CROOKED RIVER DR

USE	BEAT	HG	TWP	RNG	SEC	QQ	TAX LOT	ACRES
IRRIG	PB3	J-6-2	14	13	11	SWSE	801	1.25

- ❖ Method of irrigation (pump, flood, etc): _____
- ❖ Use (crops produced): PASTURE
- ❖ Number of acres used: Approx 0.50
- ❖ Dated photos of beneficial use: _____
- ❖ Number of acres dry: .75 RECEIVED BY OWRD
- ❖ Dry areas GPS'd on (date): _____ DEC 22 2016
- ❖ GPS submitted to mapping (date): _____ SALEM, OR

NOTES:

CLEANED DITCH MID JULY. W/ FARMERS WEIR @ POD.
OVER GRAZING?

HORSES ON DRY AREAS. WHERE THE HORSES ARE IS
GENERALLY GRAZED DOWN / TRODDEN DOWN TO DIRT. 9/6/16

BACK AREA W/ NO LIVESTOCK IS GREEN. THERE ARE WEEDS
PRESENT, BUT B/W IS OKAY. KLT

Inspected by: _____ Date: _____



August 24, 2016

Marla Gibson
9990 NE Crooked River Dr
Terrebonne, OR 97760

RE: J-6-2 Delivery

Dear Marla,

Central Oregon Irrigation District has received a number of phone calls this season regarding concerns over low flows in your private delivery system. In response to these concerns, COID is evaluating the J-6-2 delivery. In July COID staff walked the ditch from the weir to the head of the private system on Mr. Szabo's property. We removed vegetation from several portions of the ditch and installed a farmer's weir in the ditch on the Calmels' property. COID delivers water at a rate of 6 gallons per minute (gpm) per acre at our point of delivery. Frequent measurements have been taken at the new farmer's weir, all measuring in excess of 6 gpm.

As part of the evaluation we noted the majority of the properties on this ditch have some beneficial use issues (a 1-acre water right = 1-acre of landmass area producing a crop (pasture grass, landscaping, etc.). It is quite possible there is water being lost through the bed/banks of the private ditch past our point of delivery as it winds through your delivery area. Over the remainder of the irrigation season you may see COID staff following the ditches and checking flows out to the end of the system. During this time, it is important that the rotation schedule and rules of rotation are followed to assure our ability to do a valid assessment of the system.

Enclosed with this letter are two District policies for your review, Resolution #2014-4 Water Theft Policy and Resolution #2014-7 Protection of District Water Rights Beyond the District's Points of Delivery; also enclosed are the general rules for rotation schedules. Please read these closely and keep the information in mind throughout the remainder of the irrigation season and in future years.

If you have questions or concerns about the delivery or our evaluation, please do not hesitate to contact me by calling the main office number: 541-548-6047 or emailing me at: caryp@coid.org. If you would like us to email you with updates please provide us with your email address.

Sincerely,

Cary Penhollow
District Watermaster

Encl.

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

J-6-2 DELIVERY EVALUATION

2016

After receiving an email from Marla Gibson 5/27/16 COID staff placed the J-6-2 delivery on a monitoring list for 2016.

6/8/16: PB3 checked the COID ditch up to the POD. There was grass on the banks but no cattails.

7/8/16: COID staff went out to J-6 and the head of the J-6-2 sub-lateral to evaluate the COID side of the delivery. We walked the ditch starting on the Emerson property located on Wilcox Ave.

- There is a headgate where J-6-2 splits on the Houck property. Delivery to Rotation #19200 is measurable and controllable at this point.
- Part of the ditch is very flat, slowing the water.
- Overall ditch is clean. Some vegetation was in the ditch but did not appear to be slowing the water. A short stretch had cattails in it and a note was made to clean them out.
- COID POD is located on the boundary of the Szabo/Calmels properties (#3 & #4 on map).
- Culvert on the Szabo property was partially plugged with willow roots and was partially removed by staff.
- Staff determined a good location to install a farmer's weir on the Calmels property to measure water going into the remainder of the rotation.

7/16/16: COID staff cleaned the COID ditch of cattails and vegetation and cleaned the ditch on Szabo property. Installed Farmer's weir on the Calmels.

PB3 took measurements at the farmer's weir periodically beginning 7/21/16 through August. Flow was consistently over 6 gpm, never dropping below.

9/9/16: Cary Penhollow and Rick Nichols drove through the entire delivery and noted ditches were reasonably clean and water was flowing well. Rotation delivery was on property #20 at the time they were there.

Report from Rick Nichols on a follow-up site review will be presented at the 11/8/16 hearing.

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T 12545

Exhibit "F"

Rotation Id: 19200 2016
 Rotation
 Patrolman: Jason Neville Acreage: 68.000
 Beat: Pilot Butte 7 Day

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SALEM, OR

Participating Headgates:

J-6-2

**Beneficial Use
2015**

Patrons	Acreage	Days	Hours	Min	Scheduled Time	Beneficial Use 2015	
						Dry	Used
1 Houck, Ronald/Jennie	3.500	0	8	39	Sat 10:00:00 AM to Sat 6:39 PM	0.92	2.580
2 Shown, Connie	3.500	0	8	39	Sat 6:39:00 AM to Sun 3:18 AM	2.300	1.2
3 Szabo, Brandon/Jessica	3.500	0	8	39	Sun 3:18:00 AM to Sun 11:57 AM	1.44	2.060
4 Calmels, Patrice/Barbara	5.000	0	12	21	Sun 11:57:00 AM to Mon 12:18 AM	1.580	3.42
5 Olmstead, Wendy	2.000	0	4	56	Mon 12:18:00 PM to Mon 5:14 AM	0.750	1.25
6 Guppy, Jason/Dina	3.000	0	7	25	Mon 5:14:00 AM to Mon 12:39 PM	1.8	1.2
7 Lay, Steven/Julie	2.000	0	4	56	Mon 12:39:00 PM to Mon 5:35 PM	0.880	1.12
8 Tanner, William/Rachelle	6.500	0	16	4	Mon 5:35:00 AM to Tue 9:39 AM	1.63	4.87
9 Johnston, Martin/Therese	2.000	0	4	56	Tue 9:39:00 AM to Tue 2:35 PM	0.17	1.83
10 Johnston, Martin/Therese	2.000	0	4	56	Tue 2:35:00 AM to Tue 7:31 PM	0.28	1.72
11 Capps, Troy/Angela	3.500	0	8	39	Tue 7:31:00 PM to Wed 4:10 AM	0	3.5
12 Oregon State Parks	4.000	0	9	53	Wed 4:10:00 AM to Wed 2:03 PM	4	0
13 MacNeill, Murray/Jacquelyn	4.250	0	10	30	Wed 2:03:00 PM to Thu 12:33 AM	1.350	2.9
14 Roby, Lynn Marie/Kreider,	1.000	0	2	28	Thu 12:33:00 AM to Thu 3:01 AM	0.54	0.46
15 Williams, Charles/Debra	1.250	0	3	5	Thu 3:01:00 AM to Thu 6:06 AM	0.15	1.1
16 Hancock, David/Marilyn	5.000	0	12	21	Thu 6:06:00 AM to Thu 6:27 PM	4.410	0.59
17 Sheridan, Douglas/Sharon	3.000	0	7	25	Thu 6:27:00 PM to Fri 1:52 AM	3	0
18 Oregon State Parks	2.500	0	6	11	Fri 1:52:00 AM to Fri 8:03 AM	2.5	0
19 Soule, William	2.500	0	6	11	Fri 8:03:00 AM to Fri 2:14 PM	1.11	1.39
20 Volk, Marcia	5.000	0	12	21	Fri 2:14:00 PM to Sat 2:35 AM	3.130	1.87
21 Gibson, Marla Lynn Trust	1.250	0	3	5	Sat 2:35:00 AM to Sat 5:40 AM	0.780	0.47
22 Creager, John	1.750	0	4	19	Sat 5:40:00 AM to Sat 9:59 AM	1.190	0.56

T 12545



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

PBC J-6-2 Site Visit Reconnaissance Report

Site Visit - September 9, 2016

On May 24, 2016, Marla Gibson, a patron of Central Oregon Irrigation District (COID), notified COID to voice her concerns over insufficient water delivery.

As a new employee to Central Oregon Irrigation District, I originally was not involved with early discussions. However, on September 9, 2016, Cary Penhollow, COID Water Master, requested that I visit the site to give a personal assessment of the delivery as an uninformed individual.

Site Visit - Location 1

I started my assessment at the downstream end of the J-6-2 private delivery ditch.

As I reached the site, I noticed sprinklers running on the State Parks property, downstream to Ms. Gibson. The Oregon State Parks lot is included on the J-6-2 rotation. The lot appeared to be well irrigated with evidence of green pasture and sprinkled water.

Directly upstream from Ms. Gibson, I noticed taxlot 141314A001405 appeared to be well irrigated with evidence of green pasture and a full delivery ditch of water. See Figure 1

Between the above mentioned lots, I noticed Ms. Gibson's property that has irrigated water rights totaling 1.25 acres. It appeared to me that an accurate amount of water delivery was being supplied, and both patrons upstream and downstream of Ms. Gibson's were successfully applying their water during their times on the J-6-2 rotation. It also appeared to me that Ms. Gibson's property was heavily grazed by horses, and needed more than water to reestablish a healthy vegetated floor.



Figure 1
J-6-2 Private Ditch

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SALEM, OR

T 12545

Site Visit - Location 2

After assessing the current conditions at the downstream end of the J-6-2 private delivery ditch, I moved further upstream to compare volumetric rates of water delivery to what I witnessed at Location 1.

I did witness some delivery headgates associated to the J-6-2 rotation, that appeared to need some minor work done to prevent leakage during closure. However, the leakage I witnessed was minor and did not visually change the volumetric rates of water delivery when compared to the water flowing in the ditch at the downstream end of the ditch. See Figures 2.



Figure 2
J-6-2 Leakage

Summary

From my September 9, 2016 field assessment, it appears to me that the appropriate amount of water is getting delivered to the subject property owned by Ms. Gibson. Neighboring properties appear to be utilizing the water effectively.

In addition to my site visit, I spoke to Jason Neville, Patrolman for J-6-2 ditch, and asked if any changes have been made to the delivery to increase volumetric rates. Jason shared with me that no changes have been made, and the volumetric rate of water is the same as when the issue arose.

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

From: KelleyHamby
To: LeslieClark; CaryPenhollow
Subject: FW: Irrigation - Marla Gibson
Date: Tuesday, May 24, 2016 2:31:18 PM

RECEIVED BY OWRD

From: Marla Gibson [mailto:mg@sizzlinjranch.com]
Sent: Tuesday, May 24, 2016 11:48 AM
To: KelleyHamby <Khamby@coid.org>
Subject: Irrigation

DEC 22 2016

SALEM, OR

Hi Kelley, I am writing this to inform you that I will not tolerate the game that COID is playing regarding my lack of properly irrigating my land. I have irrigated my property since 1983 every year. I have fought with COID every year regarding the lack of water received for irrigation. Every year I was told it was not COID's problem and every year I received about 1/8th of the water I paid for along with my neighbors. I have pictures to prove my case.

Now, however in 2010 when I took pictures of the main ditch leading to our "delivery point" I was informed that the people responsible for cleaning that ditch, which was full of cattails, was surprisingly none other than COID. Every year they claimed it was not their responsibility that I did not get my water and had no excuse why I wasn't. After a battle and getting them to clean the ditch a miracle happened. I got water. I had put in a sprinkler system and hooked my land up to the neighbors pump system to water from the pond in an effort to get water to all my land. I have been sprinkler irrigating when possible, since 2011. Now in 2012 there was no water received for sprinkler irrigating until June. The amount of water did not support irrigating so sparse irrigating had to happen and the newly planted grass of course suffered. In September the water flow was back to normal. Hydro Project ring a bell?

In 2013 I attempted to recover the loss of grass due to lack of water and once again fully irrigated my property. Damage was extensive. In 2014 there was once again a substantial lack of water. So, numerous calls were made to COID, not only by me, but other neighbors who were complaining about the lack of water. They were all shown the overgrowth of cattails that were there once again. Repeated requests were made to have your ditch cleaned. COID failed to clean the ditch until mid-summer of 2015. Due to the overgrowth the pond was only able to sprinkle for 20 minutes at a time then had to refill. Too much damage now to recover fully has occurred.

Water is required for growth of pasture and I now have the proof and backing from neighbors that COID has failed to provide the water required for many years. COID needs to pay for replanting of not only my field but all the neighbors on my section that suffered the loss due to lack of water received due to the restriction caused by the cattails.

COID has selectively harassed me regarding my irrigation or as they claim lack of for years, which can also be proven. I have pictures of irrigating and the fields being irrigated. Last year I went for 10 weeks without proper water being received. After the ditch was cleaned the water started flowing and then disappeared. It was discovered eventually that someone had been partially blocking the water flow as they were trying to recover their grass loss due to the lack water.

For years neighbors have fought over water because the flow was not adequate to properly water and the sole people responsible for the lack of water has been COID. The amount of time I spent

Exhibit "G"

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trying to find water and fighting to get my water with the same response being "NOT OUR PROBLEM" has put me in the position to demand compensation for DAMAGES, HARRASSMENT and Improper filing for foreclosure and fees demanded.

I am beneficially using my water and using it fully. I am allowed to use it for more than just pasture and have been doing so. Obviously I need to proceed with contacting the Board and Manager once again before taking further actions.

Thank You,
Marla Gibson

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SALEM, OR

T 12545



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 19, 2015

RECEIVED BY OWRD

Patron ID: 1143

DEC 22 2016

Marla Lynn Gibson Trust
PO Box 220
Terrebonne, OR 97760

SALEM, OR

RE: Tax Map #: 141311D000801 - 1.25 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. With that we want to work together with you, our patrons, to preserve this precious resource. The 2015 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* or *all* 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, they are as follows:

1. You must use the full water right on the ground exactly as it is mapped during the 2016 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2016 season (the District will accept requests for temporary lease applications through February 15, 2016). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) or
3. Transfer the unused water.

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2016 season by filing a petition with OWRD to transfer the 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

T 12545

Exhibit "H"

water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2016 (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). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all of your water right at any time since 2012, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo taken June 25, 2015 showing where your mapped water rights are located. 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 2015 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2016; your 2016 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns please contact Kelley Hamby or Leslie Clark at 541-548-6047 or by email to: lesliec@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,



Craig Horrell
Manager

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
JP Morgan Chase Bank 1111 Polaris Parkway, Floor 4J, Columbus, OH 43240

Sent by certified mail October 19, 2015

T 12545



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 20, 2015

JP Morgan Chase Bank
1111 Polaris Parkway Floor 4J
Columbus OH 43240

Loan # / Property Address: 9990 NE Crooked River Dr, 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 or Kelley Hamby at 541-548-6047 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Rights Manager

Enc

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SALEM, OH

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BENEFICIAL USE SITE REPORT – 2015

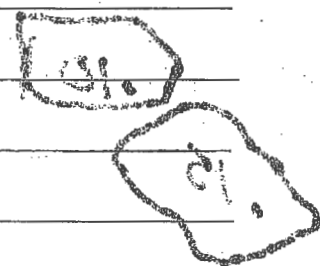
Property Owner: Gibson, Marla Lynn Trust

Property Address: 9990 NE CROOKED RIVER DR
TERREBONNE, OR 97760

USE	BEAT	HG	TWP	RNG	SEC	QQ	TAXLOT	ACRES
Irrigation	PB3	J-6-2	14	13	11	SWSE	00801	1.25

Total WR acres on TL: 1.25 ac

- ❖ Method of irrigation (pump, flood, etc): Pump
- ❖ Use (crops produced): grass
- ❖ Method used to calculate area irrigated: visual
- ❖ Number of acres beneficially used: 0.55
- ❖ Dated photos of beneficial use (if needed): _____



**** If partial use for current year, use aerial photo on back to mark areas as used or dry. ****

NOTES:

3rd year Partial in 2014

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➤ Updated current year's BU record(s) in WIN to reflect info from this report.

DATE: 8/24/15

INITIALS: [Signature]

Inspected by: [Signature]
[Signature]

Date: 7/26/15
8/8/15

Exhibit "I"



CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coird.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

January 30, 2014

Patron ID: 1143

Marla Lynn Gibson Trust
PO Box 220
Terrebonne, OR 97760

RE: Irrigation Water Rights appurtenant to Tax Map # 141311D000801

Dear Patron,

The 2013 irrigation season has come to an end, and with that, the District has completed its annual survey of beneficial use of all water rights within our District. It appears that the 1.25 acre water right on the above-noted property *may not* have been fully used since the 2011 irrigation season. If you feel you have fully used your entire water right in 2013, you may disregard this letter. *This letter is meant for informational purposes only, it is not a notice of action to confiscate or cancel water rights.*

I am sending this letter to you to inform you of the State's requirements for beneficial use of water rights, and to provide options that may be available to you if you do not wish to use the full water right in 2014. Please keep in mind as you read this letter and review the enclosed information that your water right is not in jeopardy of being confiscated for non-use at this time. The District is providing this letter as a courtesy to help keep you up-to-date on the status of the water right, and to help you make a well-informed decision on what you would like to do with it in the future.

Oregon Water Resources Dept (OWRD) enforces water right laws for the State of Oregon. The law (Oregon Revised Statutes and Oregon Administrative Rules) requires that water rights be fully exercised on land 1 year out of every 5 years. The 5-year time period is not based on years of ownership (if you just purchased the property), rather it is based on the actual use of the water on the land itself, counting forward from the last reported year of full use.

Please consider how you wish to use your water right in the upcoming years. The preferred choice is to fully use the water on the ground. If you do not wish to or are unable to do this, there are other options available, such as:

- OWRD will allow you to temporarily lease your water right back into the Deschutes River and credit you with beneficial use (leasing instream is considered the same as applying the water to the ground). This benefits you by not having to irrigate, and benefits the river by increasing the flow. The District will accept requests for instream lease applications for the upcoming irrigation season from any interested party through February 15th. *Please note that requests to lease for the 2014 irrigation season will not be accepted after February 15, 2014.*

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Exhibit "J"

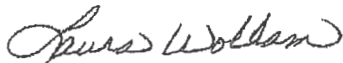
- If you have a portion of your property that is difficult to irrigate, you may want to consider transferring that part of your water right to another area on your property.
- If you have a portion of your property that is difficult to irrigate, you may also consider selling that portion of your water right.

The District will work with you in every way we can to protect the water right now and in the future. Please review the enclosed beneficial use information sheet for further information on these and other options that may be available to you.

I have also enclosed an aerial photo showing where your mapped water rights are located. Full beneficial use of a water right means that you have irrigated and grown something non-native in all of the mapped areas. If your water right is 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. Full beneficial use of an unmapped water right means that you have irrigated and grown something non-native on land equal to the number of acres of water right (Ex: 1 acre of water right = 1 acre of irrigated land). Please note that the aerial photo may not fully represent your irrigation habits for the full 2013 irrigation season or show any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

If you have any questions or concerns regarding your water right and beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,



Laura Wollam
Water Use Specialist

Enc

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BENEFICIAL USE SITE REPORT – 2014

Property Owner: (#1143) Gibson, Marla
 Property Address: 9990 NE Crooked River Dr, Terrebonne

USE	BEAT	HG	TWP	RNG	SEC	QQ	TAX LOT	ACRES
IRRIG	PB3	J-6-2	14	13	11	SWSE	801	1.25

Total WR acres on TL: 1.25 ac.

- ❖ Method of irrigation (pump, flood, etc): flood
- ❖ Use (crops produced): grass
- ❖ Method used to calculate area irrigated: visual
- ❖ Number of acres beneficially used: 100
- ❖ Dated photos of beneficial use (if needed): _____

**** If partial use for current year, use aerial photo on back to mark areas as used or dry. ****

NOTES:

2nd year Partial in 2013 – 0.6 ac used.

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Send 3rd yr BU letter in 2014

➤ Updated current year's BU record(s) in WIN to reflect info from this report.

Date: 09/25/14 Initials: [Signature]

Inspected by: [Signature: Jason Neville]

Date: July 2014

P-2016-003

540.572 FORFEITURE TRANSFER

AUTHORIZED LANDS

14-13-16 SESE 00402

SHON T. DAY

RECEIVED BY OWRD

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December 19, 2016

Shon T. Day
8055 NE 1st St
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 14-13-16 SESE 402, 0.24 acres Irrigation

Dear Mr. Day,

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 19, 2016
Encl.

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR



October 3, 2016

Patron #: 1735

Shon T, Day
8055 NE 1st St
Terrebonne, OR 97760

RE: Tax Map #: 141316DD00402, 0.24 acres total Irrigation water rights
0.24 acres water rights to be confiscated in 2016

Dear Patron,

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

Certified letters were sent to you and any known security interest holders following the end of the 2015 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 2016 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 2016 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 2016.

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

Encl.

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
America's Wholesale Lender, 4500 Park Grabada, Calabasas, CA 91302

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SALEM, OR

Sent by certified mail October 3, 2016



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


RESOLUTION NUMBER: 2010 - 4
Amendment to Confiscation Policy
(Adopted 9/15/2004)

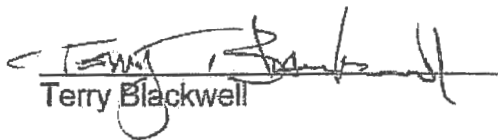
Oregon Revised Statute 540.610 and the Oregon Administrative Rules enforcing the Statute require a water right be beneficially used 1 year out of every 5 consecutive years. District policy addressing non-use of a water right shall follow ORS and OAR.


District procedures enforcing this Policy shall be updated by staff as rule changes occur.

Dated this 12th day of January, 2010:

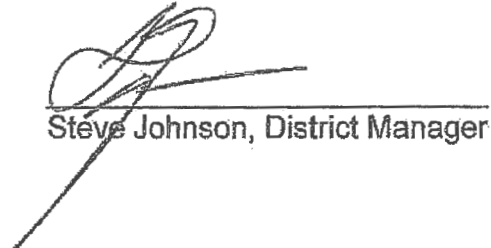

Carroll Penhollow


Paul Kasberger


Terry Blackwell


Robert Borlen


Thomas Burke


Steve Johnson, District Manager

RECEIVED BY OWRD

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SALEM, OR



October 3, 2016

America's Wholesale Lender
4500 Park Grabada
Calabasas, CA 91302

Borrower: Shon T. Day
Tax Map #: 14-13-16 DD 00402
Property Address: 8055 NE 1st St., Terrebonne, OR 97760

RE: Notice of Transfer to Remove Water Rights Due to Nonuse

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

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 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

Encl.

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DEC 22 2016

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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 19, 2015

Patron ID: 1735

Shon Day
8055 NE 1st St
Terrebonne, OR 97760

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

RE: Tax Map #: 141316DD00402 - 0.24 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. With that we want to work together with you, our patrons, to preserve this precious resource. The 2015 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* or *all* 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, they are as follows:

1. You must use the full water right on the ground exactly as it is mapped during the 2016 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2016 season (the District will accept requests for temporary lease applications through February 15, 2016). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) or
3. Transfer the unused water.

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2016 season by filing a petition with OWRD to transfer the 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

T 12545

water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2016 (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). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all of your water right at any time since 2012, please present the evidence to our office within 30 days from the date of this letter.

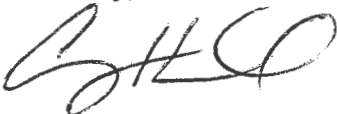
I have enclosed an aerial photo taken June 25, 2015 showing where your mapped water rights are located. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the aerial photo may not fully represent your irrigation habits for the full 2015 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2016; your 2016 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns please contact Kelley Hamby or Leslie Clark at 541-548-6047 or by email to: lesliec@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,



Craig Horrell
Manager

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
America's Wholesale Lender 4500 Park Granada, Calabasas, CA 91302

Sent by certified mail October 19, 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 20, 2015

America's Wholesale Lender
4500 Park Granada
Calabasas CA 91302

Loan # / Property Address: 8055 1st St, 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 or Kelley Hamby at 541-548-6047 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Rights Manager

Enc

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T 12545



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

November 19, 2014

Patron ID: 1735

Shon Day
8055 NE 1st St
Terrebonne, OR 97760

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

RE: Tax Map #: 141316DD00402 - 0.24 acres total Irrigation Water Rights

Dear Patron,

The 2014 irrigation season has come to an end, and with that, the District has completed its yearly review of beneficial use of all water rights within our District.

It has been reported that all or a portion of the water right on the above-noted property has not been beneficially used for the last 3 consecutive years. For example, if you have a 1 acre water right and you did not use any of the water beneficially in the last 3 years, then the water right has been reported dry. If you beneficially used 0.5 acre of the 1 acre water right, then the water right has been reported as partially used with credit for the 0.5 acre of beneficial use, and 0.5 acre being dry. I am bringing this to your attention at this time to encourage you to protect your water rights in the future.

Oregon Water Resources Dept. (OWRD) enforces water right laws for the State of Oregon. The law requires that water rights be fully used on land 1 year out of every 5 years. The 5-year time period is not based on years of ownership, but on the beneficial use of the water right on the appurtenant land itself, counting forward from the last reported year of full use. For further information on this requirement please refer to the following Oregon Revised Statute:

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.

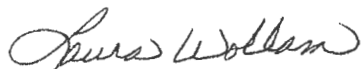
Please consider how you wish to use your water right through the next irrigation season. The preferred choice is to fully use the water on the ground. If you do not wish to or are unable to do this, there are other options available. Please review the enclosed beneficial use information sheet for information on the options that may be available to you. The District will work with you in every way we can to protect your water right.

T 12545

I have also enclosed an aerial photo showing where your mapped water rights are located. Full beneficial use of a water right means that you have irrigated and grown something non-native in all of the mapped areas. If your water right is 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. Full beneficial use of an unmapped water right means that you have irrigated and grown something non-native on land equal to the number of acres of water right (Ex: 1 acre of water right = 1 acre of irrigated land). Please note that the aerial photo may not fully represent your irrigation habits for the full 2014 irrigation season or show any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns please contact me at 541-504-7577 or lauraw@coid.org so that we can discuss your available options.

Sincerely,



Laura Wollam
Water Use Specialist

Enc

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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

January 30, 2014

Patron ID: 1735

Shon T. Day
8055 NE 1st St
Terrebonne, OR 97760

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

RE: Irrigation Water Rights appurtenant to Tax Map # 141316DD00402

Dear Patron,

The 2013 irrigation season has come to an end, and with that, the District has completed its annual survey of beneficial use of all water rights within our District. It appears that the 0.24 acre water right on the above-noted property *may not* have been fully used since the 2011 irrigation season. If you feel you have fully used your entire water right in 2013, you may disregard this letter. *This letter is meant for informational purposes only, it is not a notice of action to confiscate or cancel water rights.*

I am sending this letter to you to inform you of the State's requirements for beneficial use of water rights, and to provide options that may be available to you if you do not wish to use the full water right in 2014. Please keep in mind as you read this letter and review the enclosed information that your water right is not in jeopardy of being confiscated for non-use at this time. The District is providing this letter as a courtesy to help keep you up-to-date on the status of the water right, and to help you make a well-informed decision on what you would like to do with it in the future.

Oregon Water Resources Dept (OWRD) enforces water right laws for the State of Oregon. The law (Oregon Revised Statutes and Oregon Administrative Rules) requires that water rights be fully exercised on land 1 year out of every 5 years. The 5-year time period is not based on years of ownership (if you just purchased the property), rather it is based on the actual use of the water on the land itself, counting forward from the last reported year of full use.

Please consider how you wish to use your water right in the upcoming years. The preferred choice is to fully use the water on the ground. If you do not wish to or are unable to do this, there are other options available, such as:

- OWRD will allow you to temporarily lease your water right back into the Deschutes River and credit you with beneficial use (leasing instream is considered the same as applying the water to the ground). This benefits you by not having to irrigate, and benefits the river by increasing the flow. The District will accept requests for instream lease applications for the upcoming irrigation season from any interested party through February 15th. *Please note that requests to lease for the 2014 irrigation season will not be accepted after February 15, 2014.*

T 12545

- If you have a portion of your property that is difficult to irrigate, you may want to consider transferring that part of your water right to another area on your property.
- If you have a portion of your property that is difficult to irrigate, you may also consider selling that portion of your water right.

The District will work with you in every way we can to protect the water right now and in the future. Please review the enclosed beneficial use information sheet for further information on these and other options that may be available to you.

I have also enclosed an aerial photo showing where your mapped water rights are located. Full beneficial use of a water right means that you have irrigated and grown something non-native in all of the mapped areas. If your water right is 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. Full beneficial use of an unmapped water right means that you have irrigated and grown something non-native on land equal to the number of acres of water right (Ex: 1 acre of water right = 1 acre of irrigated land). Please note that the aerial photo may not fully represent your irrigation habits for the full 2013 irrigation season or show any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

If you have any questions or concerns regarding your water right and beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,



Laura Wollam
Water Use Specialist

Enc

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P-2016-003

540.572 FORFEITURE TRANSFER

AUTHORIZED LANDS

14-13-34 SWSW 01600

CHANI C. HAYNES

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

T 12545



December 19, 2016

Chani C. Haynes
3276 NW Canal Blvd
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 14-13-34 SWSW 1600, 0.30 acres Irrigation

Dear Ms. Haynes,

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

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 19, 2016
Encl.



October 3, 2016

Patron #: 1091

Chani C, Haynes
3276 NW Canal Blvd
Redmond, OR 97756

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

RE: Tax Map #: 1413340001600, 2.0 acres total Irrigation water rights
0.30 acres water rights to be confiscated in 2016

Dear Patron,

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

Certified letters were sent to you and any known security interest holders following the end of the 2015 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 2016 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 2016 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 2016.

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.



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,

RECEIVED BY OWRD

Craig Horrell
District Manager

DEC 22 2016

SALEM, OR

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
Countrywide Home Loans, 4500 Park Granada MSN# SVB-314, Calabasas, CA 91302

Sent by certified mail October 3, 2016



CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

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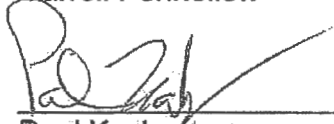
RESOLUTION NUMBER: 2010 - 4
Amendment to Confiscation Policy
(Adopted 9/15/2004)

Oregon Revised Statute 540.610 and the Oregon Administrative Rules enforcing the Statute require a water right be beneficially used 1 year out of every 5 consecutive years. District policy addressing non-use of a water right shall follow ORS and OAR.

District procedures enforcing this Policy shall be updated by staff as rule changes occur.

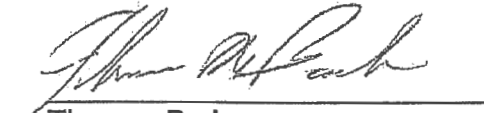
Dated this 12th day of January, 2010:


Carroll Penhollow


Paul Kasberger


Terry Blackwell


Robert Borlen


Thomas Burke


Steve Johnson, District Manager

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DEC 22 2016

SALEM, OR



October 3, 2016

Countrywide Home Loans
4500 Park Granada MSN# SVB-314
Calabasas, CA 91302

Borrower: Chani C. Haynes
Tax Map #: 14-13-34 00 01600
Property Address: 3276 NW Canal Blvd, Redmond, OR 97756

RE: Notice of Transfer to Remove Water Rights Due to Nonuse

Please find enclosed a copy of the 5th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

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 541-504-7576 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Right Manager

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DEC 22 2016

SALEM, OR

Encl.

KelleyHamby

From: KelleyHamby
Sent: Wednesday, September 28, 2016 3:04 PM
To: 'Haynes, Chani'
Cc: CaryPenhollow
Subject: RE: Beneficial Use Pasture
Attachments: Haynes.jpg

Chani,

We will make one more site visit to determine what portion of the pasture water right met beneficial use standards this season. We will compare that to our records over the past five years to determine which areas have, or have not been used over the five-year time period. Any areas that did not meet beneficial use standards will be confiscated by the District in order to protect the water right.

Right now my best guess would be that there's about a half-acre at risk. I have attached a photo I took about two weeks ago. It was taken at approximately the halfway point of the pasture along the southern fence-line and looks toward the northeast. Most of the area in the photo is dry and will not meet beneficial use requirements. We will have to rely on previous use records to determine which areas have been used according to the laws of the State.

Kelley Hamby

From: Haynes, Chani [mailto:Chani.Haynes@kniferiver.com]
Sent: Thursday, September 22, 2016 11:07 AM
To: KelleyHamby <Khamby@coid.org>
Subject: RE: Beneficial Use Pasture
Importance: High

Good Morning Kelley,

I wanted to touch bases about my pasture. I've made some improvements in my pasture in hopes of being able to retain my water rights. We're fast approaching October so I wanted to check in to see if I've done enough on the water rights. There are a few areas which I couldn't mow because the pasture was too wet in those areas. Once the water is off I intend to continue mowing and complete ditch clean up.

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SEP 22 2016
SALEM, OR

I haven't bought any animals as I really don't have the resources at this time to attend to cattle, horses, etc..

Please let me know what else if anything else I need to do to retain my water rights.

Thank you,

Chani

From: KelleyHamby [mailto:Khamby@coid.org]
Sent: Tuesday, August 02, 2016 9:49 AM
To: Haynes, Chani
Subject: RE: Beneficial Use Pasture

T 12545

*** This is an EXTERNAL email. Exercise caution. ***

Chani,

The State laws insist that all water rights be used once every five years "beneficially" – for crop, pasture, or landscape – additionally the water needs to be actively used on a plant that would not grow without applied water. We show this two acre parcel as having had it's last full use in 2011, which is why time is now such an issue. If the water doesn't meet beneficial use standards by the end of this season, we will be forced to confiscate portion of it at a District level in order to protect the water right for future use within the district.

I'm sorry you didn't receive the certified letter, that would have given you a much better head start on solving the problem. Hopefully you can get things up and running by the end of irrigation season.

Again, if there's any assistance we can lend, please let us know.

Kelley Hamby

From: Haynes, Chani [<mailto:Chani.Haynes@kniferiver.com>]
Sent: Monday, August 01, 2016 2:05 PM
To: KelleyHamby <Khamby@coid.org>
Subject: Beneficial Use Pasture

Hi Kelley,

I wanted to let you know that I received your email and wasn't aware of these issues. I've had the property since 1989 and have never been contacted regarding the property use until now. I did not know that limited use of the property would constitute confiscation of my water rights. I will do what I can to get the necessary equipment to mow and clean the ditches as you mentioned.

Chani Haynes

Estimator
541-388-0445



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DEC 22 2016

SALEM, OR

KelleyHamby

From: KelleyHamby
Sent: Monday, August 01, 2016 11:47 AM
To: 'chanihaynes@gmail.com'
Subject: Beneficial Use - 2.0 acre pasture

Ms. Haynes,

In the fall of last year Central Oregon Irrigation District attempted to contact you via certified mail to alert you to a beneficial use issue regarding the 2.00 acre water right on the pasture to the SE of your property on Canal Blvd. Our records indicate only partial use over the last several years, exposing a portion of your water right to District confiscation at the end of the 2016 irrigation season.

A recent inspection of the property showed no active irrigation and little beneficial use of the field. In order to avoid confiscation of water rights, we need to be able to prove that you are actively irrigating your pasture and that it is growing non-native vegetation for the purpose of grazing, crop, or landscape. Any areas of the water right that have not met those criteria in the last 5 years will likely be confiscated at the conclusion of the irrigation season.

I would encourage you take measures such as cleaning the ditch that serves your property, mowing down cheat and other weeds, and over-seeding if necessary. Additionally, the pasture needs to be used in some manner, grazing or bailing the crop for feed for example.

We will be inspecting the property again before the end of the year to make our final determination on beneficial use. I encourage you to be in touch with us here at the District if you have further questions of if we can help in some way.

Sincerely,

Kelley Hamby

Kelley Hamby
Water Use Specialist
Central Oregon Irrigation District
541.504.7585
khamby@coird.org

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DEC 22 2016
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 19, 2015

RECEIVED BY OWRD

Patron ID: 1091

DEC 22 2016

Chani Haynes
3276 NW Canal Blvd
Redmond, OR 97756

SALEM, OR

RE: Tax Map #: 1413340001600 - 2 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. With that we want to work together with you, our patrons, to preserve this precious resource. The 2015 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* or *all* 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, they are as follows:

1. You must use the full water right on the ground exactly as it is mapped during the 2016 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2016 season (the District will accept requests for temporary lease applications through February 15, 2016). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) or
3. Transfer the unused water.

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2016 season by filing a petition with OWRD to transfer the 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

T 12545

water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2016 (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). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all of your water right at any time since 2012, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo taken June 25, 2015 showing where your mapped water rights are located. 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 2015 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2016; your 2016 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns please contact Kelley Hamby or Leslie Clark at 541-548-6047 or by email to: lesliec@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,



Craig Horrell
Manager

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SALEM, OR

Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301
Countrywide home loans 4500 Park Granada MSN# SVB-314, Calabasas, CA 91302-1613

Sent by certified mail October 19, 2015

T 12545

LeslieClark

Chani Hayes

From: Tokuhara, Midori <midori.tokuhara@bankofamerica.com>
Sent: Monday, November 09, 2015 7:54 AM
To: LeslieClark
Subject: 3276 NW CANAL BLVD,REDMOND OR
Attachments: 3276 NW CANAL BLVD,REDMOND OR.pdf

Property Address: 3276 NW CANAL BLVD,REDMOND OR

Hello,

Please be advised that Bank of America, N.A., successor in interest to BAC Home Loans Servicing, LP is unable to perform any work to cure code violation(s) at the property address referenced above due to the loan is current.

Thank you,

Should you have any questions, please email: codeviolations@bankofamerica.com

Thank you.

This message, and any attachments, is for the intended recipient(s) only, may contain information that is privileged, confidential and/or proprietary and subject to important terms and conditions available at <http://www.bankofamerica.com/emaildisclaimer>. If you are not the intended recipient, please delete this message.

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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 20, 2015

Countrywide home loans
4500 Park Granada MSN# SVB-314
Calabasas CA 91302-1613

Loan # / Property Address: 3276 NW Canal Blvd, Redmond OR 97756

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 or Kelley Hamby at 541-548-6047 or lesliec@coid.org.

Sincerely,

Leslie Clark
Water Rights Manager

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Enc

T 12545



CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

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November 19, 2014

RECEIVED BY OWRD

Patron ID: 1091

DEC 22 2016

Chani Haynes
3188 SW Glacier Ave
Redmond, OR 97756

SALEM, OR

RE: Tax Map #: 1413340001600 - 2 acres total Irrigation Water Rights

Dear Patron,

The 2014 irrigation season has come to an end, and with that, the District has completed its yearly review of beneficial use of all water rights within our District.

It has been reported that all or a portion of the water right on the above-noted property has not been beneficially used for the last 3 consecutive years. For example, if you have a 1 acre water right and you did not use any of the water beneficially in the last 3 years, then the water right has been reported dry. If you beneficially used 0.5 acre of the 1 acre water right, then the water right has been reported as partially used with credit for the 0.5 acre of beneficial use, and 0.5 acre being dry. I am bringing this to your attention at this time to encourage you to protect your water rights in the future.

Oregon Water Resources Dept. (OWRD) enforces water right laws for the State of Oregon. The law requires that water rights be fully used on land 1 year out of every 5 years. The 5-year time period is not based on years of ownership, but on the beneficial use of the water right on the appurtenant land itself, counting forward from the last reported year of full use. For further information on this requirement please refer to the following Oregon Revised Statute:

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.

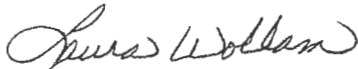
Please consider how you wish to use your water right through the next irrigation season. The preferred choice is to fully use the water on the ground. If you do not wish to or are unable to do this, there are other options available. Please review the enclosed beneficial use information sheet for information on the options that may be available to you. The District will work with you in every way we can to protect your water right.

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I have also enclosed an aerial photo showing where your mapped water rights are located. Full beneficial use of a water right means that you have irrigated and grown something non-native in all of the mapped areas. If your water right is 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. Full beneficial use of an unmapped water right means that you have irrigated and grown something non-native on land equal to the number of acres of water right (Ex: 1 acre of water right = 1 acre of irrigated land). Please note that the aerial photo may not fully represent your irrigation habits for the full 2014 irrigation season or show any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns please contact me at 541-504-7577 or lauraw@coid.org so that we can discuss your available options.

Sincerely,



Laura Wollam
Water Use Specialist

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P-2016-003

540.572 FORFEITURE TRANSFER

AUTHORIZED LANDS

17-12-13 SWNE 00108

JIM & TRACY DUNCAN, TRUSTEES

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SALEM, OR

T 12545



October 3, 2016

Patron #: 4309

Jim & Tracy Duncan, Trustees
21878 Repine Dr
Bend, OR 97701

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

RE: Tax Map #: 1712130000108, 2.0 acres total Irrigation water rights
0.40 acres water rights to be confiscated in 2016

Dear Patron,

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

Certified letters were sent to you and any known security interest holders following the end of the 2015 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 2016 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 2016 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 2016.

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.



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

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

Sent by certified mail October 3, 2016



CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

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RESOLUTION NUMBER: 2010 - 4 Amendment to Confiscation Policy (Adopted 9/15/2004)

Oregon Revised Statute 540.610 and the Oregon Administrative Rules enforcing the Statute require a water right be beneficially used 1 year out of every 5 consecutive years. District policy addressing non-use of a water right shall follow ORS and OAR.


District procedures enforcing this Policy shall be updated by staff as rule changes occur.

Dated this 12th day of January, 2010:



Carroll Penhollow


Paul Kasberger


Terry Blackwell


Robert Borlen


Thomas Burke


Steve Johnson, District Manager

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SALEM, OR

KelleyHamby

From: KelleyHamby
Sent: Monday, July 25, 2016 10:41 AM
To: 'Tracy Duncan'
Cc: LeslieClark
Subject: RE: Beneficial Use Map

Tracy,

Thank you for the heads up. I would expect to start receiving certified letters toward the end of this year. I will make a note of your decision to relinquish for confiscation the 0.40 acres as of the latest GPS work, and will not be returning to amend that report.

Sincerely,

Kelley Hamby

From: Tracy Duncan [mailto:cricketwood@gmail.com]
Sent: Monday, July 25, 2016 9:39 AM
To: KelleyHamby <Khamby@coid.org>
Subject: RE: Beneficial Use Map

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Thank you so much. We have decided to go with option 2...have the district confiscate .4 acres and reduce our water to 1.6 acres. Thanks, Tracy

From: KelleyHamby [mailto:Khamby@coid.org]
Sent: Monday, July 25, 2016 9:02 AM
To: Tracy Duncan
Subject: RE: Beneficial Use Map

Tracy,

COID assesses water rights as a base charge plus an assessment "per acre or portion thereof". So you will likely be paying exactly the same for 1.6 acres as you would for 2 full acres. I believe the base charge is around \$300 then the acreage is charged at \$23.00 per acre or portion of an acre.

So technically you'd be paying for 1.6 acres, but the cost would be the same as you're paying now. If you need further information, I'd encourage you to be in touch with Janet Brown in our accounting department. Janet's email is jbrown@coid.org or she can be reached through the switchboard (541) 548-6047.

Kelley Hamby

From: Tracy Duncan [mailto:cricketwood@gmail.com]
Sent: Monday, July 25, 2016 8:52 AM
To: KelleyHamby <Khamby@coid.org>
Subject: RE: Beneficial Use Map

Thank you so much. So...if we choose the 2nd option, at the end of the season, our water rights would be 1.6 acres from now on. Would we pay for 1.6 acres next year or 2 acres? Tracy

From: KelleyHamby [mailto:Khamby@coid.org]
Sent: Monday, July 25, 2016 8:05 AM
To: Tracy Duncan
Subject: RE: Beneficial Use Map

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Tracy,

SALEM, OR

It would be the District's preference that you use your full water right of 2.0 acres this year in order to protect the water right moving forward. If you were able to get the full two acres irrigated this year we can put you on a program moving forward where we allow you to lease back a portion of the water every five years. This instream lease program would allow you to maintain the full water right, while allowing you to irrigate only the portions of your property that you're interested in irrigating. However, for that to be a possibility the full 2.0 acres must be brought in to compliance this year.

Below are the two options for your water right:

- 1) You irrigate a full two acres this year. By the end of the irrigation season we document full usage with photos and GPS, establishing full beneficial use. After the season is over, we meet with you to determine how much acreage you'd like to keep green, and form a plan to "Instream Lease" the balance of the water once every five years. This protects your water right moving forward, and can be repeated indefinitely over the coming years. This plan keeps the whole 2.0 acres attached to the property.
- 2) You irrigate less than two acres this year. By the end of the season we document actual usage via GPS and aerial maps to establish the acreage being used. We establish to maximum amount of water right that has been used in the past five years (via aerial maps, etc.) The District then confiscates any difference between the stated rights and the actual acreage used. Your water right will then be permanently reduced by that amount. Moving forward we will reduce the amount of water delivered by the amount confiscated.

Should you choose to reduce your water right, the easiest path for you is to simply let the District confiscate your water at the end of the season. This will happen automatically, without any action necessary on your part. However, you will receive a few registered letters along the way notifying you of the process. The District is legally obligated to send these letters, and the language in these letters may not acknowledge your awareness or participation in the process. I mention this so that you don't take the language in the letters personally.

After reading this email, and deciding how you'd like to proceed, if you'd keep me informed on your decision it would be appreciated.

Sincerely,

Kelley Hamby

From: Tracy Duncan [mailto:cricketwood@gmail.com]
Sent: Thursday, July 21, 2016 11:08 AM
To: KelleyHamby <Khamby@coid.org>
Subject: RE: Beneficial Use Map

Thank you so much. We are watering the north section of the pond so we probably just need to mow that and have you come back. Having said that, we will still be a little short. Can we just change our water to 1.8 acres? Thanks, Tracy

From: KelleyHamby [<mailto:Khamby@coid.org>]
Sent: Thursday, July 21, 2016 11:03 AM
To: cricketwood@gmail.com
Subject: Beneficial Use Map

Tracy,

Please find attached a map of your property. The black outline is your tax lot; the yellow crosshatch is the area that I walked with the GPS last week. It totals very close to 1.6 acres; your water right is 2.0 acres. The blue crosshatch indicates the 0.40 acres still needed to fully protect the water right. I have marked out that 0.40 acres to the west, and another similarly sized area to the east. These are simply for reference, as you may choose to irrigate any two acres on your property.

As per our conversation, we agreed that there was some growth to the west of the pond that had not been mowed, and has some weeds in it. I suspect that mowing will allow the grasses underneath to thrive a bit more.

If you have any further questions I will be back in the office on Monday and happy to help.

Kelley Hamby
Water Use Specialist
Central Oregon Irrigation District
541.504.7585
khamby@coid.org

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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 19, 2015

Patron ID: 4309

Jim & Tracy Joint Trust
21878 Repine Dr
Bend, OR 97701

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

RE: Tax Map #: 1712130000108 - 2 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. With that we want to work together with you, our patrons, to preserve this precious resource. The 2015 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* or *all* 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, they are as follows:

1. You must use the full water right on the ground exactly as it is mapped during the 2016 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back into the Deschutes River for the 2016 season (the District will accept requests for temporary lease applications through February 15, 2016). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) or
3. Transfer the unused water.

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2016 season by filing a petition with OWRD to transfer the 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

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water (per ORS 540.510) may be subject to cancellation by OWRD should COID be forced to file a confiscation transfer.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2016 (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). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all of your water right at any time since 2012, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo taken June 25, 2015 showing where your mapped water rights are located. 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 2015 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2016; your 2016 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns please contact Kelley Hamby or Leslie Clark at 541-548-6047 or by email to: lesliec@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,



Craig Horrell
Manager

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Enc

cc: OWRD Attn: Susan Douthit 725 Summer St NE, Ste 100 Salem, OR 97301

Sent by certified mail October 19, 2015

T 12545



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: 4309

Jim & Tracy Duncan
21878 Repine Dr
Bend, OR 97701

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

RE: Irrigation Water Rights appurtenant to Tax Map # 1712130000108

Dear Patron,

The 2014 irrigation season has come to an end, and with that, the District has completed its annual survey of beneficial use of all water rights within our District. It appears that the 2 acre water right on the above-noted property *may not* have been fully used since the 2012 irrigation season. If you feel you have fully used your entire water right in 2014, you may disregard this letter. *This letter is meant for informational purposes only, it is not a notice of action to confiscate or cancel water rights.*

I am sending this letter to you to inform you of the State's requirements for beneficial use of water rights, and to provide options that may be available to you if you do not wish to use the full water right in 2015. Please keep in mind as you read this letter and review the enclosed information that your water right is not in jeopardy of being confiscated for non-use at this time. The District is providing this letter as a courtesy to help keep you up-to-date on the status of the water right, and to help you make a well-informed decision on what you would like to do with it in the future.

Oregon Water Resources Dept (OWRD) enforces water right laws for the State of Oregon. The law (Oregon Revised Statutes and Oregon Administrative Rules) requires that water rights be fully exercised on land 1 year out of every 5 years. The 5-year time period is not based on years of ownership (if you just purchased the property), rather it is based on the actual use of the water on the land itself, counting forward from the last reported year of full use.

Please consider how you wish to use your water right in the upcoming years. The preferred choice is to fully use the water on the ground. If you do not wish to or are unable to do this, there are other options available, such as:

- OWRD will allow you to temporarily lease your water right back into the Deschutes River and credit you with beneficial use (leasing instream is considered the same as applying the water to the ground). This benefits you by not having to irrigate, and benefits the river by increasing the flow. The District will accept requests for instream lease applications for the upcoming irrigation season from any interested party through February 15th. *Please note that requests for an instream lease review and application for the 2015 irrigation season will not be accepted after February 15, 2015.*

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- If you have a portion of your property that is difficult to irrigate, you may want to consider transferring that part of your water right to another area on your property.
- If you have a portion of your property that is difficult to irrigate, you may also consider selling that portion of your water right.

The District will work with you in every way we can to protect the water right now and in the future. Please review the enclosed beneficial use information sheet for further information on these and other options that may be available to you.

I have also enclosed an aerial photo showing where your mapped water rights are located. Full beneficial use of a water right means that you have irrigated and grown something non-native in all of the mapped areas. If your water right is 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. Full beneficial use of an unmapped water right means that you have irrigated and grown something non-native on land equal to the number of acres of water right (Ex: 1 acre of water right = 1 acre of irrigated land). Please note that the aerial photo may not fully represent your irrigation habits for the full 2014 irrigation season or show any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken. The date the photo was taken is indicated on the map.

If you have any questions or concerns regarding your water right and beneficial use, please contact me at 541-504-7577 or lauraw@coid.org.

Sincerely,



Laura Wollam
Water Use Specialist

Enc

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