



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Application for District Permanent Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to the application is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml#app_criteria_review.

Change in Place of Use Only

1A. APPLICANT INFORMATION

IRRIGATION DISTRICT West Extension Irrigation District		PHONE NO. (541) 922-3814	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 100		FAX NO.	
CITY Irrigon	STATE OR	ZIP 97844	E-MAIL bbridge@oregontrail.net
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

1B. AGENT INFORMATION

AGENT/BUSINESS NAME Molly Reid, EA Engineering, Science, & Technology, Inc.		PHONE NO. (541) 310-7264	ADDITIONAL CONTACT NO.
ADDRESS 8019 W. Quinault Avenue, Suite 201		FAX NO.	
CITY Kennewick	STATE WA	ZIP 99336	E-MAIL mreid@eaest.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

2. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Certificate	Permit / Previous Transfer	Decree
1.	87799	S -45999	
2.			
3.			RECEIVED BY OWRD
4.			
5.			DEC 22 2017
6.			

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3. ATTACHMENTS

Check each of the following **attachments** included with this application. The application will be returned if all required attachments are not included.

<p>Supplemental Form A –</p> <p>Description of Proposed Change(s) to a Water Right</p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p>Map</p> <p><input checked="" type="checkbox"/> Permanent Transfer A map meeting the requirements of OAR 690-385-3300 must be included but need not be prepared by a Certified Water Right Examiner (CWRE).</p>	<p>Fees:</p> <p><input checked="" type="checkbox"/> Amount enclosed: \$ _____ See the Department’s Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.</p> <p>Land Use Compatibility Statement - NA</p> <p><input type="checkbox"/> The Land Use Information Form is <u>not</u> required if water is to be diverted, conveyed and/or used only on federal lands or if <u>ALL</u> of the following apply: a) a change in place of use only, b) a change that does not involve the placement or modification of structures, c) the use of water is for irrigation only and d) the use is located within an irrigation district or an exclusive farm use zone.</p>
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4. SIGNATURES

The district certifies the following:

- (1) The water rights proposed for transfer are water rights subject to transfer and are not subject to forfeiture for nonuse under ORS 540.610;
- (2) Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district; and
- (3) On behalf of the district, I affirm to the best of my knowledge the information contained in this application is true and accurate.

Beverly J. Bridgewater Bev Bridgewater, Manager 12/19/17
 District Manager signature name (print) date

OR

Authorized District Representative signature

name (print)

date

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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District Permanent Water Right Transfer Application

Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

1. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	87799	CONFISCATED LANDS
	Certificate Number	
<input type="checkbox"/> Adjudicated, Non-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	-	Date Claim of Beneficial Use Submitted
	Permit Number	
<input type="checkbox"/> Transferred Right for which Proof has been Filed	-	Date Claim of Beneficial Use Submitted
	Previous Transfer Number	
<input type="checkbox"/> Permit for Supplemental Irrigation	-	
	Permit Number	

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- Name on Permit, Certificate, or Decree: West Extension Irrigation District

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- Priority Date(s): 1981

If there are **multiple Priority Dates** identified on the water right, any information provided in Supplemental Form A of this application must identify which priority date is associated with each of the authorized points of diversion or appropriation and places of use.

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Source(s) of Water to be Affected by Transfer: Columbia River

Tributary to: Pacific Ocean

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?

Yes No

If "Yes", what are the Permit, Registration or Certificate Numbers? 79963 – The portion of this certificate appurtenant to the FROM lands will be cancelled.

Any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled.**

- Certificate Number or other identifying number: 87799 – Confiscated Lands

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Tables I and II. Note: Permanent district transfers do not allow for a change in point of diversion or appropriation to serve the proposed place of use.

Government lot and donation land claim numbers must be included in the table below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):

(i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
4	5N	26E	23	SENE			800 feet North & 200 Feet West from E ¼ Corner, Section 23; T5N, R26E, W.M., being in the SENE

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▪ Certificate Number or other identifying number: 87799 – Confiscated Lands

Provided the district filed notice of a change in place of use pursuant to OAR 690-385-4100, reference the District Internal Notice Number (DINN) used to describe the change(s) to be made permanent by this transfer.

Government lot (GOV'T LOT) and donation land claim numbers (DLC) must be included in the tables below **only** if the information is reflected on the existing water right.

TABLE I. – AUTHORIZED PLACE OF USE												
POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION						ACRES	USER NAME	DINN	
			TWP	RNG	SEC	QQ	DLC	GOV'T LOT				TAX LOT
4	6/15/1981	IR	5N	26E	23	SWNW			1800	0.9	N.Kiesel	Confiscated Lands
4	6/15/1981	IR	5N	26E	23	SWNW			1801	1.0	N.Kiesel	Confiscated Lands
4	6/15/1981	IR	5N	26E	23	SWSE			1905	1.1	Stewart	Confiscated Lands
4	6/15/1981	IR	5N	26E	23	SWSE			1909	1.2	Cornejo/Nieto	Confiscated Lands
4	6/15/1981	IR	5N	26E	23	SWSE			1911	1.0	Cornejo/Nieto	Confiscated Lands
4	6/15/1981	IR	5N	26E	23	SWSE			1907	1.3	Torres/Vasquez	Confiscated Lands
4	6/15/1981	IR	5N	26E	24	SESW			109	0.15	Madrigal	Confiscated Lands
4	6/15/1981	IR	5N	26E	25	SWNE			2003	0.2	Vickery	Confiscated Lands
4	6/15/1981	IR	5N	26E	25	NENW			302	0.5	C.Rock	Confiscated Lands
4	6/15/1981	IR	5N	26E	25	NENW			303	0.3	C.Rock	Confiscated Lands
4	6/15/1981	IR	5N	26E	25	NENW			304	0.3	S.Rock	Confiscated Lands
4	6/15/1981	IR	5N	26E	25	NESW			1304	0.1	Fleming	Confiscated Lands
4	6/15/1981	IR	5N	26E	25	NESW			303	0.2	Cunningham	Confiscated Lands
4	6/15/1981	IR	5N	26E	26	NWNW			324	0.1	Yoder	Confiscated Lands
4	6/15/1981	IR	5N	26E	26	NWNW			325	0.3	Mendoza	Confiscated Lands
												Confiscated Lands
TOTAL:										8.65	RECEIVED BY OWRD	

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7/1/1996

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▪ Certificate Number or other identifying number: 87799 – Confiscated Lands

TABLE II. – PROPOSED PLACE OF USE												
POD / POA #	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
			TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
4	6/15/1981	IR	5N	26E	26	NWNW				306	0.30	Luna Confiscated Lands
4	6/15/1981	IR	5N	26E	26	SWNW				200	2.0	Suchy Confiscated Lands
4	6/15/1981	IR	5N	26E	26	SWNW				201	1.2	Suchy Confiscated Lands
4	6/15/1981	IR	5N	26E	26	SEnw				202	1.15	Plueard Confiscated Lands
4	6/15/1981	IR	5N	26E	26	NESW				400	3.8	McNamee Confiscated Lands
4	6/15/1981	IR	5N	26E	26	SESW				400	0.2	McNamee Confiscated Lands
										TOTAL:	8.65	

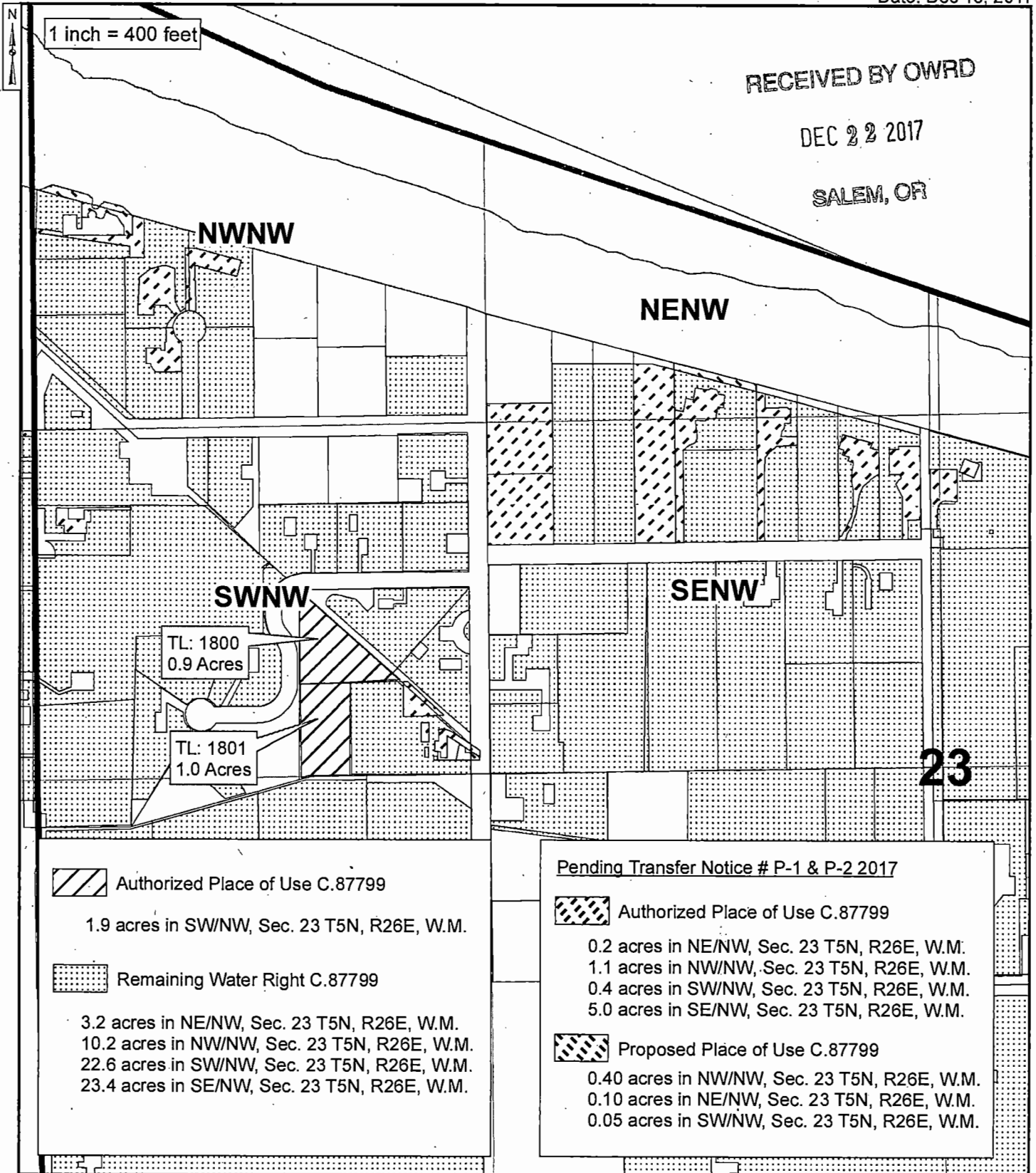
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
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2017 PERMANENT TRANSFER C.87799
 TOWNSHIP 5 NORTH, RANGE 26 EAST, WILLAMETTE MERIDIAN
 West Extension Irrigation District - Morrow County


Date: Dec 13, 2017




 Authorized Place of Use C.87799
 1.9 acres in SWNW, Sec. 23 T5N, R26E, W.M.

 Remaining Water Right C.87799
 3.2 acres in NE/NW, Sec. 23 T5N, R26E, W.M.
 10.2 acres in NW/NW, Sec. 23 T5N, R26E, W.M.
 22.6 acres in SW/NW, Sec. 23 T5N, R26E, W.M.
 23.4 acres in SE/NW, Sec. 23 T5N, R26E, W.M.

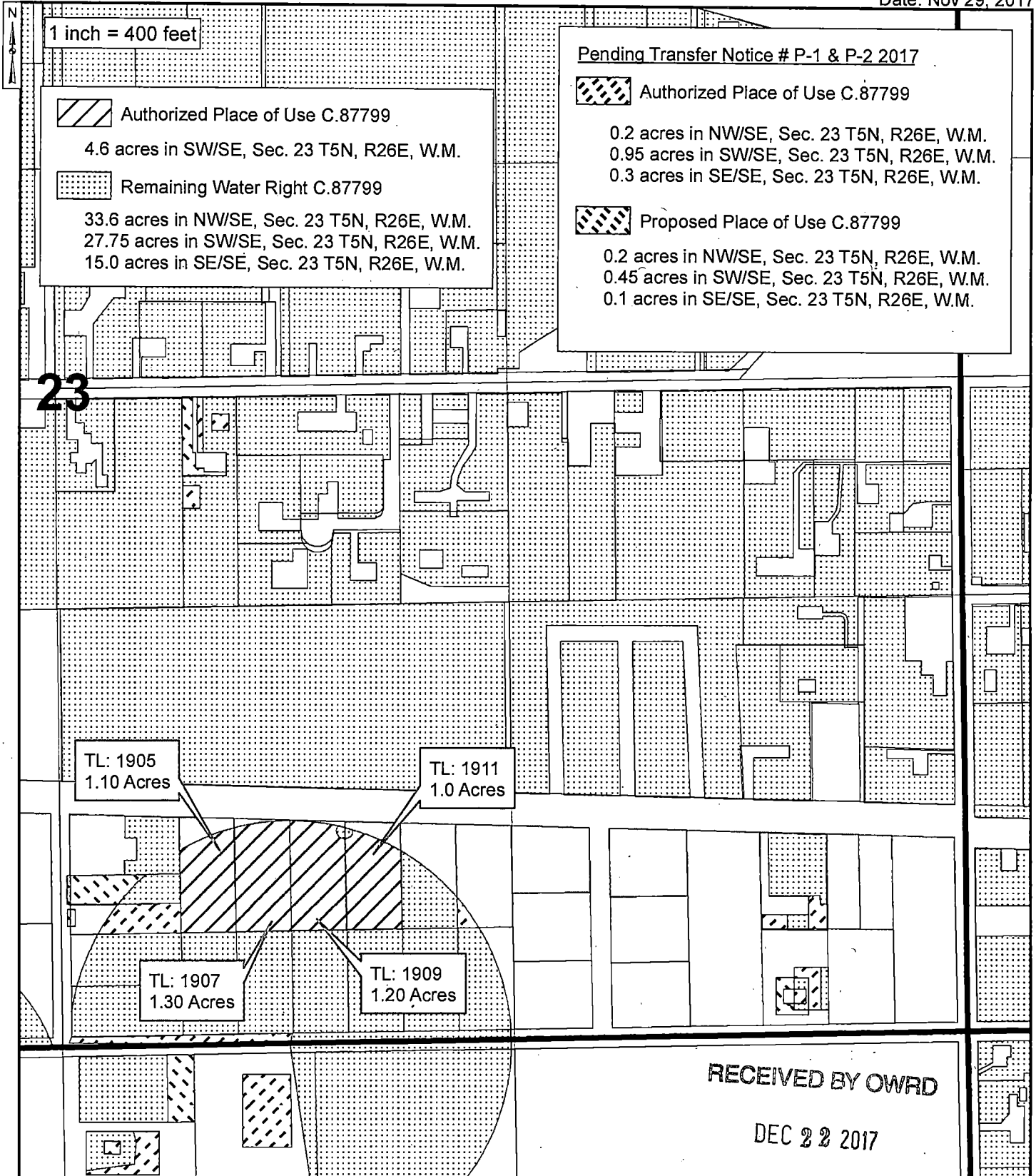
Pending Transfer Notice # P-1 & P-2 2017

 Authorized Place of Use C.87799
 0.2 acres in NE/NW, Sec. 23 T5N, R26E, W.M.
 1.1 acres in NW/NW, Sec. 23 T5N, R26E, W.M.
 0.4 acres in SW/NW, Sec. 23 T5N, R26E, W.M.
 5.0 acres in SE/NW, Sec. 23 T5N, R26E, W.M.


 Proposed Place of Use C.87799
 0.40 acres in NW/NW, Sec. 23 T5N, R26E, W.M.
 0.10 acres in NE/NW, Sec. 23 T5N, R26E, W.M.
 0.05 acres in SW/NW, Sec. 23 T5N, R26E, W.M.


2017 PERMANENT TRANSFER C.87799
 TOWNSHIP 5 NORTH, RANGE 26 EAST, WILLAMETTE MERIDIAN
 West Extension Irrigation District - Morrow County

Date: Nov 29, 2017





1 inch = 400 feet

 Authorized Place of Use C.87799
 4.6 acres in SW/SE, Sec. 23 T5N, R26E, W.M.

 Remaining Water Right C.87799
 33.6 acres in NW/SE, Sec. 23 T5N, R26E, W.M.
 27.75 acres in SW/SE, Sec. 23 T5N, R26E, W.M.
 15.0 acres in SE/SE, Sec. 23 T5N, R26E, W.M.

Pending Transfer Notice # P-1 & P-2 2017

 Authorized Place of Use C.87799
 0.2 acres in NW/SE, Sec. 23 T5N, R26E, W.M.
 0.95 acres in SW/SE, Sec. 23 T5N, R26E, W.M.
 0.3 acres in SE/SE, Sec. 23 T5N, R26E, W.M.

 Proposed Place of Use C.87799
 0.2 acres in NW/SE, Sec. 23 T5N, R26E, W.M.
 0.45 acres in SW/SE, Sec. 23 T5N, R26E, W.M.
 0.1 acres in SE/SE, Sec. 23 T5N, R26E, W.M.

23

TL: 1905
 1.10 Acres

TL: 1911
 1.0 Acres

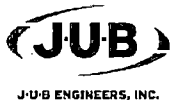
TL: 1907
 1.30 Acres

TL: 1909
 1.20 Acres

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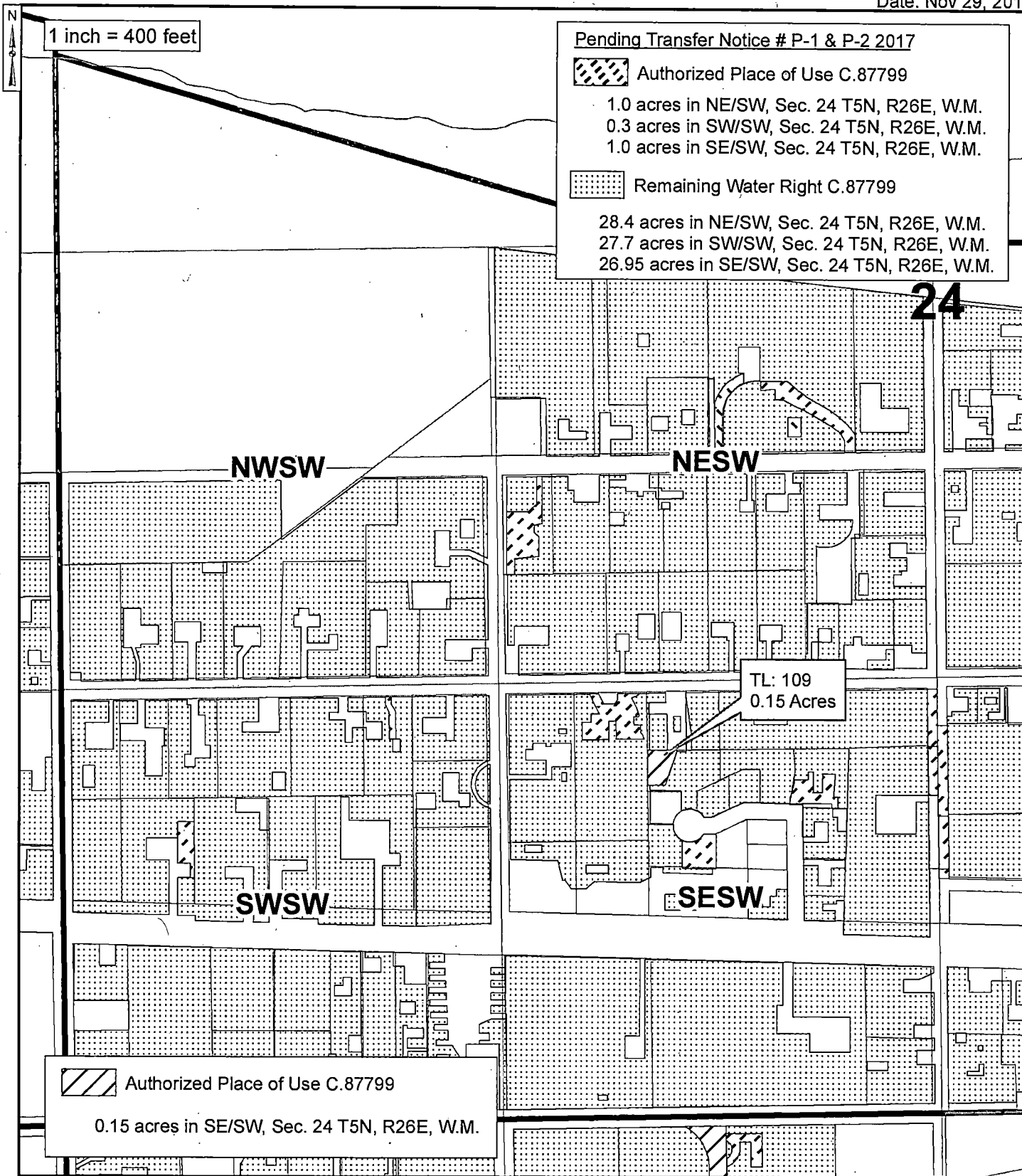


THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATED TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

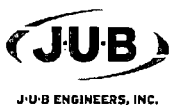
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 West Extension Irrigation District - Morrow County

Date: Nov 29, 2017



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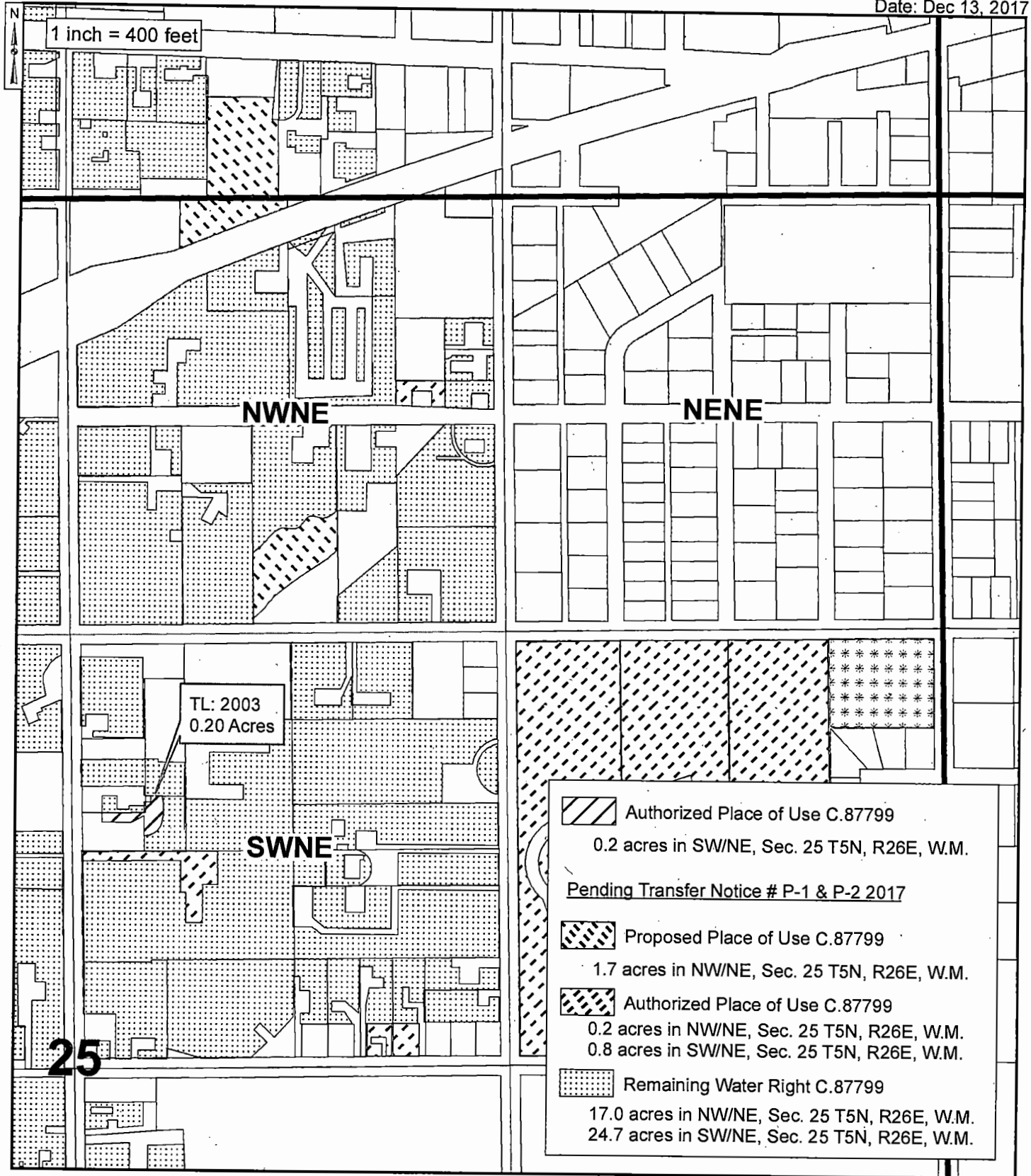
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 TOWNSHIP 5 NORTH, RANGE 26 EAST, WILLAMETTE MERIDIAN
 West Extension Irrigation District - Morrow County

Date: Dec 13, 2017



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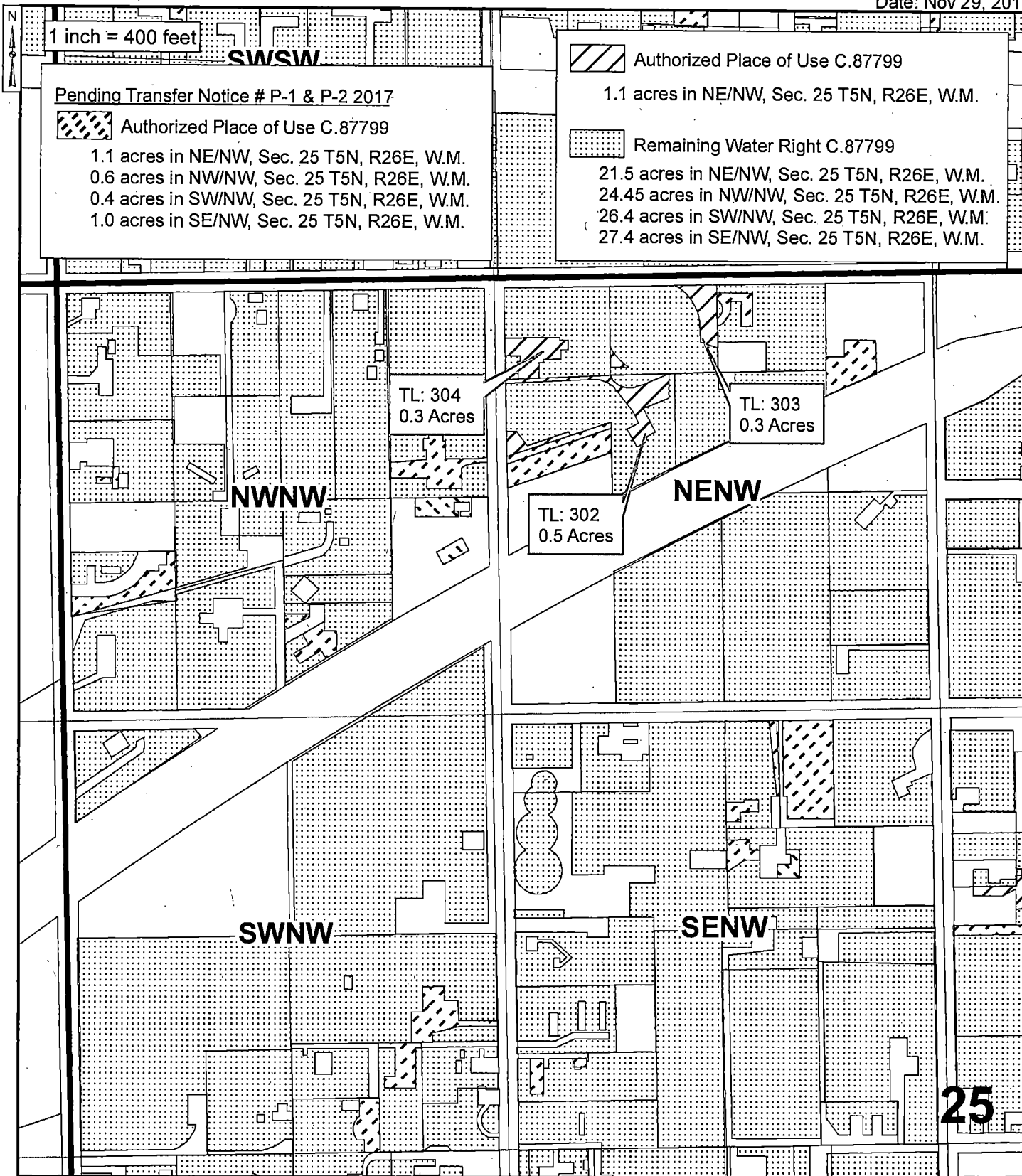
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 West Extension Irrigation District - Morrow County

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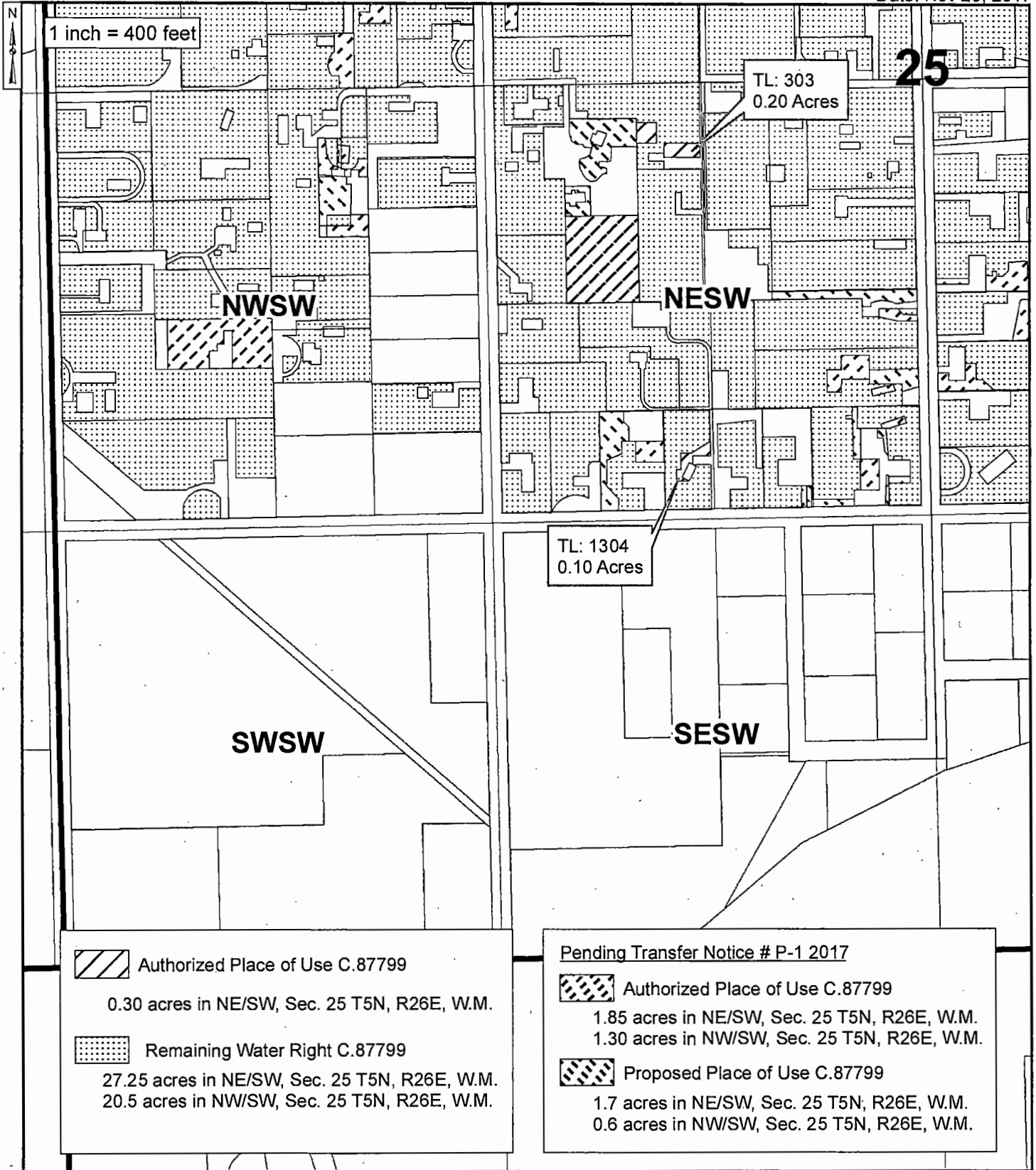
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 West Extension Irrigation District - Morrow County

Date: Nov 29, 2017



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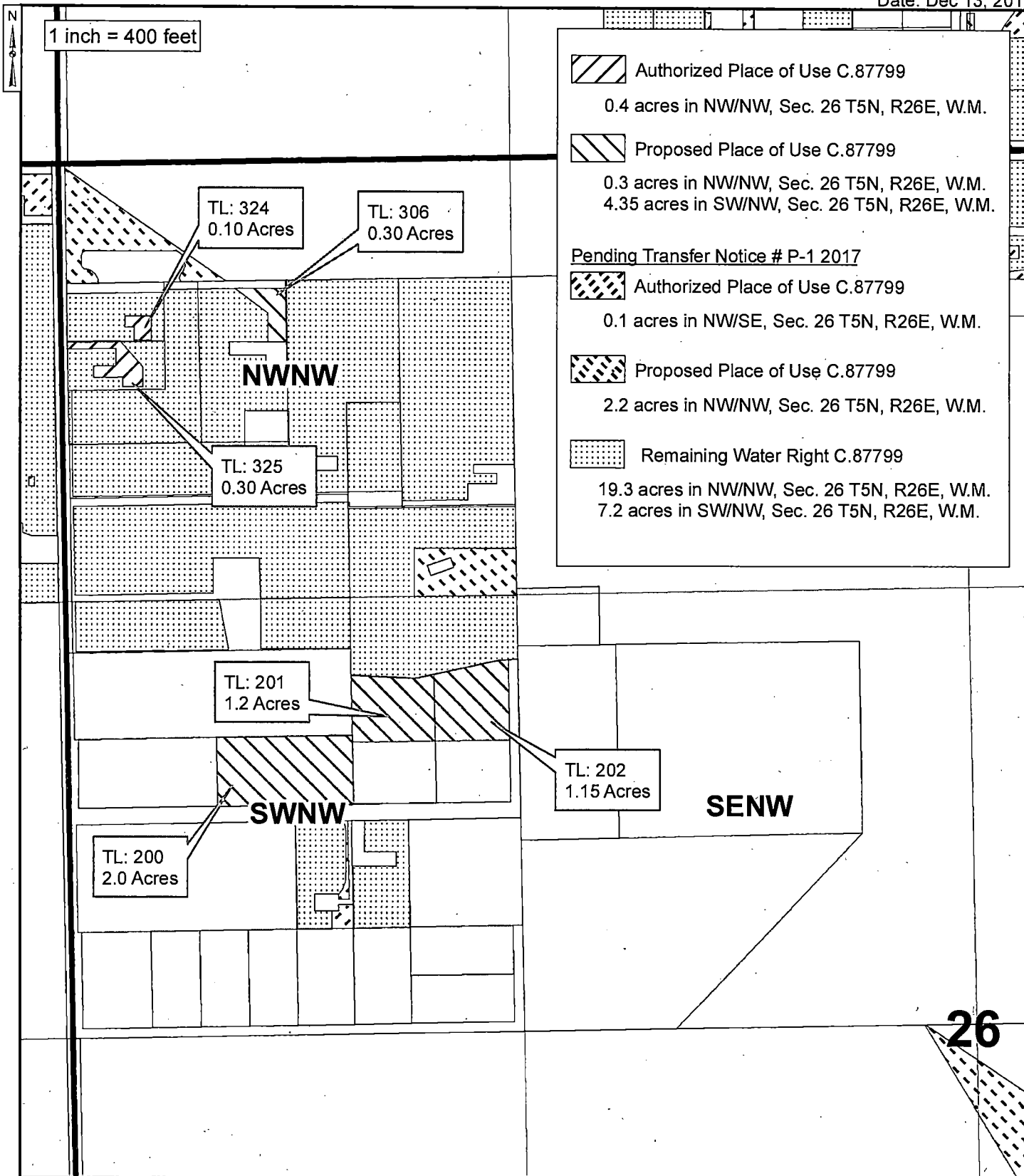
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2017 PERMANENT TRANSFER C.87799
 TOWNSHIP 5 NORTH, RANGE 26 EAST, WILLAMETTE MERIDIAN
 West Extension Irrigation District - Morrow County

Date: Dec 13, 2017



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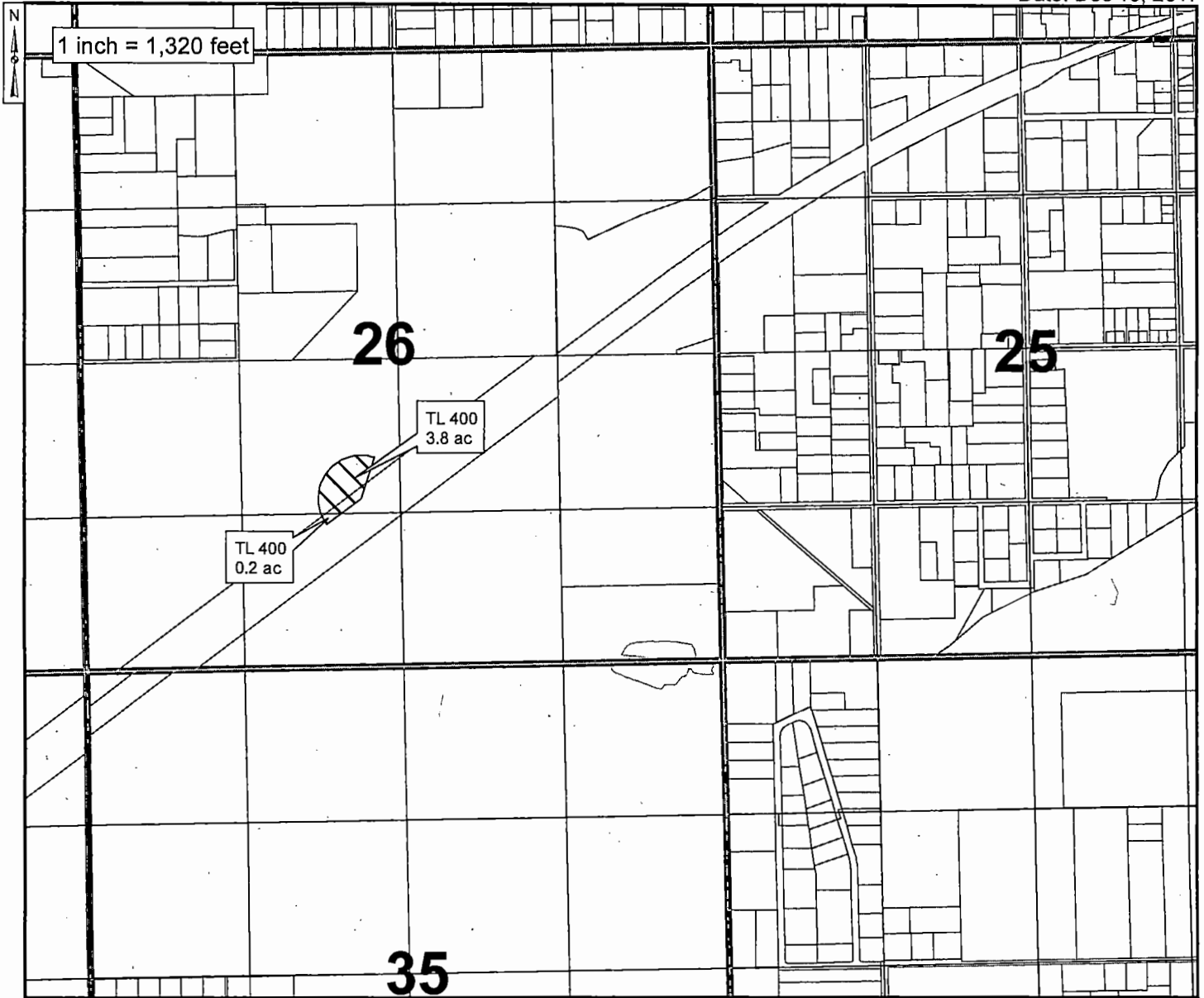
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2017 PERMANENT TRANSFER C.87799
TOWNSHIP 5 NORTH, RANGE 26 EAST, WILLAMETTE MERDIAN
West Extension Irrigation District - Morrow County

Date: Dec 13, 2017



 Proposed Place of Use C.87799
3.8 acres in NE/SW Sec. 26, T5N R26E, W.M.
0.2 acres in SE/SW Sec. 26, T5N R26E, W.M.

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540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 23 SWNW 1800/1801

NORMAN/DEBRA KIESEL

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West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Norman & Debra Kiesel
570 Walnut St.
Lebanon, OR 97355

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2623B 1800 & 1801
1.90 acres of irrigation

Dear Mr. and Mrs. Kiesel:

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 reasonable 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.

Best regards,

Lisa M Baum

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____



Postage	
\$ _____	
Total Postage and Fees	
\$ _____	

Sent To Norman Kiesel
Street and Apt. No. Debra Kiesel
 570 Walnut St.
City, State, ZIP+4 Lebanon, OR 97355

PS Form 3800, April 2012

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West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Norman & Debra Kiesel
570 Walnut St.
Lebanon, OR 97355

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RE: Map/Tax Lot#: 5N2623B 1800 & 1801
Total Irrigated Acres: 1.90
Acres to be Confiscated: 1.90

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Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,

Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail October 24, 2017.

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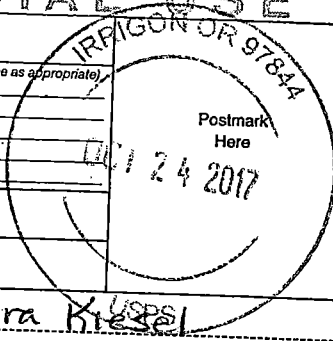
7015 1520 0002 2368 5524

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To
Norman + Debra Kiesel
Street and Apt. No., or PO Box No.
570 Walnut St.
City, State, ZIP+4®
Lebanon, OR 97355

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Norman + Debra Kiesel
570 Walnut St.
Lebanon, OR 97355



9590 9402 2838 7069 5994 97

2. Article Number (Transfer from service label)

7015 1520 0002 2368 5524

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Steve Parnian Agent Addressee

B. Received by (Printed Name)
Steve Parnian

C. Date of Delivery
10-27-17

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

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/6/2017

Norman and Debra Kiesel
570 Walnut Street
Lebanon, OR 97355

Re: Water rights – 5N2623B 1800 & 1801

Dear Norman & Debra:

I understand you contacted our office recently and were aware of the irrigation water situation on your property in Irrigon. This letter clarifies the situation. Oregon water law requires water to be put to beneficial use at least one year out of every five. See the enclosed informational sheet "Oregon Water Law Questions and Answers" and/or refer to OAR Chapter 385.

The District received the water right certificate for the Columbia River water in Irrigon in 2012. Thus, the first year of "non-use" would be 2013.

Because this is a potential legal action of **PERMANENT WATER RIGHT TRANSFER DUE TO NON USE**, the District is notifying you in the enclosed letter of the action it is taking.

There are options available to you:

- 1) Install irrigation on your property and irrigate in 2017.
- 2) Do an instream transfer of water for 2017.
- 3) Apply to temporarily transfer the water right off your property for 2017.

Please look over this letter and contact us right away if you disagree or want to consider any of the other options.

Thank you very much.

A handwritten signature in black ink that reads "Bev Bridgewater". The signature is written in a cursive, flowing style.

Bev Bridgewater
District Manager

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

Encl. Notice of Permanent transfer due to non-use
Map, Instream lease and temporary transfer information

T 12809

10/17 NO signs of irrigation



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Norman & Debra Kiesel
570 Walnut Street
Lebanon, OR 97355

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N 26 23B #1800 & 1801
Assessed Acres of Water Rights: 1.90
Use of Water Rights: Irrigation

RECEIVED BY OWRD

DEC 22 2017

Acres of Water Rights to be Transferred: 1.90

SALEM, OR

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly upon us, 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back in an in-stream lease for the 2017 season (the District will accept requests for temporary lease applications

T 12809

through June 9, 2017). 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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

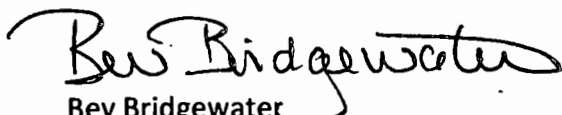
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that 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 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: bbridge@oregontrail.net 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,



Bev Bridgewater
District Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301

Security holder: Dolores Winter

Sent by certified mail March 10, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

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U.S. Postal Service™
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LEBANON, OR 97355
OFFICIAL USE

7011 0470 0000 2117 7040

Postage	\$3.35	0844
Certified Fee	\$2.75	09
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$7.01	03/10/2017

Sent To
 Norman & Debra Kiesel
 Street, Apt. No., or PO Box No. 570 Walnut St.
 City, State, ZIP+4 Lebanon, OR 97355

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
 Norman & Debra Kiesel
 570 Walnut St.
 Lebanon, OR 97355



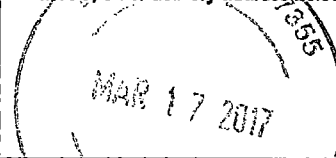
2. Article Number (Transfer from service label)
 7011 0470 0000 2117 7040

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Steve Pruvitt Addressee

B. Received by (Printed Name) C. Date of Delivery
 Steve Pruvitt

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



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

RECEIVED BY OWRD

DEC 22 2017

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SALEM, OR

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 23 SWSE 1905

THOMAS/DELORES STEWART

RECEIVED BY OWRD

DEC 22 2017

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SALEM, OR



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Thomas & Delores Stewart
P. O. Box 959
Newman Lake, WA 99025

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2623D 1905
1.10 acres of irrigation

Dear Mr. and Mrs. Stewart:

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 reasonable 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.

Best regards,

Lisa M Baum

Lisa M. Baum
Office Manager

RECEIVED BY OWRD

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

DEC 22 2017

SALEM, OR

T 12809

7015 1520 0002 2368 5708

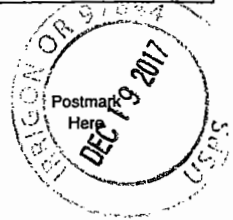
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OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	
Total Postage ar	
\$	
Sent To	Thomas Stewart
Street and Apt. N	Dolores Stewart
City, State, ZIP+	P. O. Box 959 Newman Lake, WA 99025

PS Form 3800, 11/15/16



RECEIVED BY OWRD

DEC 22 2017

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West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Thomas & Dolores Stewart
P. O. Box 959
Newman Lake, WA 99025

RECEIVED BY OWRD

RE: Map/Tax Lot#: 5N2623D 1905
Total Irrigated Acres: 1.10
Acres to be Confiscated: 1.10

DEC 22 2017

SALEM, OR

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.

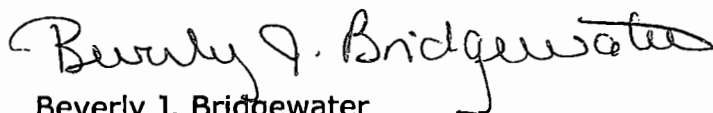
T 12809

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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,



Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail October 20, 2017.

RECEIVED BY OWRD

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SALEM, OR
† 12809

7015 1520 0002 2368 5418

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NEWMAN LAKE WA 99025

Certified Mail Fee \$3.35

Extra Services & Fees (check box, add fees as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.70

Total Postage and Fees \$6.80

Sent To: Thomas & Debora Stewart
 Street and Apt. No., or PO Box No. P.O. Box 959
 City, State, ZIP+4® Newman Lake, WA 99025

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0844 09
 OCT 20 2017
 Postmark Here
 USE
 10/20/2017

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p>X <i>Dolores J Stewart</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>Dolores J Stewart 10-24-17</p>
<p>1. Article Addressed to:</p> <p>Thomas & Debora Stewart P.O. Box 959 Newman Lake, WA 99025</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail Restr Delivery</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmatic Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmatic Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmatic Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7015 1520 0002 2368 5418</p>	<p>Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

RECEIVED BY OWRD

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West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/6/2017

Thomas and Dolores Stewart
P. O. Box 959
Newman Lake, WA 99025

Re: Water rights – 5N2623D 1905 - Notice of jeopardy

Dear Mr. and Mrs. Stewart:

While looking at water rights and irrigation in Irrigon, I notice that your property has not been irrigated in recent years. Oregon water law requires water to be put to beneficial use at least one year out of every five. See information in the enclosed newsletter or refer to Oregon Water Resources Department webpage. This puts your water rights in jeopardy for non-use.

The District received its water right certificate for the Columbia River water in Irrigon in 2012. Thus, the first year of "non-use" would be 2013.

Because this is a potential legal action of **PERMANENT WATER RIGHT TRANSFER DUE TO NON USE**, the District is notifying you in the enclosed letter of the action it is taking.

There are options available to you:

- 1) Install irrigation on your property and irrigate in 2017.
- 2) Do an instream transfer of water for 2017.
- 3) Apply to temporarily transfer the water right off your property for 2017.
- 4) Apply to permanently transfer the water right off your property.

Please look over the enclosed letter and contact us right away if you disagree or want to consider any of the other options.

Thank you very much.

A handwritten signature in cursive script that reads "Bev Bridgewater".

Bev Bridgewater, District Manager

Encl. Notice of Permanent transfer due to non-use
Map, Instream lease and temporary transfer information

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SALEM, OR

10/17- no signs of irrigation

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Thomas & Dolores Stewart
P. O. Box 959
Newman Lake, WA 99025

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N 26 23D #1905
Assessed Acres of Water Rights: 1.10
Use of Water Rights: Irrigation

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DEC 22 2017

Acres of Water Rights to be Transferred: 1.10

SALEM, OR

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly upon us, 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back in an in-stream lease for the 2017 season (the District will accept requests for temporary lease applications

T 12809

- through June 9, 2017). 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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 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 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: bbridge@oregontrail.net 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,


Bev Bridgewater
District Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: 

Sent by certified mail March 10, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

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

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NEWMAN LAKE, WA 99025
OFFICIAL USE

7011 0470 0000 2117 7101

Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.80

0844
09

Postmark
Here


03/10/2017

Sent To
 Thomas/Dolores Stewart
 Street, Apt. No. or PO Box No. P.O. Box 959
 City, State, ZIP+4
 New man lake, WA 99025
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
 Thomas/Dolores Stewart
 P.O. Box 959
 New man lake, WA
 99025



9590 9402 1855 6104 8050 36

2. Article Number (Transfer from service label)
 7011 0470 0000 2117 7101

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Dolores A Stewart Agent Address

B. Received by (Printed Name)
 Dolores J Stewart

C. Date of Delivery
 3-14-17

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

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery

Priority Mail Express®
 Registered Mail™
 Registered Mail Restrict Delivery
 Return Receipt for Merchandise
 Signature Confirmatio
 Signature Confirmatio Restricted Delivery

Restricted Delivery

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DEC 22 2017

SALEM, OR

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540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 23 SWSE 1909/1911

ABRAHAM CORNEJO
ELIDA NIETO

RECEIVED BY OWRD

DEC 22 2017

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SALEM, OR



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Abraham Cornejo & Elida Nieto
P. O. Box 207
Plymouth, WA 99346

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2623D 1909 & 1911
1.20 & 1.00 acres of irrigation

Dear Mr. Cornejo & Ms. Nieto:

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 reasonable 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.

Best regards,

A handwritten signature in black ink that reads 'Lisa M. Baum'. The signature is written in a cursive, flowing style.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

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DEC 22 2017

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SALEM, OR

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701J 1520 0002 2368 5692 2695 99E2 2000 025T 5T02

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____



Postage \$ _____

Total Postage ar \$ _____

Sent To Abraham Cornejo
Elida Nieto
69502 E. Second St.
P. O. Box 207
City, State, ZIP+4 Plymouth, WA 99346

PS Form 3800, 7-15-16

RECEIVED BY OWRD

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T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 27, 2017

Abraham Cornejo & Elida Nieto
P. O. Box 207
Plymouth, WA 99346

RE: Map/Tax Lot#: 5N2623D 1909 & 1911
Total Irrigated Acres: 1.30 & 1.10
Acres to be Confiscated: 1.20 & 1.00

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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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DEC 22 2017

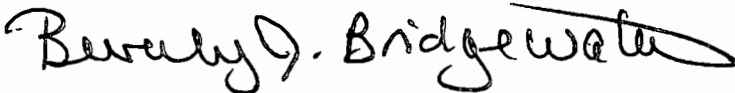
SALEM, OR

If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection ~ in writing. If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,



Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail October 30, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

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Certified Mail Fee	\$3.35	0844	07
Extra Services & Fees (check box, add fee)	\$2.75		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00		
<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00		
<input type="checkbox"/> Adult Signature Required	\$0.00		
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00		
Postage	\$0.70		
Total Postage and Fees	\$6.80		

Postmark
Here

10/30/2017

Sent to
 Abraham Cornejo & Elida Nieto
 Street and Apt. No., or PO Box No.
 P. O. Box 207
 City, State, ZIP+4®
 Plymouth, WA 99346

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1520 0002 2368 5579

West Extension Irrigation District
 P. O. Box 100
 Irrigon, OR 97844-0100

CERTIFIED MAIL®



7015 1520 0002 2368 5579

Return Service Requested



October 27, 2017

Abraham Cornejo & Elida Nieto
 P. O. Box 207
 Plymouth, WA 99346



1021



99346

U.S. POSTAGE
 PAID
 IRRIGON, OR
 97844
 OCT 30, 17
 AMOUNT
\$6.31
 R2303S101568-07

NIXIE 992 DE 1 0011/17/17

RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD

BC: 97844010000 *0329-06440-30-42

UNCL

RECEIVED BY OWRD

DEC 22 2017

T 12809

SALEM, OR



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/6/2017

Abraham Cornejo & Elida Nieto
P. O. Box 207
Plymouth, WA 99346

Re: Water rights – 5N2623D 1909 & 1911 - Notice of jeopardy

We contacted you last summer about the irrigation on your property and you responded that you would install a system and irrigate this 2017 season. Oregon water law requires water to be put to beneficial use at least one year out of every five. See information in the enclosed newsletter or refer to Oregon Water Resources Department webpage. As we mentioned in the earlier letter, this puts your water rights in jeopardy for non-use.

Because this is a potential legal action of **PERMANENT WATER RIGHT TRANSFER DUE TO NON USE**, the District is notifying you in the enclosed letter of the action it is taking.

I want you to know that there are options available to you:

- 1) Install irrigation on your property and irrigate in 2017.
- 2) Do an instream transfer of water for 2017.
- 3) Apply to temporarily transfer the water right off your property for 2017.
- 4) Apply to permanently transfer the water right off your property.

Please look over the enclosed letter and contact us right away whether you still intend to install a system and irrigate or want to consider any of the other options.

Thank you very much.

A handwritten signature in black ink that reads "Bev Bridgewater". The signature is written in a cursive, flowing style.

Bev Bridgewater, District Manager

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

Encl. Notice of Permanent transfer due to non-use
Map, Instream lease and temporary transfer information

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Abraham Cornejo & Elida Nieto
P. O. Box 207
Plymouth, WA 99346

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N 26 23D #1909 & 1911
Assessed Acres of Water Rights: 1.30 & 1.10
Use of Water Rights: Irrigation

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DEC 22 2017

Acres of Water Rights to be Transferred: 1.30 & 1.10

SALEM, OR

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly upon us, 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back in an in-stream lease for the 2017 season (the District will accept requests for temporary lease applications

through June 9, 2017). 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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 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 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: bbridge@oregontrail.net 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,


Bev Bridgewater
District Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder:

Sent by certified mail March 10, 2017.

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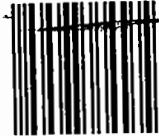
West Extension Irrigation District
P. O. Box 100
Irrigon, OR 97844-0100



Return Service Requested



Water right 7011 0470 0000 2117 7095



1000

99346

U.S. POSTAGE PAID
IRRIGON, OR 97844
MAR 10, 17
AMOUNT
\$6.31
R2303S101568-09.

Abraham Cornejo & Elida Nieto
P. O. Box 207
Plymouth, WA 99346

NIXIE

993465053-1N

04/04/17

Re: Water rights - 5N2623D 1990

RETURN TO SENDER
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RETURN TO SENDER

ESTED



7011 0470 0000 2117 7095

Sent to
Abraham Cornejo/Elida Nieto
Street, Apt. No.: P.O. Box 207
or PO Box No.
City, State ZIP+4
Plymouth, WA 99346
PS Form 3800, August 2006 See Reverse for Instructions

Postage	\$3.15	\$2.75
Certified Fee	\$0.00	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00	\$0.00
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03/10/2017

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540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 23 SWSE 1907

MARIA MAGDALENA NIETO TORRES
LUIS YESCAS VASQUEZ

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Maria Magdalene Nieto Torres
Luis Yescas Vasquez
2338 Lucretia Ave., Apt. 3
San Jose, CA 95112

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2623D 1907
1.30 acres of irrigation

Dear Ms. Nieto Torres & Mr. Yescas Vasquez:

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 reasonable 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.

Best regards,

A handwritten signature in cursive script that reads 'Lisa M. Baum'.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
Total Postage and Fees	\$ _____
Sent To	Maria Magdalena Nieto Torres
Street and Apt. No.	Luis Yescas Vasquez 2338 Lucretia Ave., Apt. 3
City, State, ZIP+4	San Jose, CA 95122
PS Form 3800, 11/15/16	



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West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Maria Magdalene Nieto Torres
Luis Yescas Vasquez
2338 Lucretia Ave., Apt. 3
San Jose, CA 95122

RECEIVED BY OWRD

RE: Map/Tax Lot#: 5N2623D 1907
Total Irrigated Acres: 1.30
Acres to be Confiscated: 1.30

DEC 22 2017

SALEM, OR

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.

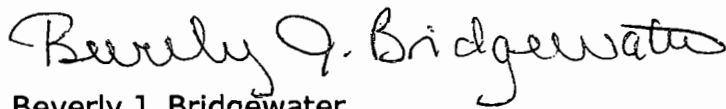
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If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection ~ in writing. If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,



Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail October 20, 2017.

RECEIVED BY OWRD

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P. O. Box 100
Irrigon, OR 97844-0100



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95122

Maria Magdalene Nieto Torres
Luis Yescas Vasquez
2338 Lucretia Ave., Apt. 3
San Jose, CA 95122

10/23

NIXIE

007 DE 1

0012/00/17

RETURN TO SENDER
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UNC

BC: 97844010000

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Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$0.70

Total Postage and Fees \$6.80

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Sort to Maria Magdalene Nieto Torres + Luis Yescas Vasquez

Street and Apt. No. or PO Box No. 2338 Lucretia Ave, Apt 3

City, State, ZIP+4® San Jose, CA 95122

Postmark Here

OCT 20 2017 10/20/2017

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SALEM, OR



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/6/2017

Maria Magdalena Nieto Torres
Luis Yescas Vasquez
2338 Lucretia Ave., Apt. 3
San Jose, CA 95122

Re: Water rights – 5N2623D 1907 - Notice of jeopardy

While looking at water rights and irrigation in Irrigon, I notice that your property has not been irrigated in recent years. Oregon water law requires water to be put to beneficial use at least one year out of every five. See information in the enclosed newsletter or refer to Oregon Water Resources Department webpage. This puts your water rights in jeopardy for non-use.

The District received its water right certificate for the Columbia River water in Irrigon in 2012. Thus, the first year of "non-use" would be 2013.

Because this is a potential legal action of **PERMANENT WATER RIGHT TRANSFER DUE TO NON USE**, the District is notifying you in the enclosed letter of the action it is taking.

There are options available to you:

- 1) Install irrigation on your property and irrigate in 2017.
- 2) Do an instream transfer of water for 2017.
- 3) Apply to temporarily transfer the water right off your property for 2017.
- 4) Apply to permanently transfer the water right off your property.

Please look over the enclosed letter and contact us right away if you disagree or want to consider any of the other options.

Thank you very much.

RECEIVED BY OWRD

A handwritten signature in cursive script that reads 'Bev Bridgewater'. The signature is written in black ink on a white background.

Bev Bridgewater, District Manager

DEC 22 2017

SALEM, OR

Encl. Notice of Permanent transfer due to non-use
Map, Instream lease and temporary transfer information

10/17 NO signs of irrigation- no meter

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Maria Magdalena Nieto Torres
Luis Yescas Vasquez
2338 Lucretia Ave., Apt. 3
San Jose, CA 95122

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N 26 23D #1907
Assessed Acres of Water Rights: 1.30
Use of Water Rights: Irrigation

RECEIVED BY OWRD

DEC 22 2017

Acres of Water Rights to be Transferred: 1.30

SALEM, OR

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly upon us, 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 2017 irrigation season (see enclosed map for location of mapped water rights);

T 12809

- through June 9, 2017). 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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

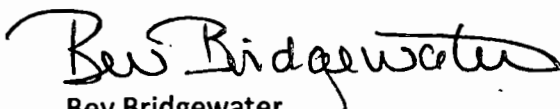
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that 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 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: bbridge@oregontrail.net 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,


Bev Bridgewater
District Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: *Ø*

Sent by certified mail March 10, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

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

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

SAN JOSE SPECIAL USE

Postage	\$3.31	0844
Certified Fee	\$2.75	09
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.81	

Postmark Here
03/10/2017

Sent to
Street, Apt. No.,
or PO Box No. 2338 Lucretia Ave., Apt. 3
City, State, ZIP+4
San Jose, CA 95122

PS Form 3800, August 2006 See Reverse for Instructions

8902 2112 0000 0240 1102

CERTIFIED MAIL™

West Extension Irrigation District
P. O. Box 100
Irrigon, OR 97844-0100

Return Service Requested



7011 0470 0000 2117 7088

Water right information enclosed

Maria Magdalena Nieto Torres
Luis Yescas Vasquez
2338 Lucretia Ave., Apt. 3
San Jose, CA 95122

3/6,



1000

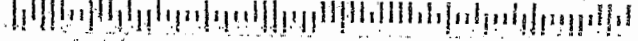
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97844
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NIXIE 957 DC 1 0004/06/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

97844401000

BC: 978444010000 *2641-04272-06-21



RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 24SESW 0109

HUMBERTO MADRIGAL

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Humberto Madrigal
540 SW. Third St.
Irrigon, OR 97844

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2624CD #0109
0.15 acres of irrigation

Dear Mr. Madrigal:

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 reasonable 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.

Best regards,

A handwritten signature in cursive script that reads 'Lisa M. Baum'.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postage

\$

Total Postage *e*

\$

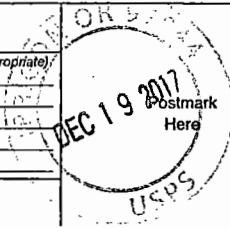
Sent To Humberto Madrigal

Street and Apt. 540 SW. Third St.

City, State, ZIP+4 Irrigon, OR 97844

PS Form 3800, 11/15/16

9295 P922 2000 0002 236A 567A
7015 1520 0002 0002 025T 5T04



RECEIVED BY OWRD

DEC 22 2017

T 12809

SALEM, OR



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Humberto Madrigal
540 SW. Third St.
Irrigon, OR 97844

RECEIVED BY OWRD

RE: Map/Tax Lot#: 5N2624CD 0109
Total Irrigated Acres: 0.70
Acres to be Confiscated: 0.15

DEC 22 2017

SALEM, OR

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.

T 12809

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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,

Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail October 24, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

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OFFICIAL USE

2155 89E2 2000 025T 5T02

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To Humberto Madrigal	
Street and Apt. No., or PO Box No. 540 SW Third St.	
City, State, ZIP+4® Irrigon, OR 97844	

Postmark Here
24 2017

IRRIGON OR 97844

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X Adriana Sanchez</p> <p>B. Received by (Printed Name) Adriana Sanchez</p> <p>C. Date of Delivery 11/17</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Humberto Madrigal 540 SW Third St. Irrigon, OR 97844</p> <p>9590 9402 2838 7069 5995 03</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail</p>
<p>2. Article Identifier (Transfer from service label)</p> <p>7015 1520 0002 2368 5517</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/7/2017

Humberto Madrigal
540 SW Third St.
Irrigon, OR 97844

Re: Water rights – 5N2624CD 109
Possible forfeiture of rights

While looking at water rights and irrigation in Irrigon, I notice that a portion of your property located on Jewel Lane has not been irrigated in recent years. Oregon water law requires water to be put to beneficial use at least one year out of every five. See the newsletter enclosed with your bill and/or refer to OAR Chapter 385 for more information about water rights.

The District received the water right certificate for the Columbia River water in Irrigon in 2012. Thus, the first year of "non-use" would be 2013. I am enclosing a map showing areas where we have concern.

Because this is a potential legal action of **PERMANENT WATER RIGHT TRANSFER DUE TO NON USE**, the District is notifying you in the enclosed letter of the action it is taking.

Please look over this letter and contact us right away if you disagree or want to consider other options.

Thank you very much.

A handwritten signature in cursive script that reads "Bev Bridgewater". The signature is written in black ink and is positioned above the typed name of the District Manager.

Bev Bridgewater
District Manager

RECEIVED BY OWRD

DEC 22 2017

T 12809

SALEM, OR

10/17 - back corner barn, etc- needs transfer



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Humberto Madrigal
540 SW. Third Street
Irrigon, OR 97844

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N 26 24CD #0109
Assessed Acres of Water Rights: 0.70
Use of Water Rights: Irrigation

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Acres of Water Rights to be Transferred: 0.15

DEC 22 2017

Dear Patron,

SALEM, OR

One of West Extension 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 2017 irrigation season is nearly upon us, 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back in an in-stream lease for the 2017 season (the District will accept requests for temporary lease applications

T 12809

- through June 9, 2017). 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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 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 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: bbridge@oregontrail.net 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,


Bev Bridgewater
District Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: \emptyset

Sent by certified mail March 10, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

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IRRIGON, OR 97844
OFFICIAL USE

Postage	\$2.75
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.70
Total Postage & Fees	\$6.80

0844
09

Postmark
Here

03/10/2017

7011 0470 0000 2117 7194

Sent to
 Humberto Madrigal
 Street, Apt. No.,
 or PO Box No. 540 SW Third St
 City, State, ZIP+4
 Irrigon, OR 97844
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Humberto Madrigal
 540 SW Third St
 Irrigon, OR 97844



9590 9402 1855 6104 8053 40

2. Article Number (Transfer from service label)

7011 0470 0000 2117 7194

restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Adriana Sanchez Agent Addressee

B. Received by (Printed Name)

Adriana Madrigal

C. Date of Delivery

3/10/2017

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

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

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SALEM, OR

T. 12809

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 25 SWNE 2003

GAY LYNN VICKERY

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Gay Lynn Vickery
485 SW. Second St.
Irrigon, OR 97844

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2625A 2003
0.20 acres of irrigation

Dear Ms. Vickery:

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 reasonable 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.

Best regards,

A handwritten signature in cursive script that reads 'Lisa M. Baum'.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR
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Extra Services & Fees (check box, add fee as appropriate)

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|--|----|--|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | |
| <input type="checkbox"/> Adult Signature Required | \$ | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | |

Postage

\$

Total Postage and

\$

Sent To **Gay Lynn Vickery**

Street and Apt. N **485 SW. Second St.**

City, State, ZIP+4 **Irrigon, OR 97844**

PS Form 3800, 7-2016



7015 1520 0002 236A 5651
T995 99E2 2000 025T 5T02

RECEIVED BY OWRD

DEC 22 2017

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West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Gay Lynn Vickery
485 SW. Second St.
Irrigon, OR 97844

RECEIVED BY OWRD

RE: Map/Tax Lot#: 5N2625A 2003
Total Irrigated Acres: 0.60
Acres to be Confiscated: 0.20

DEC 22 2017

SALEM, OR

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.*

T 12809

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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,

Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: Quicken Loans, Escrow Dept., 1050 Woodward Ave.,
Detroit, MI 48226-1906

Sent by certified mail October 25, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR
112809

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IRRIGON, OR 97844
OFFICIAL USE

Certified Mail Fee \$3.35	0844 07
Extra Services & Fees (check box, add fees as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$2.75	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	Postmark Here
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.70	10/25/2017
Total Postage and Fees \$6.80	

Sent To
 Gay Lynn Vickery
 Street and Apt. No. or PO Box No.
 485 SW Second St.
 City, State, ZIP+4®
 Irrigon, OR 97844

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1520 0002 2368 5548

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>X Austin Wood</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Austin Wood</i> <i>10-26-17</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>												
<p>1. Article Addressed to:</p> <p><i>Gay Lynn Vickery</i> <i>485 SW Second St.</i> <i>Irrigon, OR 97844</i></p>	<p>3. Service Type</p> <table style="width: 100%; font-size: small;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center; font-weight: bold;">7015 1520 0002 2368 5548</p>													

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/7/2017

Gay Lynn Vickery
485 SW 2nd St.
Irrigon, OR 97844

Re: Water rights – 5N2625A 2003

Dear Gay Lynn:

While looking at water rights and irrigation on your property, I noticed part of it is very dry. It is in jeopardy of losing the water rights due to non-use. Oregon water law requires water to be put to beneficial use at least one year out of every five. See the newsletter enclosed with your bill and/or refer to OAR Chapter 385 for more information about water rights. The District received the water right certificate for the Columbia River water in Irrigon in 2012. Thus, the first year of "non-use" would be 2013.

Because this is a potential legal action of **PERMANENT WATER RIGHT TRANSFER DUE TO NON USE**, the District is notifying you in the enclosed letter of the action it is taking.

Please look over this letter and the map as you may have irrigated a portion of what our mapper found. You should contact us right away if you disagree or want to consider other options, as outlined in the enclosed letter.

Thank you very much.

A handwritten signature in cursive script that reads "Bev Bridgewater". The signature is written in black ink and is positioned above the typed name and title.

Bev Bridgewater
District Manager

10/17
NO irrigation
This season.

Encl. Notice of Permanent transfer due to non-use
Map
Instream lease and temporary transfer information

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Gay Lynn Vickery
485 SW. Second St.
Irrigon, OR 97844

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N 26 25A #2003
Assessed Acres of Water Rights: 0.60
Use of Water Rights: Irrigation

RECEIVED BY OWRD

Acres of Water Rights to be Transferred: 0.20

DEC 22 2017

Dear Patron,

SALEM, OR

One of West Extension 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 2017 irrigation season is nearly upon us, 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back in an in-stream lease for the 2017 season (the District will accept requests for temporary lease applications

T 12809

through June 9, 2017). 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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

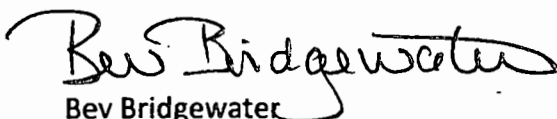
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that 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 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: bbridge@oregontrail.net 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,



Bev Bridgewater
District Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: *Quicken Loans*

Sent by certified mail March 10, 2017.

RECEIVED BY OWRD

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SALEM, OR
T 12809

USPS Tracking® Results

FAQs >

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7011 0470 0000 2117 7262

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IRRIGON, OR 97844
OFFICIAL USE

Postage	\$2.75	0844 09 Postmark Here 03/10/2017
Certified Fee	\$0.00	
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.80	

Sept. To
 Street, Apt. No.,
 or PO Box No. Gay Lynn Vickery
 485 SW 2nd St.
 City, State, ZIP+4
 Irrigon, OR 97844

PS Form 3800, August 2006 See Reverse for Instructions

Tracking Number: 70110470000021177262



Alert

The delivery status for this item has not been updated as of March 11, 2017, 10:08 pm.

Product & Tracking Information

See Available Actions

Postal Product:
First-Class Mail®

Features:
Certified Mail™
Return Receipt

See tracking for related item:
9590940218556104805418
(/go/TrackConfirmAction?
tLabels=9590940218556104805418)

DATE & TIME	STATUS OF ITEM	LOCATION
March 11, 2017, 10:08 pm	Delivery status not updated	RECEIVED BY OWRD DEC 22 2017 SALEM, OR
March 11, 2017, 8:08 am	Out for Delivery	IRRIGON, OR 97844

The delivery status for this item has not been updated as of March 11, 2017, 10:08 pm.

T 12809

DATE & TIME	STATUS OF ITEM	LOCATION
March 11, 2017, 7:58 am	Sorting Complete	IRRIGON, OR 97844
March 11, 2017, 7:05 am	Arrived at Unit	IRRIGON, OR 97844

See More ▾

Available Actions

See Less ▲

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<http://faq.usps.com/?articleId=220900>)

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SALEM, OR

T 12809

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 25 NENW 0302/0303

CECIL/ORA ROCK

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Cecil & Ora Rock
P. O. Box 820
Irrigon, OR 97844

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2625B #0302 & 0303
0.50 and 0.30 acres of irrigation

Dear Mr. & Mrs. Rock:

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 reasonable 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.

Best regards,

A handwritten signature in cursive script that reads 'Lisa M. Baum'.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

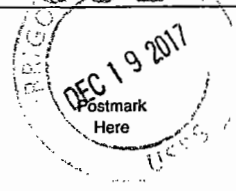
7015 1520 0002 2368 5654

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OFFICIAL USE

Certified Mail Fee	
\$	
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<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	
Total Postage ar	
\$	



Sent To	Cecil Rock
Street and Apt. N	Ora D. Rock P. O. Box 820
City, State, ZIP+	Irrigon, OR 97844
PS Form 3800	

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

West Extension Irrigation District
PO Box 100
Irrigon, Oregon 97844-0100

RE: Water Rights
Map/Tax Lot # : 5N2625B 0302 & 0303

To Whom it May Concern:

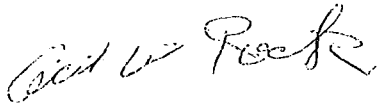
We acknowledge that a portion of the 1.3 acres of designated property owned by Cecil and Ora Rock has not been utilized or irrigated under the statutes of the state of Oregon. However, upon review of historical data over the last 5 years we dispute your calculations.

It is our estimate that a total .8 acres of water rights have not been utilized. This information comes from Google Earth and my knowledge of utilization of portable sprinklers. We have enclosed those maps for your review, along with a revised disputed map over the last 5 years.

We hereby surrender the .8 acres as defined on the disputed map, and challenge your assessment of the additional .5 acres.

Please see attached Google Maps for your reference.

Respectfully yours,



Cecil W. Rock

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Cecil & Ora Rock
P. O. Box 820
Irrigon, OR 97844

RECEIVED BY OWRD

RE: Map/Tax Lot#: 5N2625B 0302 & 0303
Total Irrigated Acres: 3.00 & 2.00
Acres to be Confiscated: 0.70 & 0.60

DEC 22 2017

SALEM, OR

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.

T 12809

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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,

Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: Oregon Dept. of Revenue, 955 Center St. NE
Salem, OR 97301-2555

Sent by certified mail October 24, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12200

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7015 1520 0002 2368 5487

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

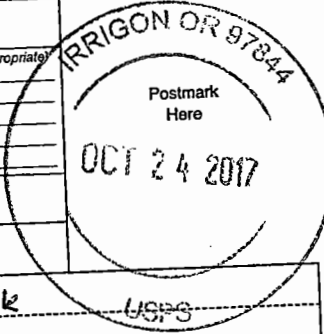
Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____



Postage \$ _____

Total Postage and Fees \$ _____

Sent To Cecil + Ora Rock

Street and Apt. No., or PO Box No. P.O. Box 820

City, State, ZIP+4® Irrigon, OR 97844

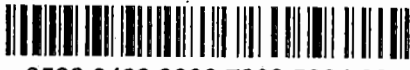
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Cecil + Ora Rock
P.O. Box 820
Irrigon, OR 97844



9590 9402 2838 7069 5994 66

2. Article Number (Transfer from service label) 7015 1520 0002 2368 5487

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent Addressee

B. Received by (Printed Name) Rachael Parkhurst C. Date of Delivery 10/25

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

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt

RECEIVED BY OWRD

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SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/7/2017

Cecil & Ora Rock
P. O. Box 820
Irrigon, OR 97844

Re: Water rights – 5N2625B 0302 & 0303
Notice of possible forfeiture

Dear Cecil & Ora:

While looking at water rights and irrigation in Irrigon, I notice that there are dry areas on your properties, some of which are likely buildings. They are shown on the enclosed map.

Oregon water law requires water to be put to beneficial use at least one year out of every five. See the newsletter enclosed with your bill and/or refer to OAR Chapter 385 for more information about water rights. The District received the water right certificate for the Columbia River water in Irrigon in 2012. Thus, the first year of "non-use" would be 2013.

Because this is a potential legal action of **PERMANENT WATER RIGHT TRANSFER DUE TO NON USE**, the District is notifying you in the enclosed letter of the action it is taking.

Please look over this letter and the map as you may have irrigated a portion of what our mapper found. You should contact us right away if you disagree or want to consider other options, as outlined in the enclosed letter.

Thank you very much.

A handwritten signature in cursive script that reads "Bev Bridgewater". The signature is written in black ink and is positioned above the printed name and title.

Bev Bridgewater
District Manager

Encl. Notice of Permanent transfer due to non-use
Map
Instream lease and temporary transfer information

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

10/17- house, driveway, + pipe yard all need transfer

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Cecil & Ora Rock
P. O. Box 820
Irrigon, OR 97844

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N 26 25B #0302 & 0303
Assessed Acres of Water Rights: 3.00 & 2.00
Use of Water Rights: Irrigation

RECEIVED BY OWRD

Acres of Water Rights to be Transferred: 0.70 & 0.60

DEC 22 2017

Dear Patron,

SALEM, OR

One of West Extension 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 2017 irrigation season is nearly upon us, 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Lease, at minimum, the unused portion of the water right back in an in-stream lease for the 2017 season (the District will accept requests for temporary lease applications

T 12809

through June 9, 2017). 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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

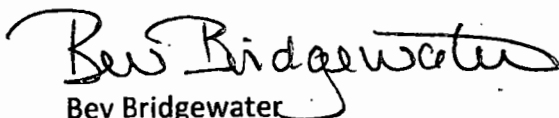
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that 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 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: bbridge@oregontrail.net 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,



Bev Bridgewater
District Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: \emptyset

Sent by certified mail March 10, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

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

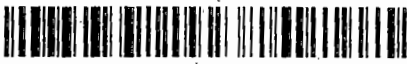
For delivery information visit our website at www.usps.com

IRRIGON, OR 97844
OFFICIAL USE

Postage	\$3.75	0844 09
Certified Fee	\$2.75	Postmark Here
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
	\$0.00	
Total Postage & Fees	\$6.50	03/10/2017

PS Form 3800, August 2006 See Reverse for Instructions

7011 0470 0000 2117 7286

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="text-align: center; font-size: large;">Cecil/Ora Rock P.O. Box 820 Irrigon, OR 97844</p> <div style="text-align: center;">  9590 9402 1855 6104 8054 32 </div> <p>2. Article Number (Transfer from carrier label)</p> <p style="text-align: center; font-size: large;">7011 0470 0000 2117 7286</p>	<p>A. Signature</p> <p>X <i>Charlene Cooley</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Charlene Cooley</i> C. Date of Delivery <i>3-13-17</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type</p> <table style="width: 100%; font-size: small;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restrict Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restrict Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
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<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
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<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

RECEIVED BY OWRD

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T 12809

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 25 NENW 0304

STANLEY/MARTHA ROCK

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Stanley & Martha Rock
P. O. Box 535
Irrigon, OR 97844

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2625B #0304
0.30 acres of irrigation

Dear Mr. & Mrs. Rock:

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 reasonable 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.

Best regards,

A handwritten signature in black ink that reads 'Lisa M Baum'.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

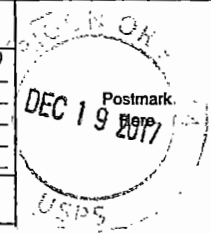
T 12809

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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage ar	\$



Sent To **Stanley Rock**
Martha Rock
Street and Apt. # **P. O. Box 535**
City, State, ZIP+ **Irrigon, OR 97844**

PS Form 3800

7015 1520 0002 2368 5647

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Stanley & Martha Rock
P. O. Box 535
Irrigon, OR 97844

RECEIVED BY OWRD

RE: Map/Tax Lot#: 5N2625B_0304
Total Irrigated Acres: 2.00
Acres to be Confiscated: 0.30

DEC 22 2017

SALEM, OR

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.*

T 12809

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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,

Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail October 24, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

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0055 9922 2368 5500
7015 1520 0002 2368 5500

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____


Sent To **Stanley + Martha Rock**

Street and Apt. No., or PO Box No. **PO Box 535**

City, State, ZIP+4® **Irrigon, OR 97844**

Postmark
OCT 24 2017

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Stanley Rock</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Stanley Rock</i> C. Date of Delivery <i>10/25/17</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p>
<p>1. Article Addressed to:</p> <p>Stanley + Martha Rock PO Box 535 Irrigon, OR 97844</p> <div style="text-align: center;">  9590 9402 2838 7069 5994 80 </div>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center; font-size: 1.2em;">7015 1520 0002 2368 5500</p>	<p style="text-align: right;">Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

September 11, 2017

Stanley & Martha Rock
P. O. Box 535
Irrigon, OR 97844

RE: Water Rights – 5N2625B 0304

In March you were sent a letter regarding the water rights on your property and a potential non-use situation. According to Oregon water law, a water right must be used once in every five years in order to remain valid. There is an area on your property that is unable to be irrigated due to the existence of a driveway, parking area and your home.

That letter included a notice of permanent transfer to move the 0.30 acres of water rights off your property, but have not had a response from you. In order to protect the water rights of West Extension Irrigation District, I have to send you the enclosed certified letter.

Our goal is to protect the water rights of West Extension Irrigation District.

Best regards,

A handwritten signature in cursive script that reads "Lisa M Baum". The ink is dark and the signature is written in a fluid, connected style.

Lisa M. Baum
Office Manager

Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

10/17- needs transfer



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Stanley & Martha Rock
P. O. Box 535
Irrigon, OR 97844

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N2625B 0304
Assessed Acres of Water Rights: 2.00
Use of Water Rights: Irrigation

Acres of Water Rights to be Transferred: 0.30

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly over, 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 2 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Transfer the unused water.

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DEC 22 2017

T 12809

SALEM, OR

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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

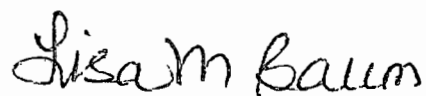
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, transfer, or not use your water rights in 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: lisa@westextension.com 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,



Lisa M. Baum
Office Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail September 11, 2017.

RECEIVED BY OWRD

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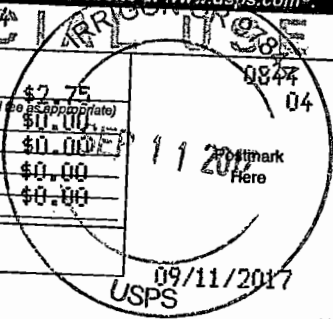
IRRIGON, OR 97844

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.70

\$6.80

Stanley Rock
 Martha Rock
 P. O. Box 535
 Irrigon, OR 97844



7015 1660 0001 0694 7852

for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Stanley Rock
 Martha Rock
 P. O. Box 535
 Irrigon, OR 97844



9590 9402 1855 6104 8059 20

2. Article Number (Transfer from service label)

7015 1660 0001 0694 7852

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 x *Stanley Rock* Agent Addressee

B. Received by (Printed Name) *Stanley Rock* C. Date of Delivery *9-12-17*

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

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

RECEIVED BY OWRD

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**West Extension Irrigation District**

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/8/2017

Stanley & Martha Rock
P. O. Box 535
Irrigon, OR 97844

Re: Water rights - 5N2625B 0304

While looking at water rights and irrigation in Irrigon, I notice that there is an area on your property where you have built a house and buildings. Oregon water law requires water to be put to beneficial use at least one year out of every five. See the newsletter enclosed with your bill and/or refer to OAR Chapter 385. With the buildings, water can no longer be used and we want to move it off your property.

The map shows 0.30 acres of area where water rights should be removed. We are sending a notice of permanent transfer to move the 0.30 acres of water rights off your property. If you agree, please sign and return. We will adjust your 2017 bill for \$29.55. We have a notary in our office as you will need to sign in front of a notary.

If you have questions, please contact us right away. We sure would appreciate quick response to this so we can get our water rights corrected for the 2017 season. Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads "Bev Bridgewater". The signature is written in dark ink and is positioned above the printed name and title.

Bev Bridgewater
District Manager

RECEIVED BY OWRD

DEC 22 2017

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T 12809

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 25 NESW 1304

JEFFREY/BARBARA FLEMING

RECEIVED BY OWRD

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SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Jeffrey & Barbara Fleming
250 SW. Nevada St.
Irrigon, OR 97844

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2625C #1304
0.10 acres of irrigation

Dear Mr. & Mrs. Fleming:

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 reasonable 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.

Best regards,

A handwritten signature in black ink that reads 'Lisa M Baum'.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

0995 992 236A 530
7015 1520 0002 236A 530
025T 5T07

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage at	\$



Sent To	Jeffrey Fleming
Street and Apt. #	Barbara Fleming
	250 SW. Nevada Ave.
City, State, ZIP+	Irrigon, OR 97844

PS Form 3800,

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Jeffrey & Barbara Fleming
250 SW. Nevada St.
Irrigon, OR 97844

RECEIVED BY OWRD

RE: Map/Tax Lot#: 5N2625C 1304
Total Irrigated Acres: 0.90
Acres to be Confiscated: 0.10

DEC 22 2017

Dear Patron:

SALEM, OR

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.

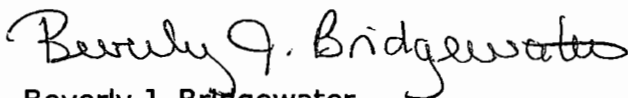
T 12809

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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,



Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail October 20, 2017.

RECEIVED BY OWRD

DEC 28 2017

SALEM, OR

T 12809

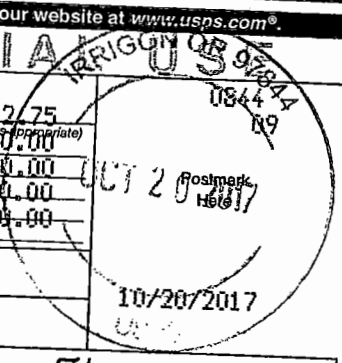
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5245 9922 0002 2368 5425

Certified Mail Fee \$3.35
 Extra Services & Fees (check box, add fee, as appropriate)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.70
 Total Postage and Fees \$6.80



Sent To:
 Jeffrey + Barbara Fleming
 Street and Apt. No., or PO Box No.
 250 SW Nevada St.
 City, State, ZIP+4®
 Irrigon, OR 97844

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
 Jeffrey + Barbara Fleming
 250 SW Nevada St.
 Irrigon, OR 97844



2. Article Number (Transfer from service label)
 7015 1520 0002 2368 5425

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Barbara Fleming Addressee
 B. Received by (Printed Name) *Barbara Fleming*
 C. Date of Delivery *10-26-17*

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

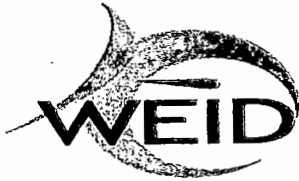
3. Service Type Priority Mail Express®
 Adult Signature Registered Mail™
 Adult Signature Restricted Delivery Registered Mail Restricted Delivery
 Certified Mail® Return Receipt for Merchandise
 Certified Mail Restricted Delivery Signature Confirmation™
 Collect on Delivery Signature Confirmation Restricted Delivery
 Collect on Delivery Restricted Delivery Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR
 T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

September 11, 2017

Jeffrey & Barbara Fleming
250 SW. Nevada St.
Irrigon, OR 97844

RE: Water Rights – 5N2625C 1304

In March you were sent a letter regarding the water rights on your property and a potential non-use situation. According to Oregon water law, a water right must be used once in every five years in order to remain valid. There is an area on your property that is unable to be irrigated due to the existence of a driveway, parking area and outbuildings.

That letter included a notice of permanent transfer to move the 0.10 acres of water rights off your property, but have not had a response from you. In order to protect the water rights of West Extension Irrigation District, I have to send you the enclosed certified letter.

Our goal is to protect the water rights of West Extension Irrigation District.

Best regards,

A handwritten signature in cursive script that reads 'Lisa M Baum'.

Lisa M. Baum
Office Manager

Encl.

RECEIVED BY OWRD

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SALEM, OR
T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Jeffrey & Barbara Fleming
250 SW. Nevada St.
Irrigon, OR 97844

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N2625C 1304
Assessed Acres of Water Rights: 0.90
Use of Water Rights: Irrigation

Acres of Water Rights to be Transferred: 0.10

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly over, 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 2 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 2017 irrigation season (see enclosed map for location of mapped water rights)
2. Transfer the unused water.

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T 12809 1 12209

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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

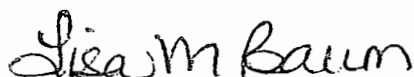
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, transfer, or not use your water rights in 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: lisa@westextension.com 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,



Lisa M. Baum
Office Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail September 11, 2017.

RECEIVED BY OWRD

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 USPS

7015 1660 0001 0694 7807

Certified Mail Fee \$3.35

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$	\$0.08
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.07
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.70

\$6.80

Jeffrey Fleming
 Barbara Fleming
 250 SW. Nevada Ave.
 Irrigon, OR 97844

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Barbara Fleming</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Barbara Fleming</i> 9-12-17</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>												
<p>1. Article Addressed to:</p> <p>Jeffrey Fleming Barbara Fleming 250 SW. Nevada Ave. Irrigon, OR 97844</p>	<p>3. Service Type</p> <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
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<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7015 1660 0001 0694 7807</p>	<p style="text-align: right;">Restricted Delivery</p>												

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

RECEIVED BY OWRD

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SALEM, OR

T 12809



West Extension Irrigation District

**P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net**

3/8/2017

Jeffrey & Barbara Fleming
250 SW Nevada St.
Irrigon, OR 97844

Re: Water rights – 5N2625C 1304

Dear Jeff & Barbara:

The District is doing a five year review of water right use in Irrigon. While looking at water rights and irrigation, I notice that is a small area where a structure may have been built. Oregon water law requires water to be put to beneficial use at least one year out of every five. See the newsletter enclosed with your bill and/or refer to OAR Chapter 385. If the water will no longer be used, we want to move it off your property.

The map shows 0.10 acres of area where water rights should be removed. We are sending a notice of permanent transfer to move the 0.10 acres of water rights off your property. If you agree, please sign and return. We will adjust your 2017 bill for \$9.85. We have a notary in our office as you will need to sign in front of a notary.

If you have questions, please contact us right away. We sure would appreciate quick response to this so we can get our water rights corrected for the 2017 season. Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Bev Bridgewater". The signature is written in a cursive, flowing style.

Bev Bridgewater
District Manager

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T 12809

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 25 NESW 0303

RICHARD/BECKY CUNNINGHAM

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DEC 22 2017

SALEM, OR
T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Richard & Becky Cunningham
660 SW. 45th Ave.
West Richland, WA 99353

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2625C #0303
0.20 acres of irrigation

Dear Mr. & Mrs. Cunningham:

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 reasonable 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.

Best regards,

A handwritten signature in black ink that reads "Lisa M. Baum". The signature is written in a cursive, flowing style.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

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1 12809

7015 1520 0002 2368 5623
E295 94E2 2000 025T 5T02

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Extra Services & Fees (check box, add fee as appropriate)

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- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postage

\$

Total Postage and

\$

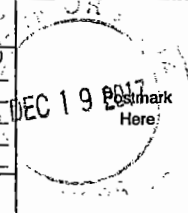
Sent To

Richard Cunningham
Becky Cunningham
660 S. 45th Ave.
West Richland, WA 99353

Street and Apt. N

City, State, ZIP+4

PS Form 3800, 2017



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West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Richard & Becky Cunningham
660 SW. 45th Ave.
West Richland, WA 99353

Richard & Becky Cunningham
255 W. Wyoming Ave.
Irrigon, OR 97844

RECEIVED BY OWRD

RE: Map/Tax Lot#: 5N2625C 0303
Total Irrigated Acres: 1.50
Acres to be Confiscated: 0.20

DEC 22 2017

SALEM, OR

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of

T 12809

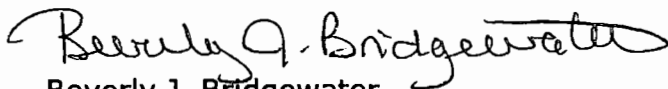
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If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection ~ in writing. If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,



Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: CitiMortgage, P. O. Box 2026, Flint, MI 48501-2026

Sent by certified mail October 24, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

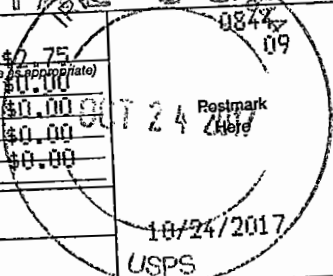
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WEST RICHLAND WA 99353

Certified Mail Fee \$3.35
 \$0.75
 Extra Services & Fees (check box, add fee if appropriate)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.70
 Total Postage and Fees \$6.80



Sent To: Richard + Becky Cunningham
 Street and Apt. No., or PO Box No.: 660 SW 45th Ave
 City, State, ZIP+4®: West Richland, WA 99353
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1520 0002 2368 5449

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>Richard Cunningham</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center;">NOV - 7 2017</p>
<p>1. Article Addressed to: Richard + Becky Cunningham 660 SW 45th Ave. West Richland, WA 99353</p> <p>9590 9402 2838 7069 5995 34</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label) 7015 1520 0002 2368 5449</p>	<p>Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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 T 12809

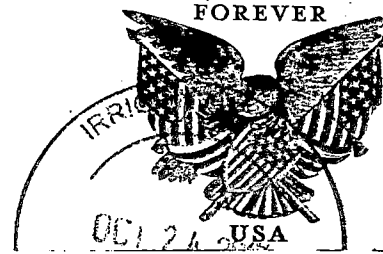
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ension Irrigation District
100
R 97844-0100



7015 1520 0002 2368 5456

ervice Requested



unclaimed

Richard & Becky Cunningham
255 W. Wyoming Ave.
Irrigon, OR 97844



1021



97844

U.S. POSTAGE
PAID
IRRIGON, OR
97844
OCT 24 17
AMOUNT

\$6.31

R2303S101568-09

NIXIE

978 DE 1

0019/30/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

DP: Man/Tax Lot#:

5N2625C 0303

UNC

97844>0100

BC: 97844010000

*2409-00470-00-00-00

7015 1520 0002 2368 5456

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Richard & Becky Cunningham
255 W. Wyoming Ave.
Irrigon, OR 97844

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

Postmark: OCT 24 2017

Postage: \$

Total Postage and Fees: \$

Certified Mail Fee: \$

Extra Services & Fees (check box, add fee as appropriate)

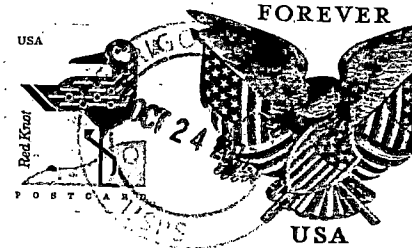
<input type="checkbox"/>	Return Receipt (hardcopy)	\$
<input type="checkbox"/>	Return Receipt (electronic)	\$
<input type="checkbox"/>	Certified Mail Restricted Delivery	\$
<input type="checkbox"/>	Adult Signature Required	\$
<input type="checkbox"/>	Adult Signature Restricted Delivery	\$

Official Record

Postnet 97844

ension Irrigation District
100
R 97844-0100

ervice Requested



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DEC 22 2017

SALEM, OR

Richard & Becky Cunningham
255 W. Wyoming Ave.
Irrigon, OR 97844

NIXIE

978 DE 1

0019/30/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC

BC: 97844010000

*2409-00470-00-00-00

T 12809

255 SW Wyoming



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

September 11, 2017

Richard & Becky Cunningham
660 SW. 45th Ave.
West Richland, WA 99353

RE: Water Rights – 5N2625C 0303

In March you were sent a letter regarding the water rights on your property and a potential non-use situation. According to Oregon water law, a water right must be used once in every five years in order to remain valid. It stated that your property has been sparsely irrigated in recent years and there are a couple of dry spots.

During a recent field survey it was noted that your property looks as if it has not been irrigated at all this season.

That letter included a notice of permanent transfer to move 0.20 acres of water rights off your property, but have not had a response from you. In order to protect the water rights of West Extension Irrigation District, I have to send you the enclosed certified letter.

Our goal is to protect the water rights of West Extension Irrigation District.

Best regards,

Lisa M Baum

Lisa M. Baum
Office Manager

Encl.

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DEC 22 2017

SALEM, OR
1 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Richard & Becky Cunningham
660 SW. 45th Ave.
West Richland, WA 99353

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N2625C 0303
Assessed Acres of Water Rights: 1.50
Use of Water Rights: Irrigation

Acres of Water Rights to be Transferred: 0.20

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly over, 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 2 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Transfer the unused water.

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DEC 22 2017

SALEM, OR

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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

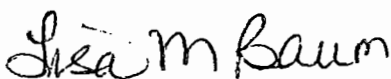
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, transfer, or not use your water rights in 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: lisa@westextension.com 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,



Lisa M. Baum
Office Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: CitiMortgage

Sent by certified mail September 11, 2017.

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DEC 22 2017

SALEM, OR

T 12809

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

Domestic Mail Only

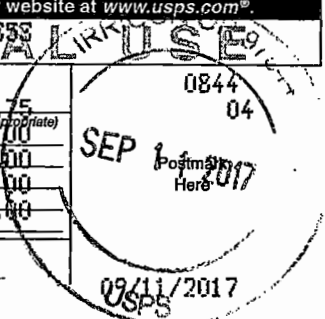
For delivery information, visit our website at www.usps.com®.

WEST RICHLAND WA 99353

Certified Mail Fee \$3.35
 \$
 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$2.75
 Return Receipt (electronic) \$0.50
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.70
 \$
 \$6.80

Richard Cunningham
 Becky Cunningham
 660 S. 45th Ave.
 West Richland, WA 99353



7015 1660 0001 0694 7784

For Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Richard Cunningham
 Becky Cunningham
 660 S. 45th Ave.
 West Richland, WA 99353



9590 9402 1855 6104 8059 99

2. Article Number (Transfer from service label)

7015 1660 0001 0694 7784

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Becky Cunningham

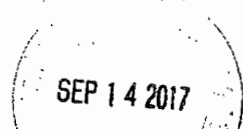
- Agent
- Addressee

B. Received by (Printed Name)

Becky Cunningham

C. Date of Delivery

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



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/8/2017

Richard & Becky Cunningham
660 SW 45th Ave.
West Richland, WA 99353

Re: Water rights - 5N2625C 303

Dear Richard & Becky:

The District is doing a five year review of water right use in Irrigon. While looking at water rights and irrigation, I notice that it is sparsely irrigated in recent years and there are a couple of dry spots. Oregon water law requires water to be put to beneficial use at least one year out of every five. See the newsletter enclosed with your bill and/or refer to OAR Chapter 385. If the water will no longer be used, we want to move it off your property.

The map shows 0.20 acres of area where water rights should be removed. We are sending a notice of permanent transfer to move the 0.20 acres of water rights off your property. If you agree, please sign and return. We will adjust your 2017 bill for \$19.70. We have a notary in our office as you will need to sign in front of a notary.

If you have questions, please contact us right away. We sure would appreciate quick response to this so we can get our water rights corrected for the 2017 season. Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads 'Bev Bridgewater'. The signature is written in black ink and is positioned above the printed name and title.

Bev Bridgewater
District Manager

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR
12809

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 26 NWNW 0324

KENTON ELI/MARY ANNE YODER

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Kenton Eli & Mary Anne Yoder
81317 W. Eighth Rd.
Irrigon, OR 97844

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2626 #0324
0.10 acres of irrigation

Dear Mr. & Mrs. Yoder:

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

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

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

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

Best regards,

A handwritten signature in cursive script that reads 'Lisa M Baum'.

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage	\$

DEC 15 2017
Postmark Here

9T95 99E2 2368 5616
7015 1520 0002 2368 5616
025T 5T02

Sent To: **Kenton Eli Yoder, II**
Street and Apt.: **Mary Anne Yoder**
City, State, ZIP: **81317 W. Eighth Rd.**
Irrigon, OR 97844

PS Form 3800

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Kenton Eli & Mary Anne Yoder
81317 W. Eighth Rd.
Irrigon, OR 97844

RE: Map/Tax Lot#: 5N2626 0324
Total Irrigated Acres: 1.00
Acres to be Confiscated: 0.10

RECEIVED BY OWRD

DEC 22 2017

Dear Patron:

SALEM, OR

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.*

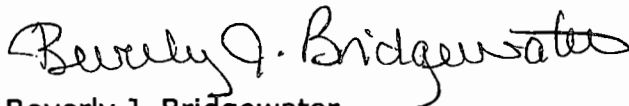
T 12809

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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,



Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail October _____, 2017.

RECEIVED BY OWRD

DEC 22 2017

T 12809 SALEM, OR

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

7015 1520 0002 2368 5432

IRRIGON, OR 97844
OFFICIAL
 Certified Mail Fee \$3.35
 \$2.75
 Extra Services & Fees (check box, add fees, if appropriate)
 Return Receipt (hardcopy) \$0.30
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00
 Postage \$0.70
 Total Postage and Fees \$6.80
 Postmark (Here) 10/20/2017
 USPS
 Sent To: Kenton Eli + Mary Anne Yoder
 Street and Apt. No., or PO Box No. 81317 W. Eighth Rd.
 City, State, ZIP+4® Irrigon, OR 97844
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
Kenton Eli + Mary Anne Yoder
81317 W. Eighth Rd.
Irrigon, OR 97844

2. Article Number (Transfer from service label)
7015 1520 0002 2368 5432

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X [Signature] Agent Addressee

B. Received by (Printed Name) Kenton E. Yoder Date of Delivery 10-26-17

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

3. Service Type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation™
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

RECEIVED BY OWRD
 DEC 22 2017
 SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

September 11, 2017

Kenton Eli & Mary Anne Yoder
81317 W. Eighth Rd.
Irrigon, OR 97844

RE: Water Rights – 5N2626 0324

In March you were sent a letter regarding the water rights on your property and a potential non-use situation. You came in and we reviewed the map and determined that the only area of concern is where the house and shop are. I gave you an Affidavit for Transfer of Water Right for the 0.10 acre in question.

To date, I have not received the signed Affidavit.

In order to protect the water rights of West Extension Irrigation District, I have to send you the enclosed certified letter.

Our goal is to protect the water rights of West Extension Irrigation District.

Best regards,

A handwritten signature in cursive script that reads "Lisa M Baum". The ink is dark and the signature is written in a fluid, connected style.

Lisa M. Baum
Office Manager

Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Kenton Eli & Mary Anne Yoder
81317 W. Eighth Rd.
Irrigon, OR 97844

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N2626 0324
Assessed Acres of Water Rights: 1.00
Use of Water Rights: Irrigation

Acres of Water Rights to be Transferred: 0.10

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly over, 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 2 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Transfer the unused water.

RECEIVED BY OWRD

DEC 22 2017

1 12809

SALEM, OR

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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

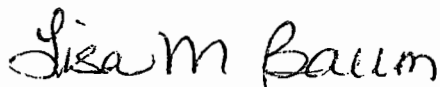
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, transfer, or not use your water rights in 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: lisa@westextension.com 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,



Lisa M. Baum
Office Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: none

Sent by certified mail September 11, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®

IRRIGON, OR 97844

Certified Mail Fee \$3.35

Extra Services & Fees (check box, add fee if appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.70

\$6.80

Kenton Eli Yoder, II
 Mary Anne Yoder
 81317 W. Eighth Rd.
 Irrigon, OR 97844

09/11/2017
 USPS


for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Kenton Eli Yoder, II
 Mary Anne Yoder
 81317 W. Eighth Rd.
 Irrigon, OR 97844



9590 9402 1855 6104 8059 13

2. Article Number (Transfer from service label)

7015 1660 0001 0694 7869

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature] Agent Addressee

B. Received by (Printed Name) *KENTON E YODER*

C. Date of Delivery *9-12-17*

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

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

**P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net**

3/8/2017

Kentan Eli & Mary Anne Yoder
81317 W. Eighth Road
Irrigon, OR 97844

Re: Water rights – 5N2626 0324

The District is doing a five year review of water right use in Irrigon. While looking at water rights and irrigation, I notice that is an area of water rights around your property that hasn't been irrigated for some time. It looks like the driveway and house area. Oregon water law requires water to be put to beneficial use at least one year out of every five. See the newsletter enclosed with your bill and/or refer to OAR Chapter 385. If the water will no longer be used, we want to move it off your property.

The map shows 0.30 acres of area where water rights should be removed. We are sending a notice of permanent transfer to move the 0.30 acres of water rights off your property. If you agree, please sign and return. We will adjust your 2017 bill for \$29.55. We have a notary in our office as you will need to sign in front of a notary.

Please contact our office if you have any questions. We sure would appreciate quick response to this so we can get our water rights corrected for the 2017 season. Thank you very much.

Sincerely,

Bev Bridgewater
District Manager

RECEIVED BY OWRD

DEC 22 2017

T 12809 SALEM, OR

540.572 FORFEITURE TRANSFER
AUTHORIZED LANDS

5N 26E 26 NWNW 0325

KATHLEEN MENDOZA

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12209



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Kathleen Mendoza
81315 W. Eighth Rd.
Irrigon, OR 97844

RE: Confiscation of water rights appurtenant to:
Map/Tax Lot# 5N2626 #0325
0.30 acres of irrigation

Dear Ms. Mendoza:

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 reasonable 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.

Best regards,

A handwritten signature in cursive script that reads "Lisa M Baum".

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Mailed via certified mail December 19, 2017
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

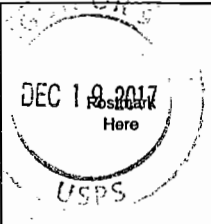
6095 99E2 2000 02ST 5T02 7015 1520 0002 2368 5696

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
Total Postage and Fees	\$ _____



Sent To **Kathleen Mendoza**
 Street and Apt. # **81315 W. Eighth Road**
 City, State, ZIP+4 **Irrigon, OR 97844**

PS Form 3800, 11/15/16

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

October 20, 2017

Kathleen Mendoza
81315 W. Eighth Rd.
Irrigon, OR 97844

RECEIVED BY OWRD

DEC 22 2017

RE: Map/Tax Lot#: 5N2626 0325
Total Irrigated Acres: 1.00
Acres to be Confiscated: 0.30

SALEM, OR

Dear Patron:

Our records indicate that you have failed to beneficially use all or part of your water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the portion of your water right referenced above for failure to beneficially use the water for at least one of 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 Policy Standard for Non-Use of Irrigation Water and a water right map indicating the unused portion of your water right.

Certified letters were sent to you and any known security interest holders prior to the beginning of the 2017 irrigation season, informing you of the non-use of all or a portion of the water right, the options available to assist you in fulfilling the OWRD's beneficial use requirements, and WEID's intent to confiscate any remaining unused water at the end of the 2017 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 the unused water right. Site visits were completed during 2017 irrigation season to review any signs of full beneficial use of the 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 irrigated between 2012 and 2017.

Failure to prove full 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:

ORS 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.

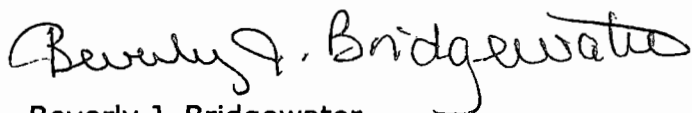
T 12809

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 540.610(2)(a-n) (please see attached Policy Standard for Non-Use of Irrigation Water for the full statute), 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 WEID Board of Directors will be held in December 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 or part of your water right in question 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,



Beverly J. Bridgewater
District Manager

Encl.

cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: Carrington Mortgage Services, LLC,
1600 South Douglass Rd., Suite 200A, Anaheim, CA 92806

Sent by certified mail October 24, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

West Extension Irrigation District
P. O. Box 100
Irrigon, OR 97844-0100

Return Service Requested

CERTIFIED MAIL



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Kathleen Mendoza
81315 W. Eighth Rd.
Irrigon, OR 97844



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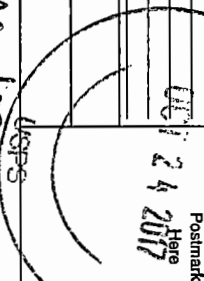
Sent To Kathleen Mendoza

Street and Apt. No., or PO Box No. 81315 W. Eighth Rd.

City, State ZIP+4® Irrigon, OR 97844

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

September 11, 2017

Kathleen Mendoza
81315 W. Eighth Rd.
Irrigon, OR 97844

RE: Water Rights – 5N2626 0325

In March you were sent a letter regarding the water rights on your property and a potential non-use situation. According to Oregon water law, a water right must be used once in every five years in order to remain valid. There is an area on your property that is unable to be irrigated due to the existence of a driveway, parking area and your home.

That letter included a notice of permanent transfer to move the 0.30 acres of water rights off your property, but have not had a response from you. In order to protect the water rights of West Extension Irrigation District, I have to send you the enclosed certified letter.

Our goal is to protect the water rights of West Extension Irrigation District.

Best regards,

A handwritten signature in black ink that reads "Lisa M Baum". The signature is written in a cursive, flowing style.

Lisa M. Baum
Office Manager

Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

Kathleen Mendoza
81315 W. Eighth Rd.
Irrigon, OR 97844

VIA Regular and Certified Mail
Return Receipt Requested

RE: Permanent Water Right Transfer for Non-Use

Map/Tax Lot#: 5N2626 0325
Assessed Acres of Water Rights: 1.00
Use of Water Rights: Irrigation

Acres of Water Rights to be Transferred: 0.30

Dear Patron,

One of West Extension 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 2017 irrigation season is nearly over, 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 2 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 2017 irrigation season (see enclosed map for location of mapped water rights);
2. Transfer the unused water.

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DEC 22 2017

SALEM, OR

1 12809

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 2017 season by filing a petition with OWRD to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to confiscate any water right that goes unused in 2017 (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 Department (as required by statute).

If you have any evidence that you have used all of your water right at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

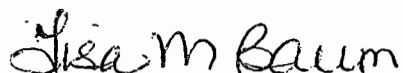
I have enclosed an aerial photo taken in 2015 showing where your mapped water rights are located, and the proposed area to be removed. Please note that the aerial photo may not fully represent your irrigation habits for the full 2016 irrigation season or any new structures, arenas, dry lots, etc. that may have been added to your property since the aerial photo was taken.

REMINDER: Whether you choose to use, transfer, or not use your water rights in 2017, your 2017 Incurred Charges will still be due and payable to WEID 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 Bev Bridgewater or Lisa Baum at 541-922-3814 or by email to: lisa@westextension.com 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,



Lisa M. Baum
Office Manager

Encl.

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Security holder: Carrington Mortgage Services, LLC

Sent by certified mail September 11, 2017.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

West Extension Irrigation Dis
P. O. Box 100
Irrigon, OR 97844-0100

Return Service Requested



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September 11, 2017

Kathleen Mendoza
81315 W. Eighth Rd.
Irrigon, OR 97844

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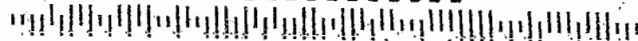
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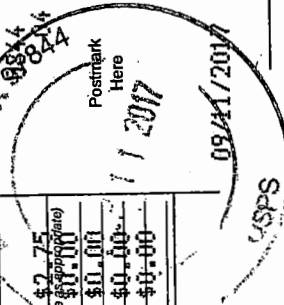
Extra Services & Fees (check box, add fee in appropriate)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.70

\$6.80

Kathleen Mendoza

81315 W. Eighth Road
Irrigon, OR 97844



for instruction

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DEC 22 2017

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
bbridge@oregontrail.net

3/8/2017

Kathleen Mendoza
81315 W. Eighth Road
Irrigon, OR 97844

Re: Water rights – 5N2626 0325

The District is doing a five year review of water right use in Irrigon. While looking at water rights and irrigation, I notice that is an area of water rights around your property that hasn't been irrigated for some time. It looks like the driveway and house area. Oregon water law requires water to be put to beneficial use at least one year out of every five. See the newsletter enclosed with your bill and/or refer to OAR Chapter 385. If the water will no longer be used, we want to move it off your property.

The map shows 0.30 acres of area where water rights should be removed. We are sending a notice of permanent transfer to move the 0.30 acres of water rights off your property. If you agree, please sign and return. We will adjust your 2017 bill for \$29.55. We have a notary in our office as you will need to sign in front of a notary.

Please contact our office if you have any questions. We sure would appreciate quick response to this so we can get our water rights corrected for the 2017 season. Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Bev Bridgewater". The signature is written in a cursive, flowing style.

Bev Bridgewater
District Manager

RECEIVED BY OWRD

DEC 22 2017

T 12809

SALEM, OR

540.572 FORFEITURE TRANSFER
PROPOSED LANDS

5N 26E 26 NWNW 0306

EMILIO LUNA
ALFONSO/BENITO LUNA

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DEC 22 2017

SALEM, OR

T 10000



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Emilio Luna
Alfonso/Benito Lune
P. O. Box 55
Irrigon, OR 97844

RE: Water Right Transfer

Enclosed is a copy of the transfer application prepared by West Extension Irrigation District (WEID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2017.

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 reasonable ascertainable issues and submit all reasonable available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonable 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 find 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 WEID.

If you have any questions please do not hesitate to contact me. You can reach me at the office number 541-922-3814 or by email: lisa@westextension.com.

Best regards,

Lisa M Baum

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Encl.

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T 12809

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| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postmark
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Postage

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Sent To Emilio Luna
Street and Apt. Alfonso/Benito Luna
City, State, Zip P. O. Box 55
Irrigon, OR 97844

PS Form 3800

7015 1520 0002 2368 5746
9425 9922 2000 025T 5T02

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DEC 22 2017

SALEM, OR

T 12809

540.572 FORFEITURE TRANSFER
PROPOSED LANDS

5N 26E 26 SWNW 0200/0201

VERNON SUCHY
RAMON JUAREZ

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

SALEM, OR

T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Vernon Suchy
Ramon Juarez Estate
76505 Sunset Lane
Irrigon, OR 97844

RE: Water Right Transfer

Enclosed is a copy of the transfer application prepared by West Extension Irrigation District (WEID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2017.

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

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

- A. The application does not include the information required under OAR 690-385-5200; or*
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If no protest is filed by the **FROM** land user within 60 days and OWRD find 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 WEID.

If you have any questions please do not hesitate to contact me. You can reach me at the office number 541-922-3814 or by email: lisa@westextension.com.

Best regards,

A handwritten signature in cursive script that reads "Lisa M. Baum".

Lisa M. Baum
Office Manager

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Encl.

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 3 0 0 0 0

7015 1520 0002 2368 5739

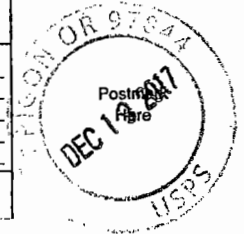
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<input type="checkbox"/> Return Receipt (electronic)	\$ _____
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<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
Total Postage and Fees	\$ _____
Sent To	Vernon Suchy
Street and Apt. #	Ramon Juarez Estate
City, State, ZIP+4	76505 Sunset Lane Irrigon, OR 97844

PS Form 3800, 11/15/16



RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12809

540.572 FORFEITURE TRANSFER
PROPOSED LANDS

5N 26E 26 SENW 0202

SHANNON/KAREN PLUEARD

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

T 12900



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Shannon & Karen Plueard
P. O. Box 473
Irrigon, OR 97844

RE: Water Right Transfer

Enclosed is a copy of the transfer application prepared by West Extension Irrigation District (WEID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2017.

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*
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If you have any questions please do not hesitate to contact me. You can reach me at the office number 541-922-3814 or by email: lisa@westextension.com.

Best regards,

A handwritten signature in black ink that reads "Lisa M. Baum". The signature is written in a cursive, flowing style.

Lisa M. Baum
Office Manager

RECEIVED BY OWRD

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Encl.

DEC 22 2017

SALEM, OR
T 12809

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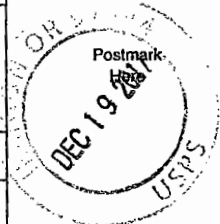
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Shannon & Karen Plueard

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PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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540.572 FORFEITURE TRANSFER
PROPOSED LANDS

5N 26E 26 NESW 0400
5N 26E 26 SESW 0400

PATRICK/VICKIE McNAMEE
ABRAHAM/KRISTI McNAMEE

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T 12809



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
lisa@WestExtension.com

December 19, 2017

Patrick/Vickie McNamee
Abraham/Kristi McNamee
76272 E. Oregon Lane
Irrigon, OR 97844

RE: Water Right Transfer

Enclosed is a copy of the transfer application prepared by West Extension Irrigation District (WEID) and submitted to Oregon Water Resources Department (OWRD) on December 20, 2017.

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 reasonable ascertainable issues and submit all reasonable available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonable 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 find 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 WEID.

If you have any questions please do not hesitate to contact me. You can reach me at the office number 541-922-3814 or by email: lisa@westextension.com.

Best regards,

A handwritten signature in cursive script that reads "Lisa M Baum".

Lisa M. Baum
Office Manager

RECEIVED BY OWRD

DEC 22 2017

SALEM, OR

Cc: OWRD, 725 Summer St. NE, Ste. 100, Salem, OR 97301
Encl.

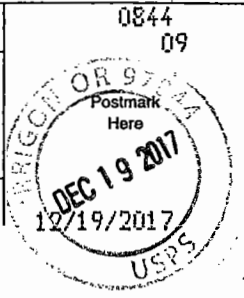
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