



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

P-2018-002

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

1. APPLICANT INFORMATION

RECEIVED

District: CENTRAL OREGON IRRIGATION DISTRICT

DEC 28 2018

Address: 1055 SW LAKE COURT

OWRD

City: REDMOND

State: OR

Zip: 97756

Phone: 541-548-6047

Fax: 541-548-0243

E-Mail address: lesliec@coid.org

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.	83571	-	PRIMARY
2.	76714	-	SUPPLEMENTAL
3.		-	
4.		-	
5.		-	
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 – Description of Proposed Change(s) to a Water Right</p> <p><input 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 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: \$1,680.00 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.</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.



 District Manager signature

Craig Horrell
 name (print)

12-19-18
 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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December 27, 2018

Ann Reece
Oregon Water Resources Department
725 Summer St, NE Ste "A"
Salem, OR 97301-1266

RE: ORS. 540.572 Transfer – P-2018-002

Dear Ann,

Please find enclosed our transfer petition number P-2018-002 along with our check for \$1,680.00 as payment of the transfer fee. This Petition includes 26.78 acres of irrigation confiscated per ORS 540.572.

Please let me know if you have any questions or need additional documentation.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Clark".

Leslie Clark
Director of Water Rights

Encl.



**District Permanent Water Right Transfer Application
Supplemental Form A**

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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	83571	
	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	

- Name on Permit, Certificate, or Decree: CENTRAL OREGON IRRIGATION DISTRICT
- Priority Date(s): OCT 31, 1900 & FEB 28, 1907

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.

Source(s) of Water to be Affected by Transfer: DESCHUTES RIVER

Tributary to: COLUMBIA RIVER

- 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? 76714

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: 83571

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	GOVT LOT	MEASURED DISTANCES
1	18 S	11 E	13	SW NE			1520' S. & 1535' W. FROM THE NE CORNER OF SEC. 13
11	17 S	12 E	29	SE NE			850' N. AND 630' W. FROM THE E ¼ CORNER OF SEC. 29

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**District Permanent Water Right Transfer Application
Supplemental Form A**

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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	76714	
	Certificate Number	
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	-	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	-	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for Supplemental Irrigation	-	
	Permit Number	

- Name on Permit, Certificate, or Decree: CENTRAL OREGON IRRIGATION DISTRICT
- Priority Date(s): FEB 28, 1913

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.

Source(s) of Water to be Affected by Transfer: CRANE PRAIRIE RESERVOIR

Tributary to: DESCHUTES RIVER

- 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? 83571

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: 76714

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POD# or POA#	TWP	RNG	SEC	QQ	DEC	GOVT LOT	MEASURED DISTANCES
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11	17 S	12 E	29	SE NE			850' N. AND 630' W. FROM THE E ¼ CORNER OF SEC. 29

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DEC 28 2018

P-2018-002

ORS 540.572 CONFISCATION TRANSFERS

OWRD

TABLE 1. – AUTHORIZED PLACE OF USE

WATER RIGHT				LEGAL DESCRIPTION						
PRIMARY	SUPP	POD	USE	TWP	RNG	SEC	QQ	TAX LOT	ACRES	USER NAME
83571	76714	1	IR	17 S	12 E	36	SESE	900	0.25	George & Danielle Chilcote
		1	IR	17 S	13 E	19	NESW	1303	0.53	Bruce Zelis
		1	IR	17 S	13 E	32	SWNW	700	2.63	Federal National Mortgage Assoc./Fannie Mae
		1	IR	17 S	13 E	33	NWNE	201	1.45	Rubio Real Estate
		1	IR	17 S	14 E	3	NESE	200	0.58	David McMichael
		1	IR	17 S	14 E	15	SESE	100	0.16	Rosemary A. Byrnes
		1	IR	17 S	14 E	22	SESE	1100	0.23	Francis & Pepie Bieker
		1	IR	18 S	12 E	3	SENE	702	0.11	Judith Connell
		1	IR	18 S	13 E	6	NWNE	400	0.69	Deborah Lapaugh
		11	IR	14 S	13 E	17	SWNW	1800	0.1	Allen D. Kallel Revocable Living Trust
		11	IR	14 S	13 E	20	NESE	200	0.12	Donald & Myrtle Williams
		11	IR	14 S	13 E	24	NENE	100	0.4	Linda Stream
		11	IR	14 S	13 E	24	SENE	100	6.35	Linda Stream
		11	IR	14 S	13 E	26	SENE	101	1	Fast Cattle Ranches, LLC
		11	IR	14 S	13 E	35	NENE	100	0.19	Redmond Tallow Company, Inc.
		11	IR	15 S	12 E	13	SWNE	913	0.2	Cody & Kasey Every
		11	IR	15 S	13 E	10	NWNE	200	0.22	Miguel Segoviano
		11	IR	15 S	13 E	30	NWSW	1101	0.2	D.A.C. Trust & P.A.C. Trust
		11	IR	15 S	13 E	31	SWNW	205	0.24	Sharlene Hall
		11	IR	16 S	12 E	12	NESW	401	9.72	Raul Ureno & Guadelupe Luna
		11	IR	16 S	12 E	15	NENW	700	0.57	Gary Hingley
		11	IR	16 S	12 E	23	NWSE	306	0.5	William Edward Kirzy
		11	IR	16 S	12 E	26	SWNW	500	0.34	Harry & Beverly Fagen
									26.78	TOTAL AUTHORIZED ACRES

13089

TABLE 2. – PROPOSED PLACE OF USE										
WATER RIGHT				LEGAL DESCRIPTION						
PRIMARY	SUPP	POD	USE	TWP	RNG	SEC	QQ	TAX LOT	ACRES	USER NAME
83571	76714	1	IR	15 S	15 E	18	SENW	304	0.85	JOHN & LEANA WHITE
		1	IR	16 S	14 E	28	SENW	101	1.6	BRADY A. FOSS
		1	IR	17 S	13 E	22	SWSW	701	3.5	AARON EDWARD ADAMS & EMILY JEAN ADAMS
		1	IR	17 S	14 E	24	SWSW	1500	0.68	WEYLIN H. MEYER, TRUSTEE WEYLIN H. MEYER TRUST
		11	IR	13 S	13 E	33	NWSE	400	3.7	PHILIP & PENELOPE KNIGHT
		11	IR	14 S	13 E	20	SESE	300	3.6	ALEXANDRA HOLLANDER
		11	IR	15 S	12 E	12	SESE	401	9	JEFFREY A. & JULIE M. LARKIN
		11	IR	15 S	12 E	13	NESE	1200	3.85	EVAN & KATHERINE CRANE
									26.78	TOTAL PROPOSED ACRES

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P-2018-002

540.572 FORFEITURE TRANSFER

PROPOSED LAND

13-13-33 NWSE 00400

PHILIP & PENELOPE KNIGHT

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OWRD

December 27, 2018

Knight, Philip/Penelope
c/o Eric Hagerty
8800 NW 31st St
Terrebonne, OR 97760

RE: Water Right Transfer #P-2018-002

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 27, 2018. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

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

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 27, 2018
Encl.

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DEC 28 2018

P-2018-002

540.572 FORFEITURE TRANSFER

OWRD

PROPOSED LAND

14-13-20 SESE 00300

ALEXANDRA HOLLANDER



RECEIVED

DEC 28 2018

December 27, 2018

OWRD

Alexandra Hollander
6775 NW 19th St
Terrebonne, OR 97760

RE: Water Right Transfer #P-2018-002

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Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 27, 2018
Encl.

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OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

PROPOSED LAND

15-12-12 SESE 00401

JEFFREY A. & JULIE M. LARKIN



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OWRD

December 27, 2018

Jeff & Julie Larkin
PO Box 1152
Redmond, OR 97756

RE: Water Right Transfer #P-2018-002

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Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 27, 2018
Encl.

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DEC 28 2018

CWRD

P-2018-002

540.572 FORFEITURE TRANSFER

PROPOSED LAND

15-12-13 NESE 01200

EVAN & KATHERINE CRANE



RECEIVED

DEC 28 2018

OWRD

December 27, 2018

Evan & Katherine Crane
1135 SW 53rd St
Redmond, OR 97756

RE: Water Right Transfer #P-2018-002

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Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

PROPOSED LAND

15-15-18 SENW 00304

JOHN & LEANA WHITE

13089

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DEC 28 2018

OWRD

December 27, 2018

John & Leana White
PO Box 4
Powell Butte, OR 97753

RE: Water Right Transfer #P-2018-002

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Sincerely,

Leslie Clark
Director of Water Rights

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Encl.

RECEIVED

DEC 28 2018

P-2018-002

540.572 FORFEITURE TRANSFER

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PROPOSED LAND

16-14-28 SENW 00101

BRADY A. FOSS



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DEC 28 2018

OWRD

December 27, 2018

Brady Foss
16411 SW Alfalfa Rd
Powell Butte, OR 97753

RE: Water Right Transfer #P-2018-002

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Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

PROPOSED LAND

17-13-22 SWSW 00701

AARON & EMILY ADAMS

13089 =



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DEC 28 2018

OWRD

December 27, 2018

Aaron & Emily Adams
62826 Stenkamp Rd
Bend, OR 97701

RE: Water Right Transfer #P-2018-002

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

P-2018-002

OWRD

540.572 FORFEITURE TRANSFER

PROPOSED LAND

17-14-24 SWSW 00701

WEYLIN H. MEYER, TRUSTEE, WEYLIN H. MEYER TRUST

13089 =



RECEIVED

DEC 28 2018

OWRD

December 27, 2018

Weylin Meyer, Trustee, Meyer Trust
26400 Willard Rd
Bend, OR 97701

RE: Water Right Transfer #P-2018-002

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 27, 2018. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

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

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

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

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

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

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

Sincerely,

Leslie Clark

Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Sent by certified mail December 27, 2018
Encl.



7017 3380 0000 8340 1957

October 3, 2018

Patron #: 3041

Chilcote, George/Danielle
62079 Torkelson Rd
Bend, OR 97701

RECEIVED

RE: Tax Map #: 171236D000900, 3.50 acres total Unmapped water rights
0.25 acres water rights to be confiscated in 2018

DEC 28 2018

Dear Patron,

OWRD

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



October 3, 2018

United Financial Mortgage Corp.
PO Box 85071
Phoenix, AZ 85071

Borrower: Chilcote, George/Danielle: 3041
Tax Map #: 171236D000900
Property Address: 62079 Torkelson Rd, Bend, OR 97701

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Encl.

Abby Centola

From: Abby Centola
Sent: Monday, January 15, 2018 11:34 AM
To: danielc196710@gmail.com
Subject: 4th Year Certified Letter
Attachments: 2017 4th Year Nonuse Letter_Unmapped - Chilcote.pdf; 2017 4th year Map CO2 - Chilcote.pdf

Hi Danielle,

Attached, you should find the documents that were sent by certified mail. Let me know if you have any further questions.

Abby Centola
Beneficial Use Technician
Central Oregon Irrigation District
541-504-7577
abby@coid.org

RECEIVED

DEC 28 2018

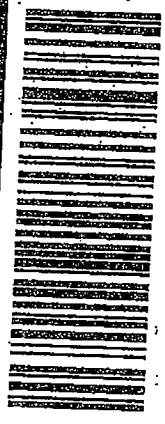
OWRD

RECEIVED

DEC 28 2018

OWRD

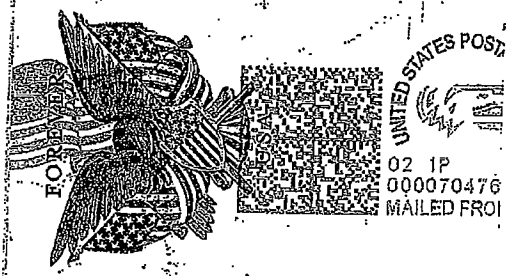
CERTIFIED MAIL



7017 1450 0000 3433 7896

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

ADDRESS SERVICE REQUESTED



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MAILED FROM

UNITED STATES POSTAGE

Chilcote, George/Danielle: 3041
62079 Torke

Bend OR 97101

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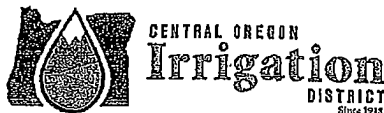
0012/07/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC 9775614696
9775614696

BC: 9775614696





November 9, 2017

Patron ID: 3041

Chilcote, George/Danielle
62079 Torkelson Rd
Bend, OR 97701

RECEIVED

DEC-28 2018

RE: Tax Map #: 171236 000 1404 – 3.50 acres total Irrigation Water Rights

OWRD

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

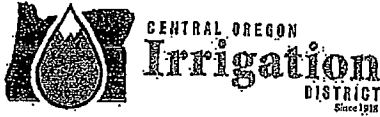
Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 with the quantity of appurtenant water rights noted next to a point (there may be multiple points). Over the last four years, the total area being irrigated is less than the amount of your water right.

Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

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

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 during the 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request to do an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.



November 10, 2017

United Financial Mortgage
815 Commerce Drive, Suite 100
Oak Brook, IL 60523

Borrower: Chilcote, George/Danielle: 3041
Tax Map #: 1712360001404
Property Address: 62079 Torkelson Rd, Bend, OR 97701

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

RECEIVED

DEC 28 2018

OWRD

Encl.

LeslieClark

Subject: Canceled: Meeting with District Manager
Location: COID office - 1055 SW Lake Court, Redmond

Start: Mon 11/12/2018 8:00 AM
End: Mon 11/12/2018 8:30 AM
Show Time As: Free

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: LeslieClark
Required Attendees: cascadebuildersinc

Importance: High

Mr. Chilcote,

This meeting is cancelled. November 12th is the observance of Veteran's Day and our office is closed.

The COID manager is attending meetings out of the state November 7th through the 9th and therefore is not available to meet with you. If you still wish to contest the confiscation of 0.25 acres of water from your property you may request a hearing before the COID Board of Directors. **Hearings are scheduled for November 13th at 9 a.m. Please notify me by November 7, 2018 if you wish to have a hearing.** This will be your last opportunity to contest the removal of the water with COID.

If you choose not to have a hearing, the 0.25 acres will be removed through a water transfer filed with the Oregon Water Resources Department in December 2018. You will receive a notice in the mail of a certified letter informing you of the confiscation and the steps to file an appeal with the State should you choose to.

Thank you,

Leslie Clark
Director of Water Rights
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576

RECEIVED

DEC-28 2018

OWRD



From: cascadebuildersinc <cascadebuildersinc@ykw.net>

Sent: Friday, November 02, 2018 3:58 PM

To: LeslieClark <Lesliec@coid.org>

Subject: Mtg

I would like to schedule an appointment for a meeting on my water rights
Thanks, George Chilcote

Sent from my T-Mobile 4G LTE Device

RECEIVED

DEC 28 2018

OWRD

LeslieClark

Subject: Meeting with District Manager
Location: COID office - 1055 SW Lake Court, Redmond

Start: Mon 11/12/2018 8:00 AM
End: Mon 11/12/2018 8:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: LeslieClark
Required Attendees: cascadebuildersinc

Mr. Chilcote,

You are scheduled for a meeting with the districts manager on November 12, 2018 at 8 a.m. Please bring your evidence the entire 3.25 acre area of your property was under irrigation in 2018. Evidence can be dated photos, receipts for irrigation equipment, fertilizer, seed, etc.

Thank you,

Leslie Clark
Director of Water Rights
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576

RECEIVED

DEC 28 2018

OWRD



From: cascadebuildersinc <cascadebuildersinc@ykw.net>
Sent: Friday, November 02, 2018 3:58 PM
To: LeslieClark <lesliec@coid.org>
Subject: Mtg

IWould like to schedule a appointment for a meeting on my water rights
Thanks, George Chilcote

Sent from my T-Mobile 4G LTE Device

LeslieClark

From: LeslieClark
Sent: Monday, October 29, 2018 4:13 PM
To: 'daniec196710@gmail.com'
Subject: 62079 Torkelson Rd
Attachments: Chilcote_Copy of Notice.pdf

Importance: High

Danielle & George,

Attached is a scanned copy of a letter sent to you by certified mail on 10/3/18 from COID. This email is our 2nd attempt to contact you regarding action COID is taking. This notice is time-sensitive. Please read the attachment and contact COID no later than November 2, 2018 to request a meeting with the Managing Director for COID.

Thank you,

Leslie Clark
Director of Water Rights
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576



RECEIVED
DEC 28 2018
OWRD

RECEIVED

DEC 28 2018

OWRD

Central Oregon Irrigation District
1055 S.W. Lake Court
Redmond, OR 97756

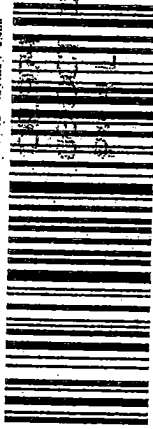
BC 10-27

LN 10/5/18

9326010004521504

UNC 97701-5561459

CERTIFIED MAIL



7017 3380 0000 8340 1957

Chilcote, George/Danielle: 3041
62079 Torkelson Rd
Bend, OR 97701



U.S. POSTAGE PAID
FCM LETTER
REDMOND, OR
97756
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AMOUNT
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RETURN TO SENDER
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BC: 97756146955 *1529-10085-03-38

13089



7017 3380 0000 8340 1957

October 3, 2018

Patron #: 3041

Chilcote, George/Danielle
62079 Torkelson Rd
Bend, OR 97701

RE: Tax Map #: 171236D000900, 3.50 acres total Unmapped water rights
0.25 acres water rights to be confiscated in 2018

RECEIVED

DEC 28 2018

OWRD

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



October 3, 2018

United Financial Mortgage Corp.
PO Box 85071
Phoenix, AZ 85071

Borrower: Chilcote, George/Danielle: 3041
Tax Map #: 171236D000900
Property Address: 62079 Torkelson Rd, Bend, OR 97701

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Encl.

7017 3380 0000 0982 1957

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

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

OFFICIAL USE

BEND, OR 97701

Certified Mail Fee	\$3.45	3.45
Extra Services & Fees (check box, add fee if applicable)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00	
<input checked="" 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	\$0.50	
Total Postage and Fees	\$3.95	

Postmark Here
 OCT 2018
 0756
 CHIC
 OR 97756
 10/23/2018

Chilcote, George/Danielle: 3041
 62079 Torkelson Rd
 Bend, OR 97701

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

RECEIVED

DEC 28 2018

OWRD

13089



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Abby Centola

From: Abby Centola
Sent: Monday, January 15, 2018 11:34 AM
To: daniec196710@gmail.com
Subject: 4th Year Certified Letter
Attachments: 2017 4th Year Nonuse Letter_Unmapped - Chilcote.pdf; 2017 4th year Map CO2 - Chilcote.pdf

Hi Danielle,

Attached, you should find the documents that were sent by certified mail. Let me know if you have any further questions.

Abby Centola
Beneficial Use Technician
Central Oregon Irrigation District
541-504-7577
abby@coid.org

RECEIVED

DEC 28 2018

OWRD

RECEIVED

DEC 28 2018

OWRD

RECEIVED

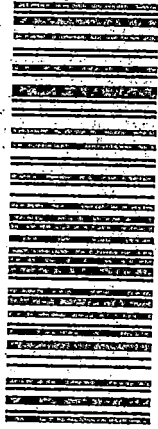
DEC 28 2018

OWRD

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

ADDRESS SERVICE REQUESTED

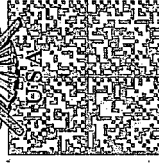
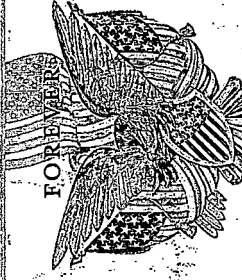
CERTIFIED MAIL



7017 3450 0000 3433 7896

12/11

Chilcote, George/Danielle: 3041
62079 Torkecon Rd
Bend OR 97703



UNITED STATES POSTAL SERVICE
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MAILED FROM

970 DE 1 0012/07/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC
97756146955

97756146955 0529-61749-15-45

13089



November 9, 2017

Patron ID: 3041

Chilcote, George/Danielle
62079 Torkelson Rd
Bend, OR 97701

RECEIVED

DEC 28 2018

RE: Tax Map #: 171236 000 1404 – 3.50 acres total Irrigation Water Rights

Dear Patron,

OWRD

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 with the quantity of appurtenant water rights noted next to a point (there may be multiple points). Over the last four years, the total area being irrigated is less than the amount of your water right.

Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

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

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 during the 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request to do an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

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

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please call me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

RECEIVED

DEC 28 2018

OWRD

Encl.

cc: United Financial Mortgage, 815 Commerce Drive, Suite 100, Oak Brook, IL 60523

Sent by certified mail November 9, 2017

13089



RECEIVED
DEC 28 2018
OWRD

November 10, 2017

United Financial Mortgage
815 Commerce Drive, Suite 100
Oak Brook, IL 60523

Borrower: Chilcote, George/Danielle: 3041
Tax Map #: 1712360001404
Property Address: 62079 Torkelson Rd, Bend, OR 97701

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

RECEIVED

P-2018-002

DEC 28 2018

540.572 FORFEITURE TRANSFER

OWRD

AUTHORIZED LAND

14-13-17 SWNW 01800

ALLEN D. KALLEL REVOCABLE LIVING TRUST

13089



RECEIVED

DEC 28 2018

OWRD

December 27, 2018

Allen D. Kallel Revocable Living Trust
9101 NW 31st St
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 1413170001800, 0.10 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

5141 Allen D. Kallel Rev. Trust
9101 NW 31st St
Terrebonne, OR 97760

Last Assessment Amount:	\$0.00
Last Assessment Date:	
Current Balance:	\$0.00

DistrictText	Division	Acreage	Beat
	Division 1	9.000	PB4

County Tax Map Nbr	County Name	Address	Acreage
1413170001800	Deschutes	9101 NW 31ST ST TERREBONNE, OR 97760	9.000
			9.000

TRSQ	Lot	Usage	Headgate	Quit Claim	Instream Lease	Rot#	Transfer	Petition	Acreage
141317SWNW	01800	Irrigation	F-6-10						
									Acreage: 9.000
									Off Lands:
									On Lands:
									Available: 9.000

11/1/18 - Allen Kallel called. He said he planned to irrigate the Dry area in 2019. I explained it had to be done in 2018. I told him the next steps the district will be taking. He understands he is losing 0.10 acres and does not dispute it.

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DEC 28 2018

OWRD

13089

RECEIVED

DEC 28 2018

OWRD

7017 3349 2600 0489 0000 0832 2702

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

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

TERREBONNE, OR 97601

OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input checked="" 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	\$ 0.50
Total Postage and Fees	\$ 3.95

Postmark Here: 10/03/2018

Allen D. Kahler Revocable Living Trust
 5141
 9101 NW 31st St
 Terrebonne, OR 97760

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

13089

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Allen : 5141

Track Another Package +

RECEIVED

DEC 28 2018

OWRD

Tracking Number: 70173380000083400097

Remove X

Your item was delivered to an individual at the address at 5:00 pm on October 13, 2018 in TERREBONNE, OR 97760.

Delivered

October 13, 2018 at 5:00 pm
Delivered, Left with Individual
TERREBONNE, OR 97760

Get Updates 

Feedback

Text & Email Updates



Tracking History



Product Information



See Less ^

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

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

13089



7017 3380 0000 8340 0097

October 3, 2018

RECEIVED

DEC 28 2018

Patron #: 5141

OWRD

Allen D. Kallel Revocable Living Trust
9101 NW 31st St
Terrebonne, OR 97760

RE: Tax Map #: 1413170001800, 9.00 acres total Mapped water rights
0.10 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

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

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

RECEIVED

DEC 28 2018

OWRD

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

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

ADDRESS SERVICE REQUESTED

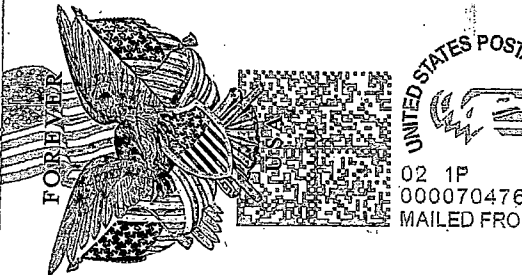
CERTIFIED MAIL



7017 1450 0000 3433 7193

Powell, Dorothy/Davis, Beverly: 3406
9101 NW 31st St
Terrebonne OR 97760

NV
11-17
11-24
12-7

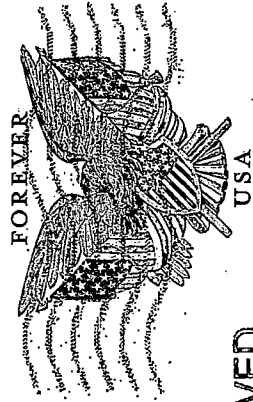


UNITED STATES POST
02 1P
000070476
MAILED FROM

NIXIE 970 DE 1 0012/06/17
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 97756146955 *0529-02034-15-39
9775697565146955

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

ADDRESS SERVICE REQUESTED



ELIZABETH OR 97734
15 NOV 2017 PM 2 L

RECEIVED

DEC 28 2018

OWRD

Quicken Loans: 3406
20555 Victor Parkwa
Livonia MI 48152

NIXIE 482 FE 1 0012/01/17
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 97756146955 *2529-05234-15-39
9775697565146955

.. 9327020530510059

4815237551469



RECEIVED

DEC 28 2018

OWRD

November 13, 2017

Patron ID: 3406

Powell, Dorothy/Davis, Beverly
9101 NW 31st St
Terrebonne, OR 97760

RE: Tax Map #: 1413170001800 – 9.00 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: Quicken Loans, 20555 Victor Parkway, Livonia, MI 48152
MetLife Bank, 501 US Hwy 22 (1-W COPS), Bridgewater, NJ 8807

Sent by certified mail November 13, 2017

RECEIVED
DEC 28 2018
OWRD

13089



RECEIVED

DEC 28 2018

OWRD

November 13, 2017

Quicken Loans
20555 Victor Parkway
Livonia, MI 48152

Borrower: Powell, Dorothy/Davis, Beverly: 3406
Tax Map #: 1413170001800
Property Address: 9101. NW 31st St, Terrebonne, OR, 97760

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.



November 13, 2017

MetLife Bank
501 US Hwy 22 (1-W COPS)
Bridgewater, NJ 8807

Borrower: Powell, Dorothy/Davis, Beverly: 3406
Tax Map #: 1413170001800
Property Address: 9101 NW 31st St, Terrebonne, OR, 97760

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

RECEIVED

DEC 28 2018

OWRD

Encl.

RECEIVED

DEC 28 2018

OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

14-13-20 NESE 00200

DONALD & MYRTLE WILLIAMS

12089



RECEIVED

DEC 28 2018

OWRD

December 27, 2018

Williams, Donald/Myrtle
PO Box 304
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 141320D000200, 0.12 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Williams, 776860

Track Another Package +

RECEIVED

DEC 28 2018

OWRD

Remove X

Tracking Number: 70173380000083400103

Your item was delivered at 10:25 am on October 9, 2018 in REDMOND, OR 97756.

Delivered

October 9, 2018 at 10:25 am
Delivered
REDMOND, OR 97756

Get Updates

Text & Email Updates

Tracking History

Product Information

7017 3380 0000 0834 00103

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

REDMOND, OR 97756

OFFICIAL USE

Certified Mail Fee	\$ 3.45	3.45
Extra Services & Fees (check box, add fee if applicable)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00	
<input checked="" 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	\$ 0.50	
Total Postage and Fees	\$ 3.95	

US POST OFFICE
0756 10
Postmark Here
10/03/2018
REDMOND, OR 97756

Williams, Donald/Myrtle: 776860
PO Box 304
Redmond, OR 97756

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

See Less ^

Can't find what you're looking for?

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

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

13089



7017 3380 0000 8340 0103

October 3, 2018

RECEIVED

DEC 28 2018

Patron #: 776860

OWRD

Williams, Donald/Myrtle
PO Box 304
Redmond, OR 97756

RE: Tax Map #: 141320D000200, 18.60 acres total Mapped water rights
0.12 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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RECEIVED

DEC 28 2018

OWRD

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Clark".

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

RECEIVED

DEC 28 2018

OWRD

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

SENDER, COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Williams, Donald/Myrtle: 776860 2170 NW Odem Ave Terrebonne OR 97760</p>		<p>A. Signatory <i>Donald Williams</i> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery 11-21-17</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p>	
<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 8392 7227 3072 47</p>		<p>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"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery (ID)</p>	
<p>7017 1450 0000 3433 7247</p>		<p>Domestic Return Receipt</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>			

13089



November 9, 2017

Patron ID: 4874

Wilkins, Scott/Lorraine
62960 Santa Cruz Ave
Bend, OR 97701

RECEIVED

DEC 28 2018

RE: Tax Map #: 17132 000 01106 – 1.40 acres total Irrigation Water Rights

OWRD

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 with the quantity of appurtenant water rights noted next to a point (there may be multiple points). Over the last four years, the total area being irrigated is less than the amount of your water right.

Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

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

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 during the 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request to do an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

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

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please call me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

RECEIVED

DEC 28 2018

OWRD

Encl.

cc: Umpqua Bank, 6610 SW Cardinal Lane, Suite 300, Tigard, OR 97224

Sent by certified mail November 9, 2017

13089



RECEIVED

DEC 28 2018

OWRD

November 10, 2017

Umpqua Bank
6610 SW Cardinal Lane, Suite 300
Tigard, OR 97224

Borrower: Wilkins, Scott/Lorraine: 4874
Tax Map #: 1713200001106
Property Address: 62960 Santa Cruz Ave, Bend, OR 97701

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

14-13-24 NENE 00100

14-13-24 SENE 00100

LINDA STREAM

RECEIVED

DEC 28 2018

OVRD



RECEIVED

DEC 28 2018

OWRD

December 27, 2018

Stream, Linda
4710 NE Smith Rock Way
Terrebonne, OR 97760

RE: Confiscation of water rights appurtenant to tax map #: 1413240000100, 6.75 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC-28 2018

OWRD

CERTIFIED MAIL



7017 3380 0000 8340 5009

U.S. POSTAGE PA
FCM LETTER
REDMOND, OR
97756
OCT 03, 18
AMOUNT
\$3.95
R2304H109931-10



1021

97760

Stream, Linda: 4424
4710 NE Smith Rock Way
Terrebonne, OR 97760

10-22-18

REMI 97760 DE 1 2018/24/18
RETURN TO SENDER
UNABLE TO FORWARD
EC: 97760146955 *1529-05670-03-38
97760275824169

Central Oregon Irrigation District

7017 3380 0000 8340 5009

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

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

TERREBONNE, OR 97760

OFFICIAL USE	
Certified Mail Fee	\$3.45 <i>3.45</i>
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$1.00
<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	\$0.50
Total Postage and Fees	\$3.95

Postmark Here
OCT - 3 2018
OR 97756
0756 10

Stream, Linda: 4424
4710 NE Smith Rock Way
Terrebonne, OR 97760



7017 3380 0000 8340 5009

October 3, 2018

Patron #: 4424

Stream, Linda
4710 NE Smith Rock Way
Terrebonne, OR 97760

RECEIVED

DEC 2-8 2018

OWRD

RE: Tax Map #: 1413240000100, 33.25 acres total Mapped water rights
0.41 acres water rights to be confiscated in 2018
Tax Map #: 1413240000100, 22.75 acres total Mapped water rights
6.35 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water



right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

RECEIVED

DEC 28 2018

OWRD

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

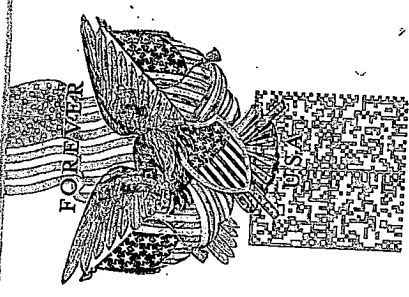
Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD



UNITED STATES POSTAL SERVICE
02 1P
00007047
MAILED FRC

NV
11-17
11-24
12-2



16 0750 0000 0945 4390

Stream, Linda: 4424
4710 NE Smith Rock Way
Terrebonne

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
SORRY IN MANUAL ONLY NO AUTOMATION
E.C. 5698899955

CENTRAL OREGON IRRIGATION DISTRICT
7016 0750 0000 0945 4390

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)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 3.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 2.75
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.46
Total Postage and Fees	\$ 6.56

Postmark
Here

Stream, Linda: 4424
4710 NE Smith Rock Way
Terrebonne OR 97760



November 13, 2017

Patron ID: 4424

RECEIVED

DEC 28 2018

OWRD

Stream, Linda
4710 NE Smith Rock Way
Terrebonne, OR 97760

RE: Tax Map #: 141324 000 0100 – 33.25 acres total Irrigation Water Rights
Tax Map #: 141324 000 0100 – 22.75 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion of*, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,

3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

Sent by certified mail November 13, 2017

RECEIVED

DEC 28 2018

OWRD

13089

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

14-13-26 SENE 00101

FAST CATTLE RANCHES, LLC

RECEIVED

DEC 28 2018

OWRD



December 27, 2018

Fast Cattle Ranches, LLC
6287 NE 33rd St
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 1413260000101, 1.00 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Fast Cattle: 4300

Track Another Package +

RECEIVED

DEC 28 2018

OWRD

Tracking Number: 70173380000083400059

Remove X

Expected Delivery by

FRIDAY

5 OCTOBER 2018 by **8:00pm**

Delivered

October 5, 2018 at 3:49 pm
Delivered, Left with Individual
REDMOND, OR 97756

Get Updates v

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

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

REDMOND, OR 97756

Certified Mail Fee \$3.45 **3.45**

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

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$2.00
<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 \$0.50

Total Postage and Fees \$3.95

Fast Cattle Ranches, LLC: 4300
6287 NE 33rd St
Redmond, OR 97756

Postmark: REDMOND, OR 10/03/2018

7017 3380 0000 0834 0059

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

Text & Email Updates v

Tracking History v

Product Information v

See Less ^

Can't find what you're looking for?

13089



7017 3380 0000 8340 0059

October 3, 2018

Patron #: 4300

Fast Cattle Ranches, LLC
6287 NE 33rd St
Redmond, OR 97756

RECEIVED

DEC 28 2018

OWRD

RE: Tax Map #: 1413260000101, 30.40 acres total Mapped water rights
1.00 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Clark".

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

RECEIVED

DEC 28 2018

OWRD

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark -
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input type="checkbox"/> Agent <i>[Signature]</i> <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>Lisa Fast</i> <i>11/21/17</i></p>												
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"><p>Fast Cattle Ranches, LLC: 4300 6287 NE 33rd St Redmond OR 97756</p></div>	<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>2. Article Number <i>Transfer from serial master</i></p> <p><i>9500 9402 2376 6249 9223 41</i></p> <p><i>016 0750 0000 0945 7261</i></p>	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input checked="" 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 (over \$500)</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input checked="" 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 (over \$500)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
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<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 (over \$500)	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>PS Form 3811, July 2015 PSN 7530-02-000-9058 Domestic Return Receipt</p>													

13089



RECEIVED

DEC 28 2018

OWRD

November 13, 2017

Patron ID: 4300

Fast Cattle Ranches, LLC
6287 NE 33rd St
Redmond, OR 97756

RE: Tax Map #: 141326 000 0402 – 25.20 acres total Irrigation Water Rights
Tax Map #: 141326 000 0101 – 30.40 acres total Irrigation Water Rights
Tax Map #: 141326 000 0300 – 15.20 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15,

2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,

3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

Sent by certified mail November 13, 2017

RECEIVED

DEC 28 2018

OWRD

13089

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

14-13-35 NENE 00100

REDMOND TALLOW COMPANY, INC.

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Redmond Tallow Co Inc
PO Box 152
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 141335A000100, 0.19 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Redmond Tallow Co. 597440 Track Another Package +

RECEIVED

DEC 28 2018

OWRD

Tracking Number: 70173380000083400066

Expected Delivery by

FRIDAY

5 OCTOBER 2018 ⓘ by **8:00pm** ⓘ

Delivered

October 5, 2018 at 10:59 am
Delivered
REDMOND, OR 97756

Get Updates ▾

Text & Email Updates ▾

Tracking History ▾

Product Information ▾

See Less ^

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13089

9900 04ER 0000 08EE 2T02

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CERTIFIED MAIL® RECEIPT	
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For delivery information, visit our website at www.usps.com	
REDMOND, OR 97756	
OFFICIAL USE	
Certified Mail Fee	\$3.45 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00
<input checked="" 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	\$0.50
Total Postage and Fees	\$3.95
Redmond Tallow Co Inc: 597440	
PO Box 152	
Redmond, OR 97756	
PS Form 3800, April 2015 PSN 7530-02-000-9047-1 See Reverse for Instructions	

Postmark Here
3 2018
OFFICE



7017 3380 0000 8340 0066

October 3, 2018

Patron #: 597440

Redmond Tallow Co Inc
PO Box 152
Redmond, OR 97756

RECEIVED

RE: Tax Map #: 141335A000100, 3.50 acres total Mapped water rights
0.19 acres water rights to be confiscated in 2018

DEC 28 2018

OWRD

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018

RECEIVED

DEC 28 2018

OWRD



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

RECEIVED

DEC 28 2018

OWRD

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Complete items 1, 2, and 3 so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p>Redmond Tallow Co Inc: 597440 PO Box 152 Redmond OR 97756</p> <p>9590 9402 2376 6249 9221 98</p> <p>Article Number (Transfer from container label)</p> <p>7016 0750 0000 0945 4291</p> <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>A. Signature</p> <p><i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p><i>[Signature]</i> <input type="checkbox"/> Date of Delivery</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>2. Service Type</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail® Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> In Delivery Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™ Restricted Delivery</p> <p>(over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™ Restricted Delivery</p>	
		Domestic Return Receipt	

13089



November 13, 2017

Patron ID: 597440

Redmond Tallow Co Inc
PO Box 152
Redmond OR 97756

RECEIVED

DEC 28 2018

RE: Tax Map #: 141335A000100 – 3.50 acres total Irrigation Water Rights

OWRD

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: , , ,

Sent by certified mail November 13, 2017

RECEIVED

DEC 28 2018

OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

15-12-13 SWNE 00913

CODY & KASEY EVERY

RECEIVED

DEC 28 2018

OWRD

13089



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

RECEIVED

DEC 28 2018

OWRD

December 27, 2018

Every, Cody/Kasey
PO Box 966
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 1512130000913, 0.20 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

ALERT: USPS SERVICES ARE DISRUPTED IN SOME FLORIDA PANHANDLE AREAS IMPACTED...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

RECEIVED

DEC 28 2018

Every: 3576

Track Another Package +

OWRD

Tracking Number: 7017338000083404996

Remove X

Your item was delivered at 10:04 am on October 11, 2018 in REDMOND, OR 97756.

Delivered

October 11, 2018 at 10:04 am
Delivered
REDMOND, OR 97756

Get Updates v

Text & Email Updates

Tracking History

Product Information

See Less ^

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REDMOND, OR 97756

OFFICIAL USE

Certified Mail Fee	\$3.45	3.45	0756
Extra Services & Fees (check box, add fee as appropriate)		\$10.00	10
<input type="checkbox"/> Return Receipt (hardcopy)		\$0.28	
<input checked="" type="checkbox"/> Return Receipt (electronic)		\$1.00	
<input type="checkbox"/> Certified Mail Restricted Delivery		\$0.50	
<input type="checkbox"/> Adult Signature Required		\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery		\$0.00	
Postage	\$0.50		
Total Postage and Fees	\$3.95		

Postmark Here: OCT 11 2018

Every, Cody/Kasey: 3576
PO Box 966
Redmond, OR 97756

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

Can't find what you're looking for?

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

13089

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)



7017 3380 0000 8340 4996

October 3, 2018

RECEIVED

DEC 28 2018

Patron #: 3576

OWRD

Every, Cody/Kasey
PO Box 966
Redmond, OR 97756

RE: Tax Map #: 1512130000913, 5.32 acres total Mapped water rights
0.23 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

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

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED


DEC 28 2018

OWRD

RECEIVED

DEC 28 2018

OWRD

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.	A. Signature <i>X Kasey Every</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: Every, Cody/Kasey: 3576 PO Box 966 Redmond OR 97756	B. Received by (Printed Name) <i>NOV 17 2017</i> <input type="checkbox"/> Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
 9590 9402 3392 7227 3070 56	3. Service Type <i>USPS</i> <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
2. Article Number (Transfer from service label) 7017 1450 0000 3433 8527	Mail Restricted Delivery (DD)
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

13089



November 9, 2017

Patron ID: 3576

Every, Cody/Kasey
PO Box 966
Redmond, OR 97756

RECEIVED

DEC 28 2018

OWRD

RE: Tax Map #: 151213 000 0913 – 5.32 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: , , ,

Sent by certified mail November 9, 2017

RECEIVED

DEC 28 2018

OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

15-13-10 NWNE 00200

MIGUEL SEGOVIANO

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Segoviano, Miguel
1881 SW First St
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 151310A000200, 0.22 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Segoviano: 4217

Track Another Package +

RECEIVED

DEC 28 2018

OWRD

Remove X

Tracking Number: 70173380000083400080

Expected Delivery by

FRIDAY

5 OCTOBER 2018 by **8:00pm**

Delivered

October 5, 2018 at 12:17 pm
Delivered, Left with Individual
REDMOND, OR 97756

Get Updates v

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

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

REDMOND, OR 97756

OFFICIAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$3.45
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$1.00
<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	\$0.50
Total Postage and Fees	\$3.95

Postmark Here
10/03/2018
97756

Segoviano, Miguel: 4217
1881 SW First St
Redmond, OR 97756

PS Form 3800, April 2015 PSN 7530-02-000-90-01 See Reverse for Instructions

Text & Email Updates v

Tracking History v

Product Information v

See Less ^

Can't find what you're looking for?

13089



7017 3380 0000 8340 0080

October 3, 2018

RECEIVED

DEC 28 2018

Patron #: 4217

OWRD

Segoviano, Miguel
1881 SW First St
Redmond, OR 97756

RE: Tax Map #: 151310A000200, 1.80 acres total Mapped water rights
0.22 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Santiam Escrow, 216 E. Virginia St, Stayton, OR 97383

Sent by certified mail October 3, 2018



October 3, 2018

RECEIVED

DEC 28 2018

OWRD

Santiam Escrow
216 E. Virginia St
Stayton, OR 97383

Borrower: Segoviano, Miguel: 4217
Tax Map #: 151310A000200
Property Address: 1881 SW First St, Redmond, OR 97756

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

Encl.



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

RECEIVED

DEC 28 2018

OWRD

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.


If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; text-align: center;"> Segoviano, Miguel: 4217 1881 SW First St Redmond OR 97756 </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
 9590 9402-2376 6249 9221 43	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery
2. Article Number (Transfer from service label): 7016 0750 0000 0945 4345	
PS Form 3811, July 2015 PSN 7530-02-000-9058 Domestic Return	

RECEIVED

DEC 28 2018

OWRD

13089



November 13, 2017

Patron ID: 4217

Segoviano, Miguel
1881 SW First St
Redmond OR 97756

RE: Tax Map #: 151310A000200 – 1.80 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

RECEIVED

DEC 28 2018

13089 OWRD

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: , , ,

Sent by certified mail November 13, 2017

RECEIVED

DEC 28 2018

OWRD

13089

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

15-13-30 NWSW 01101

D.A.C. TRUST & P.A.C. TRUST

RECEIVED

DEC 28 2018

OWRD



RECEIVED

DEC 28 2018

OWRD

December 27, 2018

D.A.C. Trust & P.A.C. Trust
3800 SW Helmholtz Way
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 1513300001101, 0.20 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

DAC/PAC: 924

Track Another Package +

RECEIVED

DEC 28 2018

OWRD

Tracking Number: 70173380000083402046

Remove X

Expected Delivery by

FRIDAY

5 OCTOBER 2018 by **8:00pm**

Delivered

October 5, 2018 at 12:07 pm
Delivered, Left with Individual
REDMOND, OR 97756

Get Updates ▾

7017 3380 0000 8340 2046

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

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

REDMOND, OR 97756

OFFICIAL USE

Certified Mail Fee	\$3.45	3.45
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.10	
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$1.10	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.10	
<input type="checkbox"/> Adult Signature Required	\$0.10	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$1.10	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Postmark Here
OCT 5 2018
US POST OFFICE
REDMOND, OR 97756

D.A.C. Trust & P.A.C. Trust: 924
3800 SW Helmholtz Way
Redmond, OR 97756

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

Text & Email Updates ▾

Tracking History ▾

Product Information ▾

See Less ^

Can't find what you're looking for?

13089



7017 3380 0000 8340 2046

RECEIVED

DEC 28 2018

OWRD

October 3, 2018

Patron #: 924

D.A.C. Trust & P.A.C. Trust
3800 SW Helmholtz Way
Redmond, OR 97756

RE: Tax Map #: 1513300001101, 23.90 acres total Mapped water rights
0.20 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Wells Fargo Bank, PO Box 31557, Billings, MT 59107

Sent by certified mail October 3, 2018

RECEIVED

DEC 28 2018

OWRD



RECEIVED

DEC 28 2018

OWRD

October 3, 2018

Wells Fargo Bank
PO Box 31557
Billings, MT 59107

Borrower: D.A.C. Trust & P.A.C. Trust: 924
Tax Map #: 1513300001101
Property Address: 3800 SW Helmholtz Way, Redmond, OR 97756

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

Encl.



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>Don Childs</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; text-align: center;"> D.A.C. Trust & P.A.C. Trust: 924 3800 SW Helmholtz Way Redmond OR 97756 </div>		B. Received by (Printed Name) <i>DON CHILDS</i>	
2. Article Number (Transfer from service label) <div style="border: 1px solid black; padding: 2px;"> 7017 1450 0000 3433 8954 </div>		C. Date of Delivery <i>11/17</i>	
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery		D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

U.S. Postal Service CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com	
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) \$ <i>2.35</i> <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ <i>.46</i> Total Postage and Fees \$ <i>6.96</i>	Postmark Here
Sent To D.A.C. Trust & P.A.C. Trust: 924 3800 SW Helmholtz Way Redmond OR 97756	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See reverse for instructions	

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13089



November 13, 2017

Patron ID: 924

D.A.C. Trust & P.A.C. Trust
3800 SW Helmholtz Way
Redmond, OR 97756

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OWRD

RE: Tax Map #: 151330 000 1101 – 23.90 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: Wells Fargo Bank, PO Box 31557, Billings, MT 59107
Bank of America, PO Box 23500, Greensboro, NC 27499

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DEC 28 2018

OWRD

Sent by certified mail November 13, 2017



November 13, 2017

Wells Fargo Bank
PO Box 31557
Billings, MT 59107

Borrower: D.A.C. Trust & P.A.C. Trust: 924
Tax Map #: 151330 000 1101
Property Address: 3800 SW Helmholtz Way, Billings, MT, 59107

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

RECEIVED

DEC 28 2018

OWRD

13089



November 13, 2017

Bank of America
PO Box 23500
Greensboro, NC 27499

Borrower: D.A.C. Trust & P.A.C. Trust: 924
Tax Map #: 151330 000 1101
Property Address: 3800 SW Helmholtz Way, Greensboro, NC, 27499

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

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OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

15-13-31 SWNW 00205

SHARLENE HALL

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Hall, Sharlene
PO Box 307
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 1513310000205, 0.24 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

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DEC 28 2018

OWRD

279040 Hall, Sharlene
PO Box 307
Redmond, OR 97756

548-1671

Last Assessment Amount:	\$1,404.00
Last Assessment Date:	01/19/2018
Current Balance:	\$0.00

DistrictText	Division	Acreage	Beat
	Division 2	47.700	PB1

County Tax Map Nbr	County Name	Address	Acreage	
1513310000200	Deschutes	4790 SW ELKHORN AVE REDMOND, OR 97756	18.100	RECEIVED
1513310000202	Deschutes		6.500	DEC 28 2018
1513310000204	Deschutes	5050 SW HELMHOLTZ WAY REDMOND, OR 97756	2.100	OWRD
1513310000205	Deschutes	5451 SW CANAL BLVD REDMOND, OR 97756	21.000	
			47.700	

TRSQ	Lot	Usage	Headgate	Quit Claim	Instream Lease	Rot#	Transfer	Petition	Acreage
151331NWNW	00200	Irrigation	B-2-6						Acreage: 18.100
Beneficial Use:	2018 - Partial		2017 - Partial		2016 - Partial				Off Lands: On Lands: Available: 18.100
	2015 - Partial		2014 - Full		2013 - Full				
151331NWNW	00202	Irrigation	B-2-4-0						Acreage: 6.500
Beneficial Use:	2018 - Full		2017 - Full		2016 - Full				Off Lands: On Lands: Available: 6.500
	2015 - Full		2014 - Full		2013 - Full				
151331NWNW	00204	Irrigation	B-2-6						Acreage: 2.100
Beneficial Use:	2018 - Partial		2017 - Partial		2016 - Partial				Off Lands: On Lands: Available: 2.100
	2015 - Partial		2014 - Partial		2013 - Partial				
151331SWNW	00205	Irrigation	B-2-5						Acreage: 11.000
Beneficial Use:	2018 - Partial		2017 - Partial		2016 - Partial				Off Lands: On Lands: Available: 11.000
	2015 - Partial		2014 - Partial		2013 - Partial				
151331SWNW	00205	Irrigation	B-2-6						Acreage: 10.000
Beneficial Use:	2018 - Full		2017 - Full		2016 - Full				Off Lands: On Lands: Available: 10.000
	2015 - Dry		2014 - Partial		2013 - Partial				

0.24ac

/// I talked to Baxter. Lynn previously had the headgate set to deliver 6x the allowed rate. Baxter cut the delivery back to 12g. The last 30 days of the season Baxter pumped the delivery up at Cary's request. Baxter did not see any attempt to irrigate area. He had talked to Hall's earlier in the season and they planned to attach a line to the sprinkler on north side of dry area. Baxter...
120819
Page 1 of 1

11/5/18 Mtg w/Craig

Proceed with confiscation of 0.24 Ac. This area had previously been irrigated from ditch overflow. Since improving ditch maintenance it no longer gets irrigated. Clayton Hall said he understands ~~and~~ what is happening.

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OWRD

13089 ~~==~~

Received 10/31
3:54 P.M.

RECEIVED

October 28, 2018

DEC 28 2018

OWRD

Central Oregon Irrigation District
1055 S.W. Lake Court
Redmond, Oregon 97756

RE: Tax Map #: 1513310000205, 21.00 acres total Mapped water rights 0.24 acres water rights
COI wants to confiscate.

Dear Leslie Clark ~

We have received your letter dated October 3, 2018 with regards to confiscating the water rights mentioned above. We did receive original letters at the end of the 2017 irrigation season. We have had all intention to water the above piece mentioned but unfortunately our Ditch Rider, Baxter, cut down our water usage.

We have talked with Baxter & Cary Penhollow. We were going to water from another water source and was told we could not. Unfortunately due to the cutback from our Ditch Rider it has impacted drastically what could and could not be watered.

Please give us an extension and we will put in an additional pump to get this .24 acres watered.

Thank you for your consideration.

Clayton Hall
Clinton Hall

Clayton & Clinton Hall,
Sons to Sharlene Hall
(541) 410-3515 (Clayton)

13089

ALERT: USPS SERVICES ARE DISRUPTED IN SOME FLORIDA PANHANDLE AREAS IMPACTED...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

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Hall: 279040

Track Another Package +

OWRD

Tracking Number: 70173380000083384946

Remove X

Your item was delivered at 4:28 pm on October 10, 2018

Delivered

October 10, 2018 at 4:28 pm
Delivered
REDMOND, OR 97756

Get Updates v

Text & Email Updates

Tracking History

Product Information

7017 3380 0000 0000 0000 4946

REDMOND, OR 97756

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

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

REDMOND, OR 97756

OFFICIAL USE

Certified Mail Fee	\$3.45	3.45
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$1.00	
<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	\$0.50	
Total Postage and Fees	\$3.95	

Postmark Here
10/10/2018

Hall, Sharlene: 279040
PO Box 307
Redmond, OR 97756

PS Form 3800, April 2015 PSN 7530-02-000-9017-7 See Reverse for Instructions

See Less ^

Can't find what you're looking for?

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

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

13089



7017 3380 0000 8338 4946

October 3, 2018

Patron #: 279040

Hall, Sharlene
PO Box 307
Redmond, OR 97756

RECEIVED

DEC 28 2018

RE: Tax Map #: 1513310000205, 21.00 acres total Mapped water rights
0.24 acres water rights to be confiscated in 2018

OWRD

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

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DEC 28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018

Abby Centola

From: Heidi Hall <heidi.hall@redmondschools.org>
Sent: Wednesday, December 6, 2017 3:09 PM
To: Abby Centola
Subject: Re: Patron ID 279040

Okay Abby sounds good. I thought my sister-in-law sent pictures in on the other piece. We are going to be out of town. I will email them Sunday or Monday.

I will pass on this information to Clayton, son to Fredric & Sharlene Hall.

Thanks for the information.

Heidi Hall
Head Secretary, Sage Elementary School
Phone 541.316.2830

On Wed, Dec 6, 2017 at 3:04 PM, Abby Centola <abby@coid.org> wrote:

Hi Heidi,

I did not receive any pictures from you. If you have any, please send them my way.

Just keep in mind that the areas in white on your map are use it or lose it areas. The options you have are to irrigate the areas or instream lease the water for one year. If you choose to irrigate it, you have to irrigate the whites areas completely, or else risk losing the water. If you instream lease it, you are guaranteed full beneficial use on the area(s) you instream, without risking losing the water.

Thanks,

Abby Centola

Beneficial Use Technician

Central Oregon Irrigation District

541-504-7577

abby@coid.org

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DEC 28 2018

OWRD

From: Heidi Hall [mailto:heidi.hall@redmondschools.org]
Sent: Tuesday, December 05, 2017 10:50 AM
To: Abby Centola <abby@coid.org>
Subject: Fwd: Patron ID 279040

Heidi Hall

Head Secretary, Sage Elementary School

Phone 541.316.2830

----- Forwarded message -----

From: Heidi Hall <heidi.hall@redmondschools.org>
Date: Tue, Dec 5, 2017 at 10:31 AM
Subject: Re: Patron ID 279040
To: Heidi Hall <allhall3@msn.com>

Hi Abby,

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OWRD

Couple questions. Did you ever receive the pictures you needed for the mentioned area in this email? If not I can send some.

Second we received another letter dated 11/13/17 regarding tax map #151331 000 0205: We do not want to do a water transfer. We will do what we can to water that area in 2018 irrigation season. Thank you for the letter. We were not aware that area needed to be watered, it is an area we should be able to get taken care of.

Please let me know if you need anything further from us on these two areas.

Thanks,

Heidi

Heidi Hall

Head Secretary, Sage Elementary School

Phone 541.316.2830

On Thu, Apr 20, 2017 at 12:45 PM, Heidi Hall <heidi.hall@redmondschools.org> wrote:

Heidi Hall

Head Secretary, Sage Elementary School

Phone 541.316.2830

----- Forwarded message -----

From: **Abby Centola** <abby@coid.org>

Date: Tue, Apr 18, 2017 at 3:26 PM

Subject: RE: Patron ID 279040

To: Heidi Hall <heidi.hall@redmondschools.org>

Hi Heidi!

Sorry to bug you while you're working.

RECEIVED

DEC 28 2018

OWRD

Attached, you should find 2 maps. This first map is a 2016 aerial map of your entire property. The Yellow parallel lines show where the water rights on your property are located. The second map is the same image, but focused on the region of your property that the letter is concerned with. According to our records, the area in yellow hashing (0.099 ac) hasn't been irrigated since 2013. I know this seems insignificant, but we are trying to protect the water rights located on your in-laws land.

Something to keep in mind. COID's aerial photography is taken in mid-July. If the area in yellow hashing labeled '2013' was irrigated in early June or late August, we have no way of knowing. With that being said, if this area is greened up

in June (3in of growth minimum) I would be happy to take a look at the property, take some pictures and GPS the area so we can supplement the aerial imagery with some solid data. Or, if it's easiest for you, feel free to take your own pictures and send them to me. If you choose to do this, in the photos please include: 1) the date that the photo was taken, preferably on the photo. 2) The location of where you're standing when the photo was taken and the direct you were facing (example: The southwest corner of the pond, looking southeast).

If you have any further questions, please don't hesitate to ask!

Thanks!

Abby Centola

Beneficial Use Technician

Central Oregon Irrigation District

541-504-7577

abby@coid.org

From: Heidi Hall [mailto:heidi.hall@redmondschools.org]

Sent: Tuesday, April 18, 2017 2:16 PM

To: Abby Centola <abby@coid.org>

Subject: Patron ID 279040

Hi Abby,

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DEC 28 2018

I generally don't do this at work but you and I might be playing phone tag till summer.

OWRD

We received a letter from you to Fredric & Sharlene Hall, who are my in-laws. Letter states we are not utilizing all water rights since 2013.

Please send to us a map as to where COID believes/shows we are not watering. As far as we know all areas are being watered.

Abby, if you need to visit with me by phone please call my work 541-316-2830.

Thank you

Heidi Hall

Head Secretary, Sage Elementary School

Phone 541.316.2830

RECEIVED

DEC 28 2018

OWRD



May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<p>Complete items 1, 2, and 3.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>Sharlene Hall</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Sharlene Hall</i></p> <p>C. Date of Delivery <i>11-21-17</i></p>												
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>Hall, Fredric/Sharlene: 279040 PO Box 307 Redmond OR 97756</p> </div>	<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>2. Article Number (transfer from serial label)</p> <p>9590 9402 3050 7124 6738 62</p> <p>7017 1450 0000 3433 9836</p>	<p>3. Service Type</p> <table border="0"> <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
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<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>													

U.S. Postal Service CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com	
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<p>Certified Mail Fee \$</p> <p>Extra Services & Fees (check box, add fees as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$ <u>2.25</u></p> <p><input type="checkbox"/> Return Receipt (electronic) \$ <u>2.75</u></p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$</p> <p><input type="checkbox"/> Adult Signature Required \$</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$</p> <p>Postage \$ <u>46</u></p> <p>Total Postage and Fees \$ <u>6.56</u></p>	<p>Postmark Here</p>
<p>Sent To</p> <p>St. Hall, Fredric/Sharlene: 279040</p> <p>PO Box 307</p> <p>City Redmond OR 97756</p> <p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>	

7017 1450 0000 3433 9836

RECEIVED

DEC 28 2018

OWRD

13089



November 13, 2017

Patron ID: 279040

Hall, Sharlene
PO Box 307
Redmond, OR 97756

RECEIVED

DEC 28 2018

OWRD

RE: Tax Map #: 151331 000 0205 – 21.00 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

RECEIVED

DEC 28 2018

OWRD

Encl.

cc: , , ,

Sent by certified mail November 13, 2017

13089

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

16-12-12 NESW 00401

RAUL URENO & GUADELUPE LUNA

RECEIVED

DEC 28 2018

OWRD



RECEIVED

DEC 28 2018

OWRD

December 27, 2018

Ureno, Raul/Luna, Guadelupe
2285 SW Kalama Ave
Redmond, OR 97756

RE: Confiscation of water rights appurtenant to tax map #: 1612120000401, 9.72 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Ureno: Raul Luna 2508

Track Another Package +

RECEIVED

DEC 28 2018

OWRD

Tracking Number: 70173380000083384953

Remove X

Expected Delivery by

FRIDAY

5 OCTOBER 2018 **8:00pm**

Delivered

October 5, 2018 at 1:20 pm
Delivered, Left with Individual
REDMOND, OR 97756

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REDMOND, OR 97756

OFFICIAL USE

Certified Mail Fee	\$3.45	3.45
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$1.00	
<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	\$0.50	
Total Postage and Fees	\$3.95	

Postmark Here
10/03/2018
US POST OFFICE
REDMOND, OR 97756

Ureno, Raul/Luna, Guadelupe: 2508
2285 SW Kalama Ave
Redmond, OR 97756

PS Form 3800, April 2015 PSN 7530-02-000-90-77-3 See Reverse for Instructions

Text & Email Updates v

Tracking History v

Product Information v

See Less ^

Can't find what you're looking for?



7017 3380 0000 8338 4953

October 3, 2018

Patron #: 2508

Ureno, Raul/Luna, Guadalupe
2285 SW Kalama Ave
Redmond, OR 97756

RECEIVED

DEC 28 2018

OWRD

RE: Tax Map #: 1612120000401, 16.50 acres total Mapped water rights
9.72 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC-28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



RECEIVED

DEC 28 2018

May 1, 2018

OWRD

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.


If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

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>Guadalupe Luna</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Guadalupe Luna</i></p> <p>C. Date of Delivery <i>11/20/17</i></p>
<p>1. Article Addressed to:</p> <p>Ureno, Raul/Luna, Guadalupe: 2508 2285 SW Kalama Redmond OR 97756</p>	<p>D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
 9590 9402 2376 6249 9224 40	<p>3. Service Type</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>2. Article Number (Transfer from service label)</p> 7016 0750 0000 0945 7162	<input type="checkbox"/> Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt	

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<p>Certified Mail Fee \$</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <input type="checkbox"/> Return Receipt (hardcopy) \$ <u>3.32</u> <input type="checkbox"/> Return Receipt (electronic) \$ <u>2.75</u> <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	<p>Postmark Here</p>
<p>Postage \$ <u>.46</u></p> <p>Total Postage and Fees \$ <u>6.56</u></p>	
<p>Sent to Street Ureno, Raul/Luna, Guadalupe: 2508 City 2285 SW Kalama Redmond OR 97756</p>	
<p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>	

7016 0750 0000 0945 7162

RECEIVED
DEC 28 2018
OWRD

13089



November 13, 2017

Patron ID: 2508

Ureno, Raul/Luna, Guadalupe
2285 SW Kalama Ave
Redmond, OR 97756

RECEIVED

DEC 28 2018

OWRD

RE: Tax Map #: 161212 000 0401 – 16.50 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: American Brokers Conduit, 520 Broadhollow Rd, Melville, NY 11747
Taylor, Bean & Whitaker Mortgage, 1417 N Magnolia Ave, Ocala, FL 34475

Sent by certified mail November 13, 2017

RECEIVED

DEC 28 2018

OWRD



November 13, 2017

American Brokers Conduit
520 Broadhollow Rd
Melville, NY 11747

Borrower: Ureno, Raul/Luna, Guadalupe: 2508
Tax Map #: 161212 000 0401
Property Address: 8164 SW 61st Street, Melville, NY, 11747

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

RECEIVED

DEC 28 2018

OWRD

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.



November 13, 2017

Taylor, Bean & Whitaker Mortgage
1417 N Magnolia Ave
Ocala, FL 34475

Borrower: Ureno, Raul/Luna, Guadalupe: 2508
Tax Map #: 161212 000 0401
Property Address: 8164 SW 61st Street, Ocala, FL, 34475

RECEIVED

DEC 28 2018

OWRD

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

16-12-15 NENW 00700

GARY HINGLEY

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Hingley, Gary
20925 Young Ave
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 1612150000700, 0.57 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

13089

LeslieClark

From: LeslieClark
Sent: Friday, November 02, 2018 9:58 AM
To: 'chingley@fs.fed.us'
Cc: Abby Centola
Subject: 2018 Water Confiscation
Attachments: Adjusted Confiscation_11-2-18.pdf

Craig,

Thank you for coming in this morning to meet with our manager, Craig Horrell, and myself. We appreciate the effort and expense you put into proving up the water.

As discussed, we adjusted the beneficial use map of your property (see attached). The portion of water scheduled for confiscation 2018 has been reduced to 0.57 acres and is identified on the map in yellow cross-hatch. We understand and appreciate that you made effort to irrigate the southeast corner during the last week of the irrigation season. The 1.49 acre area previously scheduled for confiscation will remain on the property with the understanding you will have the entire area under irrigation in 2019. Please contact me in 2019 when you have good growth established and we will go out to the property to document the use. Once documented, we will change the beneficial use of the 1.49 acre area to full use.

In December you will receive notice from the USPS of a certified mailing from COID. This mailing will include a copy of a water transfer we are filing with the Oregon Water Resources Department, removing confiscated water from a number of properties across our district, including the 0.57 acres from your property. The mailing will include a cover letter informing you of the transfer to remove the water and provide you with information to file an appeal with the State of Oregon.

If you have any questions regarding this process please don't hesitate to contact me.

Thank you,

Leslie Clark

Director of Water Rights
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576



RECEIVED

DEC 28 2018

OWRD

13089

324160 Hingley, Craig A.
20925 Young Ave
Bend, OR 97701

925-240-0937

Last Assessment Amount:	\$714.00
Last Assessment Date:	01/19/2018
Current Balance:	\$15.44

District/Text	Division	Acreage	Beat
	Division 2	18.000	SW

County Tax Map Nbr	County Name	Address	Acreage
1612150000700	Deschutes	20925 YOUNG AVE BEND, OR 97701	18.000
			18.000

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OWRD

TRSQ	Lot	Usage	Headgate	Quit Claim	Instream Lease	Rot#	Transfer	Petition	Acreage
161215NENW	00700	Irrigation	12-0100				3.0 ac		Acreage: 18.000
Beneficial Use:	2018 - Partial		2017 - Partial		2016 - Partial				Off Lands:
	2015 - Partial		2014 - Partial		2013 - Partial				On Lands:
									Available: 18.000

11/2/18 Meeting with Craig Horrell, Leslie Clark

- Hingley provided receipts for Seed, Fertilizer, and irrigation equipment for total of \$4,953⁰⁰.

He said he talked to Abby 10/10 and understood he was short. He moved his mainline / K-line south into the field to allow the water to cover more area. He believes he covered up to 1.75 to 2.0 ac of the 3.0 ac area. He has plans for sprinkler layout in 2019 to cover the whole area - working with Thompson Pump.

He agreed there is a 0.57 acre rocky scrub area that is not good irrigible area and accepts the removal of this 0.57 ac area.

The remaining 2.43 acres proposed for confiscation will remain on the property. Hingley assured us he will fully irrigate this area in 2019.

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Higley: 324160

Track Another Package +

RECEIVED

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OWRD

Remove X

Tracking Number: 70173380000083384960

Expected Delivery by

FRIDAY

5 OCTOBER 2018 by **8:00pm**

Delivered

October 5, 2018 at 3:28 pm
Delivered, Left with Individual
BEND, OR 97703

Get Updates v

0964 98ER 0000 09EE 2102

U.S. Postal Service	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
BEND, OR 97703	
OFFICIAL USE	
Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$1.00
<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	\$0.50
Total Postage and Fees	\$3.95
Hingley, Gary: 324160	
20925 Young Ave	
Bend, OR 97701	

Postmark: BEND, OR 10/03/2018

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

Text & Email Updates v

Tracking History v

Product Information v

See Less ^

Can't find what you're looking for?

13089



7017 3380 0000 8338 4960

October 3, 2018

Patron #: 324160

Hingley, Gary
20925 Young Ave
Bend, OR 97701

RECEIVED

DEC 28 2018

RE: Tax Map #: 1612150000700, 18.00 acres total Mapped water rights
3.00 acres water rights to be confiscated in 2018

OWRD

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Unitus Community Credit Union, 2121 SW Fourth Ave, Portland, OR 97201

Sent by certified mail October 3, 2018

RECEIVED

DEC 28 2018

OWRD



October 3, 2018

Unitus Community Credit Union
2121 SW Fourth Ave
Portland, OR 97201

Borrower: Hingley, Gary: 324160
Tax Map #: 1612150000700
Property Address: 20925 Young Ave, Bend, OR 97701

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

RECEIVED
DEC 28 2018
OWRD

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

Encl.

October 29, 2018

Dear Leslie Clark

RE: Tax Map #1612150000700 Patron number 324160

I would like to schedule a meeting with the District Manager to try resolve the matter of non-use of 3.00 acres of water rights. My dad passed away in December 11, 2017 and I was unaware of a certified letter that was sent to him at the end of 2017 informing him on the non-use of the full water rights and the intent of COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. I work as a Smokejumper for the USFS and upon returning from a fire on Sept 10, 2018 I found a post card informing me of the possible forfeiture of water rights. I came down to the COIDC office and talked to them on what I could do to protect my irrigation rights (Sept 12, 2018). I was informed if I could plant and water that parcel I could arrange a site visit and get cleared of confiscation of water rights. That following week I took off from work and plowed, planted and constructed a irrigation system to deliver water to that parcel. The following is a list of what I purchased to accomplish this system:

300 yards of 4inch aluminum pipe \$1400.00

Two 8 pod K-line irrigation systems- \$3600.00

Honda pump-\$489.00

Big Gun hose reel and sprinkler 750.00

Various fittings 400.00

Pasture seed and Oats 140.00

Total of 6,779

After I had grass growing I stopped by the office again to arrange a site visit (OCT 2, 2018). She informed me that she would visit next week. A few days later I was sent to another fire and upon return I again stopped by the office and ask about the site visit and was informed it was only a little over a acre that was green and growing grass. I immediately focused my watering efforts on the remaining 2 acres and was able to obtain a small amount of grass and oats in this area. My goal is to have the entire property irrigated with sprinklers this year and losing my water rights would no longer be an issue.

I would like you to consider the time, money and work that was spent on the effort to retain my 3 acres of water rights when you make a decision. If I would of known about this situation earlier I would of acted much earlier in the irrigation season. Thank You for your time in regards to this matter.

Craig Hingley

Phone 541-280-1580

RECEIVED

DEC 28 2018

OWRD

13089

(Culver (OR)) Helena Agri-Ent., LLC
505 C Street
Culver OR 97734
541-546-5222 Fax: 541-546-2237



Invoice

194740243

Bill To: CULVER CASH ACCOUNT
505 C ST
CULVER, OR 97734-1574
US

Invoice Date 09/10/2018
Due Date 09/10/2018

Customer ID 6658808

Salesperson 23570
Shipping Loc. 1

Ship To: 505 C ST
CULVER, OR 97734-1574
US

Comments: CRAIG HINGLEY - CC - 541-260-1580

Quantity	Description	Unit Price	Total \$
4.000 BAG	Oat Monida (50 Lbs)	10 50 /BAG	42.00

RECEIVED

DEC 28 2018

OWRD

Sub Total 42.00

NOTE: By acceptance of the products or services reflected on this invoice, the purchaser agrees to be bound by all the terms and conditions of sale set forth in this invoice, including those on the reverse side of this invoice.

Amount Due 42.00
** PAID IN FULL **

HD

Remit To: Helena Agri-Enterprises, LLC
P O Box 742558

Los Angeles CA 90074-2558

CULVER CASH ACCOUNT

Invoice

194740243

13089

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DEC 28 2018

OWRD

MID STATE FERTILIZER CO

P.O. Box 488
Redmond, OR 97756
541-548-2318



DATE:

5/9/18

SOLD TO:

Craig Kingley

ADDRESS:

1760	27-12-0-10 P585 ⁰⁰	517	44
1/50	21-7-14 ¹⁰	22	00
1/25	Pasture May	85	00
		624	44
	6d # 676		
	TAX		
	TOTAL		

76023

Thank You

13089

Farrell
Tractor

541-419-5313
Paid Cash 9/18/18

[Handwritten signature]

RECEIVED
DEC 2 2018
OF RD



13089

COASTAL - REDMOND
3141 SOUTH HIGHWAY 97
REDMOND, OR 97756

THANK YOU FOR SHOPPING AT
COASTAL - REDMOND
(541) 548-4095

PHONE: (541) 548-4095

IN HOUSE REPAIR SHOP
OPEN TUESDAY - SATURDAY.

IN HOUSE REPAIR SHOP
OPEN TUESDAY - SATURDAY.

9/14/18 3:06PM JMR3 383 SALE

86102002530 1 EA \$429.00 EA N
B2OXT GEN PURP 4HP 2" PUMP \$429.00

CUST # 77123
TERMS: MUST PAY IN 30 DAYS

INV # C43068
DATE : 9/14/18
CLERK: JMR3
TERM # 383
1500#
TIME : 3:06

UB-TOTAL:\$ 429.00 TAX: \$.00
TOTAL: \$ 429.00
DB AMT: \$ 429.00

REF. # CRAIG HINGLEY

SN# WAKL-1023428

DUPLICATE
* INVOICE *

DEBIT/ATM: \$ 429.00

703

EBIT/ATM: XXXXXXXXXXXX4768

ID: 351166947884

UTH: 662629 AMT: \$ 429.00

debit network id:40

lost reference #:243068 Bat#

trace# 255813

authorizing Network: MAESTRO

Ship Read
CARD TYPE:DEBIT EXPR: XXXX

ID : A0000000980840

VR : 8080048000

AD : 06010A03602000

SI : 6800

ARC : 00

MODE : Issuer

VM : Verified by PIN

Name : US DEBIT

ATC :00C1

AC : E0248D4E8057E87B

DESCRIPTION	SUG.PRICE	PRICE/PER	EXTENSION
WB2OXT GEN PURP 4HP 2" PUMP		429.00 /EA	429.00 N
REPRINT			
RECEIVED			
DEC 28 2018			
OWRD			
bitNetId:	HostRef#	Ref#:	AUTH#:662629
** PAYMENT RECEIVED **	429.00	TAXABLE	0.00
** PAID IN FULL **		NON-TAXABLE	429.00
PAYMENT FROM PRIMARY ACCOUNT		SUB-TOTAL	429.00
DEBITCARD PAYMENT	429.00	TAX AMOUNT	0.00
DEBIT#XXXXXXXXXXXX4768		TOTAL INVOICE	429.00



==>> JRNL#C43068
CUST NO: 77123

<<==

THANK YOU CRAIG A HINGLEY

= 13089

CL bend > for sale > farm & garden - by owner

Contact Information: tqxf-6695603080@sale.craigslist.org (530) 219-9337

4" Irrigation pipe hand line - \$1 (Prineville)

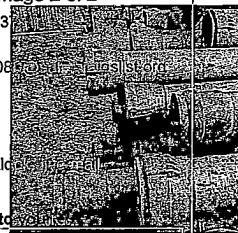
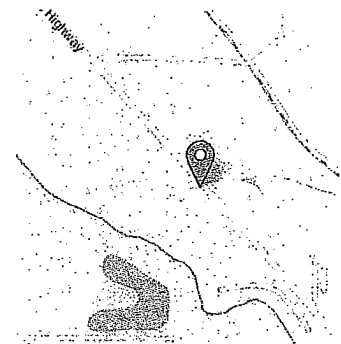
contact info:
Alzada

text: image 2 of 2
(530) 219-9337

reply by email:
tqxf-6695603080@sale.craigslist.org

webmail links:
gmail
yahoo mail
hotmail, outl
aol mail

copy and paste into:
tqxf-6695603080@sale.craigslist.org

make / manufacturer: Wade rain, Felco, others

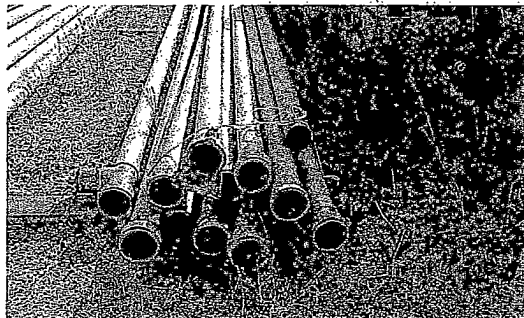
size / dimensions: 30 foot lengths

4" Aluminum irrigation pipe for sale. Some carry pipe, and some with valves. Pipes that were used last year have new gaskets, riser valves. \$1.75 a foot. Most are 30 foot lengths.

Other 4" irrigation pipe at \$1.35 a foot. 40 foot lengths. 2 left. The pipes were in hay, no cows or horses to ding them!

Call or text for information.

QR Code Link to This Post



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DEC 28 2018

OWRD

54 per pipe

26 4" irrigation pipe = 1404

Check 792⁰⁰ cash for the rest

530 - 219-9337

13089

Track your expenses...

- Clothing
- Food
- Credit Card
- Utilities
- Entertainment
- Insurance
- Transportation
- Mortgage
- Other:

TAX-DEDUCTIBLE ITEM

733

Be Wells Farm
Seven Hundred Ninety Two ^{NO} / 100

BALANCE FORWARD	
THIS ITEM	792
BALANCE	
DEPOSIT	
OTHER	
BALANCE FORWARD	

Sept 12 18



For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

aol mail
copy and paste into
tqzcf-6695603080@sale.craigslist.org

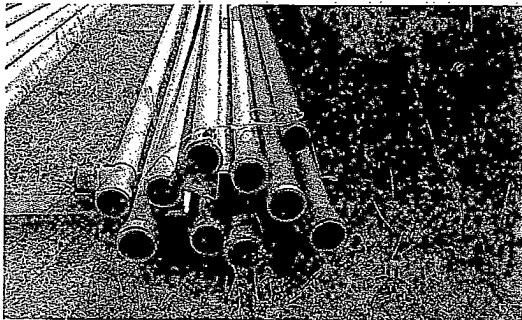
make / manufacturer: Wade rain, Felco, others
size / dimensions: 30 foot lengths

4" Aluminum irrigation pipe for sale. Some carry pipe, and some with valves. Pipes that were used last year have new gaskets, riser valves. \$1.75 a foot. Most are 30 foot lengths.

Other 4" irrigation pipe at \$1.35 a foot. 40 foot lengths. 2 left
The pipes were in hay, no cows or horses to ding them!

Call or text for information.

QR Code Link to This Post



RECEIVED

DEC 28 2018

OWRD

54 per Pipe
26 4" irrigation pipe = 1404
Check 792⁰⁰ cash for the rest
530 - 219-9337

Redmond Tire Factory
 2333 S. Highway 97
 Redmond, OR 97756
 541-548-6171

MOND



INVOICE
1624814

09/11/2018 17:27:17
 DEBIT CARD
 DEBIT SALE

*Tires for Bauer
 Sprinkler*

Salesman: BJE

Card # XXXXXXXXXXXX4768
 Network: VISA
 Chip Card: US DEBIT
 AID: A000000980840
 ATC: 00BC
 ARQC: 3286728B8EF8EB04
 SEQ #: 12
 Batch #: 8
 Trans #: 12
 Approval Code: 018013
 TRANS ID: 308255035193285
 Entry Method: Chip Read
 Mode: Issuer - PIN Verified

SALE AMOUNT \$79.40

CUSTOMER COPY

MAKE	MODEL	ENGINE	MILEAGE	DATE	TIME
			0	9/11/2018	05:59pm
D SERVICES		SERVICES COMPLETED			
DATE DUE	MILEAGE DUE	N29335007 ST4.80/X8 C 250 N NANCO N-205 TRAILER	2	34.95	69.90
		S-600HP-100 SCHRADER PARTS HI PRESSURE TR-600 STEM / TPMS SERVICE	2	4.75	9.50
		SUBTOTAL			79.40
		SALES TAX			
		PAYMENT - VISA #4768			79.40

IST
STATUS

RECEIVED
 DEC 28 2018
 OWRD

SERVICE REMARKS	TOTAL DUE 0.00	
	AMOUNT TENDERED	CHANGE DUE
	79.40	0.00

Are you part of the Point S Rewards Program yet? Sign up today to get \$15 towards future services, a free flat repair and a free alignment check! Text GILLSTIRE to 66158 to unlock your rewards today!

X _____
 CUSTOMER SIGNATURE

13089

Thompson Pump & Irrigation Inc.

Thanks for shopping local!
CCB# - 56341

Thompson Pump & Irrigation

63002 Sherman Rd
Bend, OR 97703
(541) 382-1438

CRAIG A HINGLEY

ITEM	QTY	SALE/REG	EXT
2612121-0042	1.00	73.00	73.00
EACH			
4 X 2 PUMP ADAPTER			
11012	2.00	10.30	20.60
EACH			
2 GAL CPLR			
2441	1.00	11.25	11.25
EACH			
2 X 5 GAL NIPPLE			
514T08P-2	1.00	43.00	43.00
EACH			
2 BRASS GATE VALVE			
STC25	2.00	5.25	10.50
EACH			
2 KING NIPPLE			
TB-225C/2001	4.00	5.00	20.00
EACH			
2 1/4 T-BOLT CLAMP			
SF-50-2	10.00	1.78	17.80
EACH			
2 LAYFLAT HOSE RED			
2614721-0044	1.00	42.50	42.50
EACH			
4 WEST 90			
Mar 6 price override on 2614721-0044 used 4 West 90			
2614021-0444	1.00	110.50	110.50
EACH			
4 WEST LINE TEE			
2615421-0043	2.00	60.85	121.70
EACH			
4 X 3 WEST REDUCER			

SUBTOTAL \$ 470.85
TAX \$ 0.00
TOTAL \$ 470.85

CREDIT CARD 470.85

CARD *****4768
AUTH 001446

I AGREE TO PAY THE ABOVE TOTAL ACCORDING TO
THE POSTED TERMS AND CONDITIONS

Thompson Pump & Irrigation Inc.

Thanks for shopping local!
CCB# - 56341

Thompson Pump & Irrigation

63002 Sherman Rd
Bend, OR 97703
(541) 382-1438

CRAIG A HINGLEY

ITEM	QTY	SALE/REG	EXT
1 1/2 WEST END PLUG			
LINE			
AGHC40	2.00	14.50	29.00
EACH			
K-LINE GAL PLUG CAP 40MM			
LAMC40	4.00	14.00	56.00
EACH			
K-LINE MA 40MM			
L40P5L-A	16.00	103.75	1660.00
EACH			
K-LINE POD COMPLETE			
40LD-300	600.00	1.25	750.00
FT			
100' 1/2" K-LINE TUBING (1 1/2")			
BOARD			

SUBTOTAL \$ 2,595.00
TAX \$ 0.00
TOTAL \$ 2,595.00

CREDIT CARD 2,595.00

RP *****4768
FH 024501

PLEASE PAY THE ABOVE TOTAL ACCORDING TO
THE POSTED TERMS AND CONDITIONS

RECEIVED
DEC 28 2018
CRAIG A HINGLEY
SIGNATURE CRAIG A HINGLEY
EMPLOYEE TERM INV# TIME DATE
6 1 12480 02:06 14-Sep-18

Charge accounts, Net 10th of the month.
A finance charge of 1.5% per month (18%
per year) will be charged on past due
accounts. All materials remain property
of Thompson Pump & Irrigation until paid
in full.

13089
INVOICE



May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

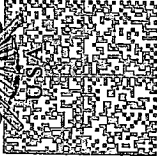
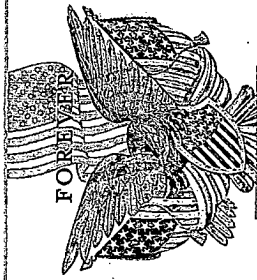
A handwritten signature in black ink that reads "Leslie Clark".

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD



UNITED STATES POSTAL SERVICE
 02 1P
 000070476
 MAILED FROM

0012/07/17

RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD

BC: 97756146955 * 0529-01807-15-45



Hingley, Gary: 324160

NIXIE 970 DE 1

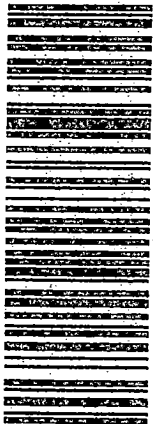
7017 1450 0000 3433 9074

9770397561469

RECEIVED

DEC 28 2018

OWRD



7017 1450 0000 3433 9074

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

ADDRESS SERVICE REQUESTED

U.S. Postal Service® CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>		
For delivery information, visit our website at www.usps.com ®		
OFFICIAL USE		
Certified Mail Fee		
<input type="checkbox"/> Return Receipt (hardcopy) \$ <u>3.35</u> <input type="checkbox"/> Return Receipt (electronic) \$ <u>2.75</u> <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	Postmark Here	
Postage		<u>.46</u>
Total Postage and Fees		<u>6.56</u>
Hingley, Gary: 324160 20925 Young Ave Bend OR 97703		
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions		



RECEIVED

DEC 28 2018

OWRD

November 13, 2017

Patron ID: 324160

Hingley, Gary
20925 Young Ave
Bend, OR 97703

RE: Tax Map #: 161215 000 0700 – 18.00 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: Unitus Community Credit Union, 2121 SW Fourth Ave, Portland, OR 97201

Sent by certified mail November 13, 2017

RECEIVED

DEC 28 2018

OWRD



November 13, 2017

Unitus Community Credit Union
2121 SW Fourth Ave
Portland, OR 97201

RECEIVED

DEC 28 2018

OWRD

Borrower: Hingley, Gary: 324160
Tax Map #: 161215 000 0700
Property Address: 20925 Young Ave, Portland, OR, 97201

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

16-12-26 SWNW 00500

HARRY & BEVERLY FAGEN

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Fagen, Harry/Beverly
53 NW Tumalo Ave
Bend, OR 97703

RE: Confiscation of water rights appurtenant to tax map #: 161226B000500, 0.34 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Fagen: 208690

Track Another Package +

RECEIVED

DEC 28 2018

OWRD

Tracking Number: 70173380000083394983

Remove X

Expected Delivery by

FRIDAY

5 OCTOBER 2018 by **8:00pm**

Delivered

October 5, 2018 at 11:40 am
Delivered, Left with Individual
BEND, OR 97703

Get Updates ▾

7107 43EER 0000 09EE 2T07

U.S. Postal Service	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
BEND, OR 97703	
OFFICIAL USE	
Certified Mail Fee	\$3.45 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$2.00
<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	\$0.50
Total Postage and Fees	\$3.95
Fagen, Harry/Beverly: 208690	
53 NW Tumalo Ave	
Bend, OR 97703	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

US0753 OFFICE
Postmark Here
OCT 03 2018
97756

Text & Email Updates ▾

Tracking History ▾

Product Information ▾

See Less ^

Can't find what you're looking for?



7017 3380 0000 8339 4983

October 3, 2018

Patron #: 208690

Fagen, Harry/Beverly
53 NW Tumalo Ave
Bend, OR 97703

RE: Tax Map #: 161226B000500, 7.00 acres total Mapped water rights
0.29 acres water rights to be confiscated in 2018

RECEIVED

DEC 28 2018

OWRD

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Recon Trust Company, 2575 W. Chandler Blvd., Chandler, AZ 85224

Sent by certified mail October 3, 2018



October 3, 2018

Recon Trust Company
2575 W. Chandler Blvd.
Chandler, AZ 85224

Borrower: Fagen, Harry/Beverly: 208690
Tax Map #: 161226B000500
Property Address: 53 NW Tumalo Ave, Bend, OR 97703

RECEIVED

DEC 28 2018

OWRD

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

Encl.

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>Beverly Fagen</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p>Fagen, Harry/Beverly: 208690 53 NW Tumalo Ave Bend OR 97703</p> </div>		<p>B. Received by (Printed Name) _____ C. Date of Delivery <i>11/11/18</i></p>	
<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 3050 7124 6738 79</p> <p>7017 1450 0000 3433 8978</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery 		<ul style="list-style-type: none"> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery 	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

U.S. Postal Service CERTIFIED MAIL® RECEIPT Domestic Mail Only	
<p>If for delivery information, visit our website at www.usps.com</p> <p>OFFICIAL USE</p>	
<p>Certified Mail Fee \$ _____</p> <p>Extra Services & Fees (check box, add fees as appropriate)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ <u>3.35</u> <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ 	<p>Postmark Here</p>
<p>Postage \$ <u>46</u></p> <p>Total Postage and Fees \$ <u>6.56</u></p>	
<p>Fagen, Harry/Beverly: 208690 53 NW Tumalo Ave Bend OR 97703</p>	
<p>PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions</p>	

RECEIVED

DEC 28 2018

OWRD

13089



November 13, 2017

Patron ID: 208690

Fagen, Harry/Beverly
53 NW Tumalo Ave
Bend, OR 97703

RECEIVED

DEC 28 2018

OWRD

RE: Tax Map #: 161226B000500 – 7.00 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

RECEIVED

DEC 28 2018

OWRD

Encl.

cc: Recon Trust Company, 2575 W. Chandler Blvd., Chandler, AZ 85224

Sent by certified mail November 13, 2017



November 13, 2017

Recon Trust Company
2575 W. Chandler Blvd.
Chandler, AZ 85224

RECEIVED

DEC 28 2018

OWRD

Borrower: Fagen, Harry/Beverly: 208690
Tax Map #: 161226B000500
Property Address: 53 NW Tumalo Ave, Chandler, AZ, 85224

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

17-12-36 SESE 01404

GEORGE & DANIELLE CHILCOTE

RECEIVED

DEC 28 2018

OWRD

13089 -



December 27, 2018

Chilcote, George/Danielle
62079 Torkelson Rd
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 171236D000900, 0.25 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

3041 Chilcote, George/Danielle
62079 Torkelson Rd
Bend, OR 97701

382-3439

RECEIVED

DEC 28 2018

OWRD

Last Assessment Amount:	\$392.00
Last Assessment Date:	01/19/2018
Current Balance:	\$0.00

DistrictText	Division	Acreage	Beat
	Division 3	3.500	CO2

County Tax Map Nbr	County Name	Address1	Acreage
171236D000900	Deschutes	62079 TORKELSON RD BEND, OR 97701	3.500
			3.500

TRSQ	Lot	Usage	Headgate	Quit Claim	Instream Lease	Rot#	Transfer	Petition	Acreage
171236SESE	00900	Irrigation	B-5						Acreage: 3.500
Beneficial Use:	2018 - Partial		2017 - Partial		2016 - Partial				Off Lands:
	2015 - Partial		2014 - Partial		2013 - Full				On Lands:
									Available: 3.500

Tax Lot is 4.80 acres in size and the water right is not mapped to a specific place of use. 3.50 acres of the 4.80 acre property must be under irrigation.

2013: Last year a total of 3.50 acres of the property was under irrigation.

11/27/17: Annual aerial reviews determined 0.25 acres not used for 4 consecutive years. 4th year nonuse certified letter mailed to property owner. Letter returned unclaimed. 12/7/17

1/15/18: COID emailed the 4th year nonuse certified letter and support documents to Danielle Chilcote.

1/30/18: Staff site review. Approximately 2.0 acre of total property under irrigation.

1/30/18: Postcard sent informing owner of nonuse, requires them to contact COID to request a site visit when irrigation established.

1/20/18: Operation Manager site review. GPS'd dry areas. Per site review and aerial photos determined 0.25 acres not used in 5 years.

10/3/18: Certified letter sent to George & Danielle Chilcote notifying them of pending confiscation. Letter provided 30 days to contact District in writing to request a meeting with the manager or request a hearing before the Board.

10/25/18: Certified letter returned unclaimed.

10/29/18: Emailed a copy of the certified letter and documentation.

11/2/18: On the 30th day George Chilcote called COID at 3:55 p.m. to protest the confiscation and requested a meeting with the manager. Staff scheduled a meeting for 11/12/18. On 11/5/18 staff realized 11/12 was Veterans Day observed and the COID offices would be closed. Staff called Mr. Chilcote to inform him but he did not answer his phone. Voicemail informing him meeting was cancelled. If he still wants to protest, he will need to request a hearing before the Board.

11/5/18: Staff emailed Mr. Chilcote cancelling the 11/12 meeting with manager. Instructed to contact COID by 11/7/18 to request a hearing.

11/7/18: No contact from Mr. Chilcote. Staff scheduled for tentative hearing on 11/13/18 at 9:00 a.m.

11/13/18: COID Board meeting.
George Chilcote did not appear 13089
Board voted to proceed with confiscation

LeslieClark

From: LeslieClark
Sent: Monday, October 29, 2018 4:13 PM
To: 'daniec196710@gmail.com'
Subject: 62079 Torkelson Rd
Attachments: Chilcote_Copy of Notice.pdf

Importance: High

RECEIVED

DEC 28 2018

OWRD

Danielle & George,

Attached is a scanned copy of a letter sent to you by certified mail on 10/3/18 from COID. This email is our 2nd attempt to contact you regarding action COID is taking. This notice is time-sensitive. Please read the attachment and contact COID no later than November 2, 2018 to request a meeting with the Managing Director for COID.

Thank you,

Leslie Clark
Director of Water Rights
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576



RECEIVED

DEC 28 2018

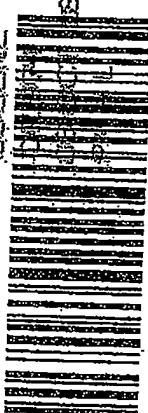
OWRD

Central Oregon Irrigation District
1055 S.W. Lake Court
Redmond, OR 97756

BC 10-27

LN
10/5/18

CERTIFIED MAIL



7017 3360 0000 8340 1957



U.S. POSTAGE PAID
FOR MAILER
REDMOND, OR
97756
OCT 03 18
AMOUNT
\$3.95
R2304H109861-10

Chilcote, George/Danielle: 3041
62079 Torkelson Rd
Bend, OR 97701

NIXIE 9710 DE 1 0020/25/18
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 97756146935
1529-19085-03-38

UNC
97707-3561459

9326010004521504

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

17-13-33 NWNE 00201

RUBIO REAL ESTATE

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Rubio Real Estate
63465 Hamehook Road
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 171333A000201, 1.45 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

13089

4721 Rubio Real Estate Investments, LLC
 63465 Hamhook Road
 Bend, OR 97701

541-604-1114

Last Assessment Amount:	\$599.00
Last Assessment Date:	01/19/2018
Current Balance:	\$0.00

DistrictText	Division	Acreage	Beat
	Division 3	10.000	CO2
	Division 3	3.000	PB1

County Tax Map Nbr	County Name	Address1	Acreage
171214AC00300	Deschutes	63465 HAMEHOOK RD BEND, OR 97701	3.000
171333A000201	Deschutes	23105 ALFALFA MARKET RD BEND, OR 97701	10.000
			13.000

TRSQ	Lot	Usage	Headgate	Quit Claim	Instream Lease	Rot#	Transfer	Petition	Acreage
171333N	00201	Irrigation	D-14-4						10.000
Beneficial Use:	2018 - Partial 2015 - Partial		2017 - Partial 2014 - Partial		2016 - Partial 2013 - Partial				Available: 10.000
171214SWNE	00300	Irrigation	A-4-10-3						Acreage: 3.000
Beneficial Use:	2018 - Partial 2015 - Partial		2017 - Partial 2014 - Partial		2016 - Dry 2013 - Partial				Available: 3.000

10/6/13: Ditchrider site report stated full use per new irrigation system installed.

8/3/17: Ditchrider sight report completed. 1.60 ac area east of pond irrigated from seepage. Remaining 8.40 acres DRY.

11/29/17: 4th year nonuse certified letter mailed to property owner and signed for by Taryn White.

5/1/18: COID letter reminding property owner of responsibility to fully irrigate in 2018.

5/8/18: Taryn White requested information on the status of the water right. Abby Centola responded with a detailed email informing her if the 1.45 acre are is not irrigated in 2018 it would be confiscated at the end of the 2018 irrigation season.

7/26/18: Site review by COID staff. No irrigation.

7/30/18: Postcard sent informing owner of nonuse, requires them to contact COID to request a site visit when irrigation established.

9/20/18: Operation Manager site review reported no use, proceed with confiscation of 1.45 acres irrigation in 5th year nonuse.

10/3/18: Certified letter sent to Rubio Real Estate Investments.

10/25/18: US Post Office returned certified mailing as unclaimed.

10/29/18: Email sent to Rubio Real Estate Investments informing them of the unclaimed letter and informing them they had until 11/2/18 to contact COID to request a meeting with the manager. A scanned copy of the certified letter was attached to the email.

10/30/18: Email received from Taryn White asking for a meeting with the manager.

11/5/18: Meeting with COID manager & Leslie Clark. Mr. Rubio attended the meeting and brought his land use consultant with him. No evidence of use was presented. As of 11/5/18 no irrigation system had been purchased or installed. Mr. **RECEIVED** determined there was no evidence of use in 2018 and referred it to the Board for hearing.

DEC 28 2018

Critical status of remaining water rights: Pending confiscation of 5.09 additional acres in 2019

11/13/18: Hearing before COID Board.
 Board voted to proceed with confiscation

OWRD

12000

LeslieClark

From: LeslieClark
Sent: Monday, October 29, 2018 4:04 PM
To: 'rubioconsultingllc@gmail.com'
Subject: 23105 ALFALFA MARKET RD
Attachments: Rubio_Scanned Notice.pdf

Importance: High

To Whom it May Concern:

Attached is a scanned copy of a letter sent by certified mail on 10/3/18 from COID to Rubio Real Estate. This email is our 2nd attempt to contact you regarding action COID is taking. This notice is time-sensitive. Please read the attachment and contact COID no later than November 2, 2018 to request a meeting with the Managing Director for COID.

Thank you,

Leslie Clark
Director of Water Rights
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576



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DEC 28 2018

OWRD

Central Oregon Irrigation District
1055 S.W. Lake Court
Redmond, OR 97756

Bro
10-27
Closed

.. 935 878 994 7 915 764

CERTIFIED MAIL



7017 3380 0000 8340 1995

Rubio Real Estate: 4721
63465 Hamelhook Road
Bend, OR 97701

UNC
97701-8452459



1021



97701

U.S. POSTAGE PAID
FOR LEASE OR
REDEMPTION
OCT 08, 18
AMOUNT
\$3.95
R2307HT 09931-10

750/10/10

NIXIE 97701 DE 21 898925783
RETURN TO SENDER
UNABLE TO FORWARD
BC: 97756145955 *1529-09308-03-30

RECEIVED
DEC 28 2018
OWRD



7017 3380 0000 8340 1995

October 3, 2018

Patron #: 4721

Rubio Real Estate
63465 Hamhook Road
Bend, OR 97701

RE: Tax Map #: 171333A000201, 10.00 acres total Mapped water rights
1.45 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Leslie Clark".

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018

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13089

Abby Centola

From: Abby Centola
Sent: ~~Tuesday, May 8, 2018, 3:03 PM~~
To: 'rubioconsultingllc@gmail.com'
Subject: Beneficial Use
Attachments: 2017 Rubio Hamehook Road IL.pdf; 2017 Rubio Hamehook Road.pdf; 2017 Rubio Alfalfa Market Road IL.pdf; 2017 Rubio Alfalfa Market Road.pdf

Hi Terrin,

I was informed that you were interested in some information about the properties in your name: 63465 Hamehook Rd and ~~23105 Alfalfa Market Rd~~. I have attached 4 maps, 2 of each property

Map 1: Water Rights map of the Hamehook property. Where you see yellow parallel lines is where the water right is located. There are 3.0 acres of water right total on this property.

Map 2: Beneficial Use map of the Hamehook property. You should see 2 colored hashed areas in addition to the yellow parallel lines, yellow and white.

The yellow parallel lines (0.05 acers) indicate that according to our documentation, the water right was last used this past irrigation season (2017) and is in good standing.

The yellow hashing (about 0.28 acres) indicates that there are areas of the water right that have not been documented as used within the past 4 years. If these areas are not addressed this irrigation season (2018), then the areas in yellow hashing will be confiscated at the end of the irrigation season.

The white hashing (about 2.67 acres) indicates that according to our documentation some of the water right has not been used within the past 5 years, therefore those unused areas of the water right are in jeopardy. Oregon Water Law states that a water right has to be used at least one time in a five year time period. If a water right is not used during that time, the State of Oregon has the legal right to confiscate the unused area(s) of the water right. Be that as it may, the State has only done two or three confiscations in the history of the district. The water right is still on the property and can be used to start the 5-year timeline over again.

~~Map 3: Water Rights map of the Alfalfa Market property.~~ Where you see yellow parallel lines is where the water right is located. There are 10.0 acres of water right total on this property.

~~Map 4: Beneficial Use map of the Alfalfa Market property.~~ You should see 4 colored hashed areas in addition to the yellow parallel lines, green, purple, yellow and white.

The yellow parallel lines (2.5 acers) indicate that according to our documentation, the water right was last used this past irrigation season (2017) and is in good standing.

The green hashing (about 0.7 acres) indicates that according to our documentation, the area was last irrigated in 2016. This area is in good standing.

The purple hashing (about 5.09 acres) indicates that according to our documentation, the area was last irrigated in 2014. This area needs to be address in either 2018 or 2019, or the area will be confiscated at the end of the 2019 irrigation season.

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~~The yellow hashing (about 1.45 acres) indicates that there are areas of the water right that have not been documented as used within the past 4 years. If these areas are not addressed this irrigation season (2018), then the areas in yellow hashing will be confiscated at the end of the irrigation season.~~

The white hashing (about 0.26 acres) indicates that according to our documentation some of the water right has not been used within the past 5 years, therefore those unused areas of the water right are in jeopardy. Oregon Water Law states that a water right has to be used at least one time in a five year time period. If a water right is not used during that time, the State of Oregon has the legal right to confiscate the unused area(s) of the water right. Be that as it may, the State has only done two or three confiscations in the history of the district. The water right is still on the property and can be used to start the 5-year timeline over again.

During the irrigation season, the best thing to do is contact the district when the areas that were dry are green, so we can send a staff member out to document the used areas.

If you have any questions, please don't hesitate to ask.

Abby Centola
Beneficial Use Technician
Central Oregon Irrigation District
541-504-7577
abby@coid.org

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OWRD



May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

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November 9, 2017

Patron ID: 4721

Rubio Real Estate
2979 NW 17th St
Redmond, OR 97756

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Address	
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; margin: 5px;"> Rubio Real Estate Investments, LLC 4721 2979 NW 17th St Redmond OR 97756 </div>		B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
2. Article Number (Transfer from service label) 7017 1450 0000 3433 9173		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	

RE: Tax Map #: 171333A000201

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

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Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc. Edward and Julie Denfeld, 14417 SE Bear Creek Rd, Prineville, OR 97754

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OWRD

13089

COID received by Board of Directors
11/13/18 9:15 a.m.



10/31/2018

Original Estimate 08/30/18

Estimate: SUCTION AND VALVE REPAIR

ROY & TARYN RUBIO (541) 480-5725

tarvnrubio@yahoo.com

rubiiconsulting@gmail.com

23105 Alfalfa MKT RD

Bend, OR 97701

Estimate

	Quantity			
1)	1	Labor	Estimate based on known factors	\$210.00
2)	1	3" Gate Valve		\$123.00
3)	2	3" x 6" Galvanized Nipple	\$28.00/each	\$56.00
4)	1	3" Wade Screen Adapter		\$44.45
5)	1	24" Wade Screen		\$192.35
6)	1	20" Suction Hose	\$3.92/ft	\$78.40
7)	1	3" Foot Valve 45 °		\$225.00
				Total
				\$929.20

Estimate By: Josh
(Good for 30 Days)

Accepted by:

*This is an estimate based on information provided and from site visit, this estimate is subject to change based on changes in the field with written change order.

*Does not include permits if required. ☐

☐

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63002 Sherman Rd. • Bend, Oregon 97703 • Phone (541) 382-1438 • Fax 382-3199
2425 SW Highway 97 • Madras, Oregon 97741 • Phone (541) 475-1215 • Fax 475-7515
CCB # 56341 • www.thompsonpumpandirrigation.com

13089

4721 **Rubio Real Estate Investments, LLC** 541-604-1114
63465 Hamehook Road
Bend, OR 97701

Last Assessment Amount:	\$599.00
Last Assessment Date:	01/19/2018
Current Balance:	\$0.00

District/Text	Division	Acreage	Beat
	Division 3	10.000	CO2
	Division 3	3.000	PB1

County Tax Map Nbr	County Name	Address	Acreage
171214AC00300	Deschutes	63465 HAMEHOOK RD BEND, OR 97701	3.000
171333A000201	Deschutes	23105 ALFALFA MARKET RD BEND, OR 97701	10.000
			13.000

TRSQ	Lot	Usage	Headgate	Quit Claim	Instream Lease	Rot#	Transfer	Petition	Acreage
171214SWNE	00300	Irrigation	A-4-10-3						Acreage: 3.000 Off Lands: On Lands: Available: 3.000
Beneficial Use :		2018 - Partial 2015 - Partial	2017 - Partial 2014 - Partial	2016 - Dry 2013 - Partial					
171333NWNE	00201	Irrigation	D-14-4				1.45ac		Acreage: 10.000 Off Lands: On Lands: Available: 10.000
Beneficial Use :		2018 - Partial 2015 - Partial	2017 - Partial 2014 - Full	2016 - Partial 2013 - Partial					

10/30/18 - Terrin called in response to the letter. She wanted to know what she needed to do to save the water. They made no effort to irrigate in 2018 nor did they invest in their system. She requested a meeting with the manager

Discuss status of all water on this property. Make recommendations to protect remaining water.

11/13/18 9:00 a.m. Board Hearing

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OWRD

LeslieClark

From: LeslieClark
Sent: Tuesday, October 30, 2018 2:50 PM
To: 'Rogelio Rubio'
Subject: RE: Meeting with District Manager

No, this email should suffice. The 30 days expires this Friday, 11/2.

From: Rogelio Rubio <rubioconsultingllc@gmail.com>
Sent: Tuesday, October 30, 2018 2:29 PM
To: LeslieClark <Lesliec@coid.org>
Subject: Re: Meeting with District Manager

Leslie,
No, thank you, that time works fine. I will be there. Do I still need to submit something in writing within the 30 day period?

Taryn

On Tue, Oct 30, 2018 at 2:26 PM LeslieClark <Lesliec@coid.org> wrote:

Taryn,

You have a meeting with the district manager on Monday, November 5th at 10:00 a.m. Please bring any evidence of use that you have on the 1.45 acre area pending confiscation this year.

Please let me know if you have a conflict with this meeting time.

Thank you,

Leslie Clark

Director of Water Rights

1055 SW Lake Court

Redmond, OR 97756

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DEC 28 2018

OWRD

LeslieClark

From: LeslieClark
Sent: Monday, October 29, 2018 4:04 PM
To: 'rubioconsultingllc@gmail.com'
Subject: 23105 ALFALFA MARKET RD
Attachments: Rubio_Scanned Notice.pdf

Importance: High

To Whom it May Concern:

Attached is a scanned copy of a letter sent by certified mail on 10/3/18 from COID to Rubio Real Estate. This email is our 2nd attempt to contact you regarding action COID is taking. This notice is time-sensitive. Please read the attachment and contact COID no later than November 2, 2018 to request a meeting with the Managing Director for COID.

Thank you,

Leslie Clark
Director of Water Rights
1055 SW Lake Court
Redmond, OR 97756
lesliec@coid.org
541-504-7576



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DEC 28 2018

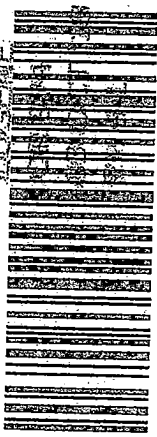
OWRD

Central Oregon Irrigation District
1055 S.W. Lake Court
Redmond, OR 97756

Closed
Brs
10-27

9358789947915764

CERTIFIED MAIL



7017 3380 0000 8340 1995

Rubio Real Estate: 4721
63465 Hamhook Road
Bend, OR 97701



1021

97701

U.S. POSTAGE PAID
FORM LETTER
REDMOND, OR
97756
OCT 09, 18
AMOUNT
\$3.95
R2304RT109991-10

Post
10/9/18

NIXIE 971 DE 1 9916/25/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
EC: 97756146955 *1529-09308-03-38

UNC
97756146955

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

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

BEND, OR 97701

OFFICIAL USE

Certified Mail Fee	\$3.45	3.45	0756
Postage	\$0.50		10
Total Postage and Fees	\$3.95		

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

- Return Receipt (hardcopy) \$ 0.00
- Return Receipt (electronic) \$ 1.00
- Certified Mail Restricted Delivery \$ 0.00
- Adult Signature Required \$ 0.00
- Adult Signature Restricted Delivery \$ 0.00

Postmark Here: **10/09/2018**

Rubio Real Estate: 4721
63465 Hamhook Road
Bend, OR 97701

PS Form 3800, April 2015 PSN 7530-02-000-9007 See Reverse for Instructions

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DEC 28 2018
OWRD

13089



7017 3380 0000 8340 1995

October 3, 2018

Patron #: 4721

Rubio Real Estate
63465 Hamehook Road
Bend, OR 97701

RE: Tax Map #: 171333A000201, 10.00 acres total Mapped water rights
1.45 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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RECEIVED

DEC 28 2018

OWRD

13080



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

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

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

Sincerely,

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

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018

Abby Centola

From: Abby Centola
Sent: Tuesday, May 8, 2018, 3:03 PM
To: 'rubioconsultingllc@gmail.com'
Subject: Beneficial Use
Attachments: 2017 Rubio Hamehook Road IL.pdf; 2017 Rubio Hamehook Road.pdf; 2017 Rubio Alfalfa Market Road IL.pdf; 2017 Rubio Alfalfa Market Road.pdf

Hi Terrin,

I was informed that you were interested in some information about the properties in your name: 63465 Hamehook Rd and 23105 Alfalfa Market Rd. I have attached 4 maps, 2 of each property

Map 1: Water Rights map of the Hamehook property. Where you see yellow parallel lines is where the water right is located. There are 3.0 acres of water right total on this property.

Map 2: Beneficial Use map of the Hamehook property. You should see 2 colored hashed areas in addition to the yellow parallel lines, yellow and white.

The yellow parallel lines (0.05 acers) indicate that according to our documentation, the water right was last used this past irrigation season (2017) and is in good standing.

The yellow hashing (about 0.28 acres) indicates that there are areas of the water right that have not been documented as used within the past 4 years. If these areas are not addressed this irrigation season (2018), then the areas in yellow hashing will be confiscated at the end of the irrigation season.

The white hashing (about 2.67 acres) indicates that according to our documentation some of the water right has not been used within the past 5 years, therefore those unused areas of the water right are in jeopardy. Oregon Water Law states that a water right has to be used at least one time in a five year time period. If a water right is not used during that time, the State of Oregon has the legal right to confiscate the unused area(s) of the water right. Be that as it may, the State has only done two or three confiscations in the history of the district. The water right is still on the property and can be used to start the 5-year timeline over again.

~~Map 3: Water Rights map of the Alfalfa Market property.~~ Where you see yellow parallel lines is where the water right is located. There are 10.0 acres of water right total on this property.

~~Map 4: Beneficial Use map of the Alfalfa Market property.~~ You should see 4 colored hashed areas in addition to the yellow parallel lines, green, purple, yellow and white.

The yellow parallel lines (2.5 acers) indicate that according to our documentation, the water right was last used this past irrigation season (2017) and is in good standing.

The green hashing (about 0.7 acres) indicates that according to our documentation, the area was last irrigated in 2016. This area is in good standing.

The purple hashing (about 5.09 acres) indicates that according to our documentation, the area was last irrigated in 2014. This area needs to be address in either 2018 or 2019, or the area will be confiscated at the end of the 2019 irrigation season.

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OWRD

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~~The yellow hashing (about 1.45 acres) indicates that there are areas of the water right that have not been documented as used within the past 4 years. If these areas are not addressed this irrigation season (2018), then the areas in yellow hashing will be confiscated at the end of the irrigation season.~~

The white hashing (about 0.26 acres) indicates that according to our documentation some of the water right has not been used within the past 5 years, therefore those unused areas of the water right are in jeopardy. Oregon Water Law states that a water right has to be used at least one time in a five year time period. If a water right is not used during that time, the State of Oregon has the legal right to confiscate the unused area(s) of the water right. Be that as it may, the State has only done two or three confiscations in the history of the district. The water right is still on the property and can be used to start the 5-year timeline over again.

During the irrigation season, the best thing to do is contact the district when the areas that were dry are green, so we can send a staff member out to document the used areas.

If you have any questions, please don't hesitate to ask.

Abby Centola

Beneficial Use Technician
Central Oregon Irrigation District
541-504-7577
abby@coid.org

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OWRD



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

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DEC 28 2018

OWRD

13020

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 B. Received by (Printed Name) Date of Delivery
 TAMM WHITE 11/29/17

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

NOV 29 2017
 11:23 AM
 11/29/17

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:

Rubio Real Estate Investments, LLC
 4721
 2979 NW 17th St
 Redmond OR 97756



9590 9402 3392 7227 3065 61

2. Article Number (Transfer from service label)

7037 3450 0000 3433 9173

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

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

Domestic Return Receipt

RECEIVED
 DEC 28 2018

OWRD

13089



November 9, 2017

Patron ID: 4721

Rubio Real Estate
2979 NW 17th St
Redmond, OR 97756

RE: Tax Map #: 171333A000201 – 10.00 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

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DEC 28 2018

OWRD

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc. Edward and Julie Denfeld, 14417 SE Bear Creek Rd, Prineville, OR 97754



November 10, 2017

Edward and Julie Denfeld
14417 SE Bear Creek Rd
Prineville, OR 97754

Borrower: Rubio Real Estate: 4721
Tax Map #: 171333A000201
Property Address: 23105 Alfalfa Market Rd, Bend, OR 97701

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

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DEC 28 2018

OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

16-12-23 NWSE 00306

WILLIAM EDWARD KIRZY

RECEIVED

DEC 28 2018

OWRD

12080



December 27, 2018

Kirzy, William Edward
65385 N Hwy 97
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 1612230000306, 0.50 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

ALERT: USPS SERVICES ARE DISRUPTED IN SOME FLORIDA PANHANDLE AREAS IMPACTED...

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FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Kirzy: 4143

Track Another Package +

Tracking Number: 70173380000083384977

Remove X

Your item was delivered at 4:41 pm on October 10, 2018 in BEND, OR 97701.

Delivered

October 10, 2018 at 4:41 pm
Delivered
BEND, OR 97701

Get Updates v

Text & Email Updates

Tracking History

Product Information v

See Less ^

7017 3380 0000 8338 4977

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OFFICIAL USE

BEND OR 97701

Certified Mail Fee	\$3.45	3.45
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$1.20	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Postmark Here
10/10/2018

0756 10

Kirzy, William Edward: 4143
65385 N Hwy 97
Bend, OR 97701

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

RECEIVED
DEC 28 2018
OWRD

Can't find what you're looking for?

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

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)



7017 3380 0000 8338 4977

October 3, 2018

Patron #: 4143

Kirzy, William Edward
65385 N Hwy 97
Bend, OR 97701

RE: Tax Map #: 1612230000306, 6.30 acres total Mapped water rights
0.50 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Umpqua Bank, 6610 SW Cardinal Ln, 1st Floor, Tigard, OR 97224
Homestead Bank, 601 Union St #2000, Seattle, WA 98101

Sent by certified mail October 3, 2018



October 3, 2018

Umpqua Bank
6610 SW Cardinal Ln, 1st Floor
Tigard, OR 97224

Borrower: Kirzy, William Edward: 4143
Tax Map #: 1612230000306
Property Address: 65385 N Hwy 97, Bend, OR 97701

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

Encl.

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OWRD

13089



October 3, 2018

Homestead Bank
601 Union St #2000
Seattle, WA 98101

Borrower: Kirzy, William Edward: 4143
Tax Map #: 1612230000306
Property Address: 65385 N Hwy 97, Bend, OR 97701

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

Encl.

RECEIVED

DEC 28 2018

OWRD

13089

Abby Centola

From: Abby Centola
Sent: Monday, April 30, 2018 9:09 AM
To: 'bkirzy@yahoo.com'
Subject: Map
Attachments: 2017 Kirzy, William.pdf

Hi Bill,

Attached is the map you requested. On the map, you should see some different colored hashes. As I mentioned on the phone, the important color is yellow. According to our records, the yellow areas were last irrigated in 2013. Since this is the fifth year of nonuse those areas of the water right are up for confiscation this season. If they get green this year, those 2 areas will be preserved for another 5 years. When those areas get green, the best thing to do is give us a call. We will get someone out for a sight visit and document the use.

Just as a heads up, the areas in lime green were last irrigated in 2015, so if they don't get irrigated this season, you will get a letter about it in the winter saying you have 2 more years to get those areas green. At this point in time, you would still have plenty of time to do an instream lease. If you are interested in this, let me know and I'll put your name on my contact list for next year.

Let me know if you have any questions.

Thanks,

Abby Centola
Beneficial Use Technician
Central Oregon Irrigation District
541-504-7577
abby@coid.org

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OWRD

7017 1450 0000 3433 9104

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Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	2.52
<input type="checkbox"/> Return Receipt (electronic)	\$	2.75
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	46
Total Postage and Fees	\$	6.56

Postmark Here

Sent To
 Kirzy, William Edward: 4143
 65385 N Hwy 97
 Bend OR 97701

PS Form 3800, April 2015 PSN 7530-02-000-907 See Reverse for Instructions

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OWRD

13089



November 13, 2017

Patron ID: 4143

Kirzy, William Edward
65385 N Hwy 97
Bend, OR 97701

RE: Tax Map #: 161223 000 0306 – 6.30 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

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DEC 28 2018

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13089

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: Umpqua Bank, 6610 SW Cardinal Ln, 1st Floor, Tigard, OR 97224
Homestreet Bank, 601 Union St, Suite 2000, Seattle, WA 98101

Sent by certified mail November 13, 2017



November 13, 2017

Umpqua Bank
6610 SW Cardinal Ln, 1st Floor
Tigard, OR 97224

Borrower: Kirzy, William Edward: 4143
Tax Map #: 161223 000 0306
Property Address: 65385 N Hwy 97, Tigard, OR, 97224

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

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OWRD

13089



November 13, 2017

Homestreet Bank
601 Union St, Suite 2000
Seattle, WA 98101

Borrower: Kirzy, William Edward: 4143
Tax Map #: 161223 000 0306
Property Address: 65385 N Hwy 97, Seattle, WA, 98101

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

RECEIVED

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13089

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

17-13-19 NESW 01303

BRUCE ZELIS

RECEIVED

DEC 28 2018

OWRD



December 27, 2018

Bruce Zelis
1943 1st Ave
Walnut Creek, CA 94597

RE: Confiscation of water rights appurtenant to tax map #: 1713190001303, 0.53 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Zelis: 5143

Track Another Package +

Tracking Number: 70173380000083401964

Remove X

Your item was delivered to an individual at the address at 3:13 pm on October 13, 2018 in WALNUT CREEK, CA 94597.

Delivered

October 13, 2018 at 3:13 pm
Delivered, Left with Individual
WALNUT CREEK, CA 94597

Get Updates v

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Product Information

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FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

70173380000083401964

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WALNUT CREEK, CA 94597

OFFICIAL USE

Certified Mail Fee	\$3.45	3.45	0756
Extra Services & Fees (check box, add fee as appropriate)		\$0.00	10
<input type="checkbox"/> Return Receipt (hardcopy)		\$11.00	US POST OFFICE MOND. OR 97756 Postmark Here OCT - 3 2018 10/03/2018
<input checked="" 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	\$0.50		
Total Postage and Fees	\$3.95		

Bruce Zelis: 5143
1943 1st Ave
Walnut Creek, CA 94597

PS Form 3800, April 2015 PSN 7530-02-000-90-71 See Reverse for Instructions



7017 3380 0000 8340 1964

October 3, 2018

Patron #: 5143

Bruce Zelis
1943 1st Ave
Walnut Creek, CA 94597

RE: Tax Map #: 1713190001303, 6.45 acres total Mapped water rights
0.53 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

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DEC 28 2018

13089
OWRD



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

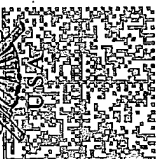
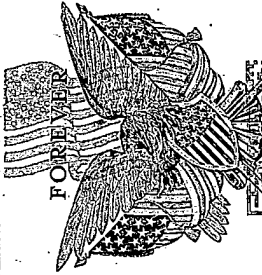
Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

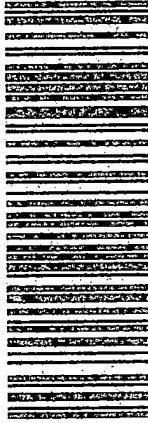
OWRD

13080



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00007047
MAILED FR

CERTIFIED MAIL



7017 1450 0000 3433 8053

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

(Handwritten signature in a circle)

12-20
12-27-17

Kramer, Gus: 4931
1020 West A
Martinez CA

RECEIVED
UNCLAIMED
UNABLE TO FORWARD
BC: 9775614695
UNC 9775614695

RECEIVED
DEC 28 2018
OWRD

13089



November 9, 2017

Patron ID: 4931

Kramer, Gus
1020 West Arlington Drive
Martinez, CA 94523

RE: Tax Map #: 1713190001303 – 6.45 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

RECEIVED

DEC 28 2018

OWRD

13089

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: , , ,

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

17-13-32 SWNW 00700

FEDERAL NATIONAL MORTGAGE ASSOC./FANNIE MAE

RECEIVED

DEC 28 2018

OWRD

13089

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ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Federal Nat Mort: 901835

Track Another Package +

Tracking Number: 70173380000083401988

Remove X

Your item was delivered at 6:23 am on October 8, 2018 in DALLAS, TX 75260.

Delivered

October 8, 2018 at 6:23 am
Delivered
DALLAS, TX 75260

Get Updates

Text & Email Updates

Tracking History

Product Information

See Less

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DALLAS TX 75260 OFFICIAL USE	
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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$1.00
<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	\$0.50
Total Postage and Fees	\$3.95
Federal National Mortgage Association: 901835 PO Box 650043 Dallas, TX 75265	
PS Form 3800, April 2015 PSN 7530-02-000-9047-1 See Reverse for Instructions	

7017 3380 0000 8340 1988

RECEIVED
10/03/2018
0756 10

Can't find what you're looking for?

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

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

RECEIVED

DEC 28 2018

OWRD

13089 1/2



7017 3380 0000 8340 1988

October 3, 2018

Patron #: 901835

Federal National Mortgage Association
PO Box 650043
Dallas, TX 75265

RE: Tax Map #: 171332B000700, 3.00 acres total Unmapped water rights
2.63 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

RECEIVED

DEC 28 2018

OWRD

1 3 0 8 9



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

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DEC 28 2018

OWRD

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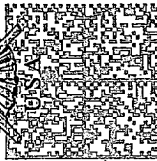
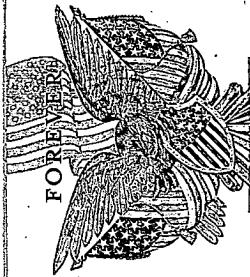
CERTIFIED MAIL

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

ADDRESS SERVICE REQUESTED



7017 1450 0000 3433 7872



UNITED STATES POSTAL SERVICE
02 1P
000070476
MAILED FROM

Carsey, Gayle: 901835

97701 97701 970 DE 1 0012/07/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

97701 97701 970 DE 1 0012/07/17

97701 97701 970 DE 1 0012/07/17

7017 1450 0000 3433 7872

Handwritten signature/initials

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<input type="checkbox"/> Return Receipt (electronic)	\$ 2.45
<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	\$

Postmark Here

Carsey, Gayle: 901835
62260 Deer Trail Rd
Bend OR 97701

PS Form 3800, April 2015 PSN 7530-02-000-9047-1 See Reverse for Instructions

RECEIVED
DEC 28 2018
OWRD

13089



November 9, 2017

Patron ID: 901835

Carsey, Gayle
62260 Deer Trail Rd
Bend, OR 97701

RE: Tax Map #: 171332B000700 – 3.00 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 with the quantity of appurtenant water rights noted next to a point (there may be multiple points). Over the last four years, the total area being irrigated is less than the amount of your water right.

Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

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

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 during the 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request to do an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

RECEIVED

DEC 28 2018

OWRD

13089

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

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

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please call me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: Pacific Residential Mortgage, 2 Centerpointe Drive, Suite 525, Lake Oswego, OR 97035



November 10, 2017

Pacific Residential Mortgage
2 Centerpointe Drive, Suite 525
Lake Oswego, OR 97035

Borrower: Carsey, Gayle: 901835
Tax Map #: 171332B000700
Property Address: 62260 Deer Trail Rd, Bend, OR 97701

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

RECEIVED

DEC 28 2018

OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

17-14-03 NESE 00200

DAVID MCMICHAEL

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

McMichael, David
64145 Johnson Ranch Rd
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 1714030000200, 0.58 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

13089

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7017 3380 0000 088E 2102

BEND, OR 97701 **OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fees as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 1.00
<input checked="" 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	\$0.50
Total Postage and Fees	\$3.95

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 OFFICE 756 10
 - 3 2018
 OR 97756
 10/13/2018

McMichael, David: 4482
 64145 Johnson Ranch Rd
 Bend, OR 97701

PS Form 3800, April 2015 PSN 7520-02-000-9074-9 See Reverse for Instructions

RECEIVED
 DEC 28 2018
 OWRD

13089



7017 3380 0000 8340 2015

October 3, 2018

Patron #: 4482

McMichael, David
64145 Johnson Ranch Rd
Bend, OR 97701

RE: Tax Map #: 1714030000200, 33.20 acres total Mapped water rights
0.58 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Clark". The signature is written in a cursive, flowing style.

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

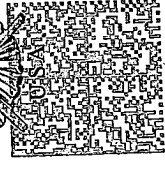
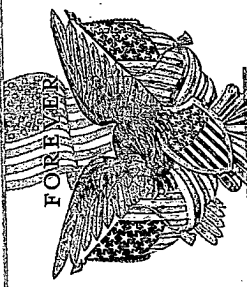
Leslie Clark
Director of Water Rights

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DEC 28 2018

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UNC
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McMichael, David: 4482

641 NIXIE 970 DE 1

CERTIFIED MAIL



7016 0750 0000 0945 7100

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

Handwritten initials and date: 11/11/2018

7016 0750 0000 0945 7100

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 3.35
<input type="checkbox"/> Return Receipt (electronic)	\$ 2.75
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.26
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McMichael, David: 4482 64145 Johnson Ranch Rd Bend OR 97701	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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November 9, 2017

Patron ID: 4482

McMichael, David
64145 Johnson Ranch Rd
Bend, OR 97701

RE: Tax Map #: 171400000200 – 33.20 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

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Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: , , ,

Sent by certified mail November 9, 2017

2017

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

17-14-15 SESE 00100

ROSEMARY A. BYRNES

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Byrnes, Rosemary A
63295 Johnson Ranch Rd
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 171415D000100, 0.16 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

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OWRD

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Byrnes : 90460

Track Another Package +

Tracking Number: 70173380000083402022

Remove X

Expected Delivery by

FRIDAY

5 OCTOBER 2018 ⓘ by **8:00pm** ⓘ

Delivered

October 5, 2018 at 4:32 pm
Delivered, Left with Individual
BEND, OR 97701

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BEND, OR 97701 OFFICIAL USE

Certified Mail Fee	\$3.45	3.45
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.75	
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$6.50	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Postmark Here
OCT - 3 2018
0756 10
USPS OFFICE
97756

Byrnes, Rosemary A: 90460
63295 Johnson Ranch Rd
Bend, OR 97701

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

Text & Email Updates ▾

Tracking History ▾

Product Information ▾

See Less ^

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Can't find what you're looking for?



7017 3380 0000 8340 2022

October 3, 2018

Patron #: 90460

Byrnes, Rosemary A
63295 Johnson Ranch Rd
Bend, OR 97701

RE: Tax Map #: 171415D000100, 34.50 acres total Mapped water rights
0.16 acres water rights to be confiscated in 2018

RECEIVED

DEC 28 2018

OWRD

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Dept of Veterans Affairs, 700 Summer Street NE, Salem, OR 97340

Sent by certified mail October 3, 2018



October 3, 2018

Dept of Veterans Affairs
700 Summer Street NE
Salem, OR 97340

Borrower: Byrnes, Rosemary A: 90460
Tax Map #: 171415D000100
Property Address: 63295 Johnson Ranch Rd, Bend, OR 97701

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

A handwritten signature in black ink that reads "Leslie Clark".

Leslie Clark
Director of Water Rights

Encl.

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DEC 28 2018
OWRD

13089

Abby Centola

From: Abby Centola
Sent: Tuesday, July 24, 2018 3:13 PM
To: 'Rosemary Byrnes'
Cc: KelleyHamby
Subject: RE: Water rights map

Hi Rosemary,

I'm going to talk with the gal the does our mapping and see if we can correct any of that. You can see a cut out of the water right where the house and driveway are supposed to be, hopefully we can line that up!

I'm glad to hear the southern part of the property is getting irrigated. Please give us a call when it gets greened up, we will need to do a site visit to document the use.

As for your daughter's property, I'm going to talk with our mapping gal to see if we can shift the water right a little. I almost looks like you just need to move our polygons to the left a little.

I'll let you know what I find out.

Thanks,

Abby Centola
Beneficial Use Technician
Central Oregon Irrigation District
541-504-7577
abby@coid.org

From: Rosemary Byrnes <rosemary@doylearabians.com>
Sent: Tuesday, July 24, 2018 1:35 PM
To: Abby Centola <abby@coid.org>
Cc: KelleyHamby <Khamby@coid.org>
Subject: Re: Water rights map

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Dear Abby and Kelley,

Thanks for the maps, Abby. They are clearer and easier to zoom in.

The map that I have zoomed in includes the house and the front lawn on the third map that Abby sent to me. The map shows White and Yellow hashing in areas that include the buildings (garage, house, cabin) with white hash marks. I don't see how I could have irrigation rights on the buildings. The front (east) lawn area, which is auto-irrigated twice daily in summer, is shown on the map with white hashing. ? ???? The front lawn has been watered for many years.

The yellow hashing area along the canal and winding south... we can fix as we have sprinklers in that area. It was not watered last year because I was away a lot and the person watering for me did not know how to fix the sprinklers. We are watering this area this year.

If there are adjustments we need to make in terms of moving water rights, please let me know. My daughter's property (Lucy Doyle) (the pivot area north and west) shows a problem. The problem is when the pivot shoots water to the east,

the water hits trees which block the water from hitting farther east. It is a sliver of a moon circle. We have a choice....hire someone to take down all the trees blocking the water, or move the small sliver to another area of the property owned by me and my husband.

There is a fenced area next to the horse barn ...west of the house. I think it is about 1/2 an acre area. I would like to extend that area around so it bends west and north. Maybe another 1/2 acre or so. That is if we have water rights that need to be moved.

Thanks much for all your help.

Rosemary

On Mon, Jul 23, 2018 at 8:39 AM, Abby Centola <abby@coid.org> wrote:

Good morning Rosemary,

Attached, you should find 4 maps and one document explaining the color coding. The first is an overview of the full property. The next 3 are zoomed in to different areas of the property. From the email below, I believe the map titles "2017 Byrnes, Rosemary 2" is the one you are looking for. Please let me know if you have any questions.

Thank you,

Abby Centola

Beneficial Use Technician

Central Oregon Irrigation District

541-504-7577

abby@coid.org

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From: KelleyHamby

Sent: Friday, July 20, 2018 12:31 PM

DEC 28 2018

OWRD

To: Rosemary Byrnes <rosemary@doylearabians.com>
Subject: RE: Water rights map

From: Rosemary Byrnes <rosemary@doylearabians.com>
Sent: Wednesday, July 18, 2018 11:21 PM
To: KelleyHamby <Khamby@coid.org>
Subject: Fwd: Water rights map

Hi Kelley,

I tried to call you in March, before the water season, left a message, but did not get a call back from you. I wanted to talk to you about the south-west corner of about 30 acre pasture, south of the driveway, bound by Johnson Ranch road and the canal, next to the canal. Historically, the 1-acre (+ or -) corner of that field is all rock. It has never been farmed. Old water maps show it not farmed. Please remove that area from irrigation. Thanks.

Unfortunately, that's not an option at this time. Our records indicate that you requested that water rights be transferred to that area in 2000. That area needs to irrigated this year.

The middle map that you sent to me this year includes the purple area around the houses/garage. We tried to magnify the map to make it clearer, but magnification only increases the blur and we cannot see the defined buildings in the purple areas. Is there any way you can magnify the areas around the houses on your computer and send me a non-blurred version? Also, along the canal is a yellow double cross hatched area. I am not sure what that means. Can grow grass there? Can't grow grass there?

The map I sent you, unfortunately, is the best we have available. I will readily agree that the clarity is very poor and is confused further by some mapping issues. The way I interpret the map is that all the areas, from the canal, around the house, and to the pasture to the west have water rights. Water rights that are in jeopardy of being confiscated. Most urgent is, in fact, the area between the driveway and the canal where you are asking if you can grow grass. Yes. It needs to be irrigated this year.

Abby is out of town today but I will ask her to send you updated maps on Monday.

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Yours,

Kelley Hamby

I look forward to hearing from you.

Best regards,

Rosemary

-

--

Rosemary Byrnes Doyle
The Doyle Arabians
63295 Johnson Ranch Road
Bend, Oregon 97701, USA
541-389-9515 H
541-788-5639 M

--

Rosemary Byrnes Doyle
The Doyle Arabians
63295 Johnson Ranch Road
Bend, Oregon 97701, USA
541-389-9515 H
541-788-5639 M

RECEIVED

DEC 28 2018

OWRD

13089



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

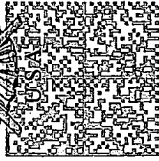
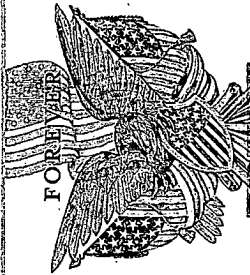
Leslie Clark
Director of Water Rights

RECEIVED

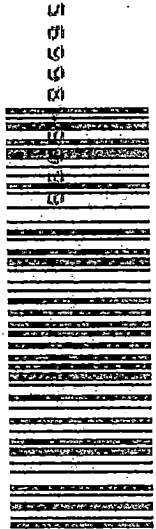
DEC 28 2018

OWRD

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

7016 0750 0000 0945 6967

NIXIE 87238 12/25/2017
 NOT DELIVERABLE AS ADDRESSED
 RETURN TO SENDER
 SORT IN MANUAL ONLY NO AUTOMATION
 BC: 5698999955

Bend OR 97701

9770189515 8001

7016 0750 0000 0945 6967

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Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/>	Return Receipt (hardcopy) \$ 3.30	
<input type="checkbox"/>	Return Receipt (electronic) \$ 2.75	
<input type="checkbox"/>	Certified Mail Restricted Delivery \$	
<input type="checkbox"/>	Adult Signature Required \$	
<input type="checkbox"/>	Adult Signature Restricted Delivery \$	
Postage		
\$.46	
Total Postage and Fees		
\$	6.56	

Sent To
 Byrnes, Rosemary A: 90460
 63295 Johnson Ranch Rd
 Bend OR 97701

PS Form 3800, April 2015 PSN 7530-02-000-9047-1 See Reverse for Instructions

RECEIVED
 DEC 28 2018
 OWRD

13089



November 9, 2017

Patron ID: 90460

Byrnes, Rosemary A
63295 Johnson Ranch Rd
Bend, OR 97701

RE: Tax Map #: 171415D000100 – 34.50 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

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DEC 28 2018

OWRD

13080

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: Dept of Veterans Affairs, 700 Summer Street NE, Salem, OR 97340

Sent by certified mail November 9, 2017



November 10, 2017

Dept of Veterans Affairs
700 Summer Street NE
Salem, OR 97340

Borrower: Byrnes, Rosemary A: 90460
Tax Map #: 171415D000100
Property Address: 63295 Johnson Ranch Rd, Bend, OR 97701

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

RECEIVED

DEC 28 2018

OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

17-14-22 SESE 01100

FRANCIS & PEPIE BIEKER

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Bieker, Francis/Pepie
25920 Alfalfa Mkt Rd
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 1714220001100, 0.23 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED

DEC 28 2018

OWRD

7017 3380 0000 8340 2039

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Certified Mail Fee	\$3.45	3.75
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input checked="" 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	\$0.50	
Total Postage and Fees		\$3.95

0756
10

POST OFFICE
10/03/2018
BEND, OR 97701

Bieker, Francis/Pepie: 2075 97756
25920 Alfalfa Mkt Rd
Bend, OR 97701

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

RECEIVED

DEC 28 2018

OWRD

13089



7017 3380 0000 8340 2039

October 3, 2018

Patron #: 2075

Bieker, Francis/Pepie
25920 Alfalfa Mkt Rd
Bend, OR 97701

RE: Tax Map #: 1714220001100, 17.00 acres total Mapped water rights
0.28 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

RECEIVED

DEC 28 2018

OWRD



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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Flagstar Bank, FSB, 5151 Corporate Dr, Troy, MI 48098
Chase USA c/o CHF, LLC, 10790 Rancho Bernardo Rd. Dept. 400, San Diego, CA 92127

Sent by certified mail October 3, 2018



October 3, 2018

Flagstar Bank,FSB
5151 Corporate Dr
Troy, MI 48098

Borrower: Bieker, Francis/Pepie: 2075
Tax Map #: 1714220001100
Property Address: 25920 Alfalfa Mkt Rd, Bend, OR 97701

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

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

Leslie Clark
Director of Water Rights

Encl.

RECEIVED

DEC 28 2018

OWRD
13089



October 3, 2018

Chase USA c/o CHF, LLC
10790 Rancho Bernardo Rd. Dept. 400
San Diego, CA 92127

Borrower: Bieker, Francis/Pepie: 2075
Tax Map #: 1714220001100
Property Address: 25920 Alfalfa Mkt Rd, Bend, OR 97701

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

Encl.

RECEIVED

DEC 28 2018

OWRD

13089



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,

Leslie Clark
Director of Water Rights

RECEIVED

DEC 28 2018

OWRD

13089

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

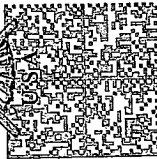
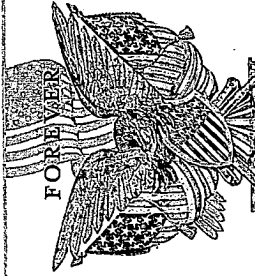
ADDRESS SERVICE REQUESTED



7016 0750 0000 0945 6943

Bieker, Francis/Pepie: 2075
25920 Alfalfa Mkt Rd
Bend OR 97701

W/17



UNITED STATES POSTAGE
02 1P
0000704761
MAILED FROM

970 DE 1 0012/07/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC 97756146955 9525-02017-15-65

UNC
9770 9775651469

7016 0750 0000 0945 6943

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Extra Services & Fees <i>(check box, add fee as appropriate)</i> <input type="checkbox"/> Return Receipt (hardcopy) \$ <u>3.32</u> <input type="checkbox"/> Return Receipt (electronic) \$ <u>2.75</u> <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>46</u>	
Total Postage and Fees \$ <u>6.56</u>	
Sent to: Street: Bieker, Francis/Pepie: 2075 City: 25920 Alfalfa Mkt Rd Bend OR 97701	
<small>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</small>	

RECEIVED
DEC 28 2018
OWRD
13089



November 9, 2017

Patron ID: 2075

Bieker, Francis/Pepie
25920 Alfalfa Mkt Rd
Bend, OR 97701

RE: Tax Map #: 1714220001100 – 17.00 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

RECEIVED

DEC 28 2018

OWRD

13089

Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,



Abby Centola
Beneficial Use Technician

Encl.

cc: Chase Bank USA, 200 White Clay Center Drive, Newark, DE 19711

Sent by certified mail November 9, 2017



November 10, 2017

Chase Bank USA
200 White Clay Center Drive
Newark, DE 19711

Borrower: Bieker, Francis/Pepie: 2075
Tax Map #: 171422 000 1100
Property Address: 25920 Alfalfa Mkt Rd, Bend, OR 97701

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

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DEC 28 2018

13089 OWRD

P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

18-12-03 SENE 00702

JUDITH CONNELL

RECEIVED

DEC 28 2018

OWRD

13089



December 27, 2018

Connell, Judith
61860 Pettigrew Rd
Bend, OR 97702

RE: Confiscation of water rights appurtenant to tax map #: 181203AD00702, 0.11 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

RECEIVED
DEC 28 2018
OWRD
13089

ALERT: USPS IS MONITORING CONDITIONS AS HURRICANE MICHAEL APPROACHES FLORID...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Connell: 3519

Track Another Package +

Tracking Number: 70173380000083401940

Remove X

Expected Delivery by

FRIDAY

5 OCTOBER 2018 ^{by} **8:00pm**

Delivered

October 5, 2018 at 4:11 pm
Delivered, Left with Individual
BEND, OR 97702

Get Updates v

7017 3380 0000 8340 1940

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BEND OFFICIAL USE

Certified Mail Fee \$3.45 ~~3.45~~

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

<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input checked="" 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 \$0.50

Total Postage and Fees \$3.95

Postmark Here
OCT 5 2018

Connell, Judith: 3519
61860 Pettigrew Rd
Bend, OR 97702

PS Form 3800, April 2015 PSN 7530-02-000-9047-9 See Reverse for Instructions

Text & Email Updates v

Tracking History v

Product Information v

See Less ^

RECEIVED

DEC 28 2018

OWRD

Can't find what you're looking for?



7017 3380 0000 8340 1940

October 3, 2018

Patron #: 3519

Connell, Judith
61860 Pettigrew Rd
Bend, OR 97702

RE: Tax Map #: 181203AD00702, 0.75 acres total Unmapped water rights
0.11 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

RECEIVED

DEC 28 2018

OWRD

13089



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

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

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

Sincerely,

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

Leslie Clark
Director of Water Rights

Enc

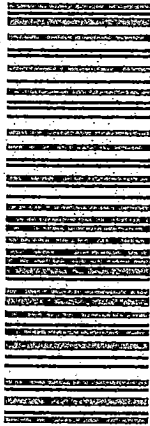
cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701

Sent by certified mail October 3, 2018

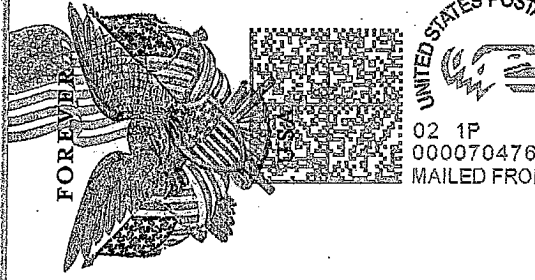
CENTRAL OREGON IRRIGATION DISTRICT
1055 SW Lake Court
Redmond OR 97756-1469

ADDRESS SERVICE REQUESTED

CERTIFIED MAIL



7017 1450 0000 3433 7506



02 1P
000070476
MAILED FROM

Conn
61860
Bend C

3519

575 DE 1 8512/12/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

9770289980 UNFCB
9775621469

97756146955 *9529-93154-13-45

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DEC 28 2018
OWRD
13089



November 9, 2017

Patron ID: 3519

Connell, Judith
61860 Pettigrew Rd
Bend, OR 97702

RE: Tax Map #: 181203AD00702 – 0.75 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 with the quantity of appurtenant water rights noted next to a point (there may be multiple points). Over the last four years, the total area being irrigated is less than the amount of your water right.

Oregon Revised Statute 540.610 clearly states the requirement of beneficial use:

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

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 during the 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request to do an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

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Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

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

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please call me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Abby Centola', written in a cursive style.

Abby Centola
Beneficial Use Technician

Encl.

cc: Linda Beutel, 3810 Bow Spirit Circle, West Line Village, OR 91361



November 10, 2017

Linda Beutel
3810 Bow Spirit Circle
West Line Village, OR 91361

Borrower: Connell, Judith: 3519
Tax Map #: 181203AD00702
Property Address: 61860 Pettigrew Rd, Bend, OR 97702

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

Abby Centola
Beneficial Use Technician

Encl.

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P-2018-002

540.572 FORFEITURE TRANSFER

AUTHORIZED LAND

18-13-06 NWN 00400

DEBORAH LAPAUGH

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December 27, 2018

Lapaugh, Deborah
22235 Bear Creek Rd
Bend, OR 97701

RE: Confiscation of water rights appurtenant to tax map #: 1813060000400, 0.69 acres Irrigation

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

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

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

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

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

Sincerely,

Leslie Clark
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR
Mailed via certified mail December 27, 2018
Encl.

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ALERT: USPS SERVICES ARE DISRUPTED IN SOME FLORIDA PANHANDLE AREAS IMPACTED...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Lapaugh : 3142

Track Another Package +

Tracking Number: 70173380000083402008

Remove X

Your item was picked up at a postal facility at 12:16 pm on October 9, 2018 in BEND, OR 97701.

✓ Delivered

October 9, 2018 at 12:16 pm
Delivered, Individual Picked Up at Postal Facility
BEND, OR 97701

Get Updates ▾

Text & Email Updates

Tracking History

Product Information

9002 04ER 0000 03EE 7TD?

U.S. Postal Service	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
BEND, OR 97701	
OFFICIAL USE	
Certified Mail Fee	\$3.45 <i>3.45</i>
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input checked="" 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	\$0.50
Total Postage and Fees	\$3.95
Lapaugh, Deborah: 3142	
22235 Bear Creek Rd	
Bend, OR 97701	
PS Form 3800, April 2015 PSN 753002 200160 753002 (See Reverse for Instructions)	

US POST OFFICE 9756
Postmark Here
OCT - 3 2018
BEND, OR 97756

See Less ^

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OWRD

Can't find what you're looking for?

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

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

13089



7017 3380 0000 8340 2008

October 3, 2018

Patron #: 3142

Lapaugh, Deborah
22235 Bear Creek Rd
Bend, OR 97701

RE: Tax Map #: 1813060000400, 5.00 acres total Mapped water rights
0.69 acres water rights to be confiscated in 2018

Dear Patron,

Our records indicate that you did not beneficially use your full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Dept. (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2017 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to confiscate any remaining unused water at the end of the 2018 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2018 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been accomplished between 2013 and 2018.

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

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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Leslie Clark".

Leslie Clark
Director of Water Rights

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Bank of America, 1001 Liberty Ave Ste 675, Pittsburgh, PA 15222

Sent by certified mail October 3, 2018



October 3, 2018

Bank of America
1001 Liberty Ave Ste 675
Pittsburgh, PA 15222

Borrower: Lapaugh, Deborah: 3142
Tax Map #: 1813060000400
Property Address: 22235 Bear Creek Rd, Bend, OR 97701

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

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

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

If you have any questions regarding this notice, please contact COID at 541-548-6047.

Sincerely,

Leslie Clark
Director of Water Rights

Encl.

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CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

May 1, 2018

Dear Patron,

In 2017, you received a certified letter from COID stating that you have not irrigated a portion of your water right since 2013. That letter provided you with the option to request an instream lease, request a water transfer, or, fully irrigate the dry area(s).

The deadline to request an instream lease was February 15, 2018. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area and move it to another area of your property, please call 541-504-7576 or email me at: lesliec@coid.org by July 1st to request a water transfer.

Any portion of your water that has not been fully used since 2013 is subject to confiscation in October 2018. If you do not request, or are not approved for a water transfer, your only option to keep the unused water on your property is to fully irrigate the entire dry area, producing a good viable crop. Please refer to the water right map sent to you in October 2017. Growing native vegetation such as bunch grass and sagebrush, or weeds, such as cheat grass, foxtail, etc., is not considered beneficial use of the water.

If you have an unmapped water right, you must produce beneficial vegetation on an area of ground equal to the total water right i.e. if you have a 2-acre unmapped water right, you must irrigate and grow a beneficial use crop (as described above) on 2 acres of land within your tax lot.

When you establish growth in the dry area you are responsible to contact COID and request a site visit from COID staff.

This letter serves as notice that COID staff will make one visit to your property between July 1st and September 1st to physically review the dry areas. If that visit determines any portion of area subject to confiscation is not being beneficially irrigated, COID will send a certified letter after October 1st informing you of the pending confiscation. If you establish good growth after September 1st, it is critical you contact the office to request another site visit from staff.

Sincerely,




Leslie Clark
Director of Water Rights

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DEC 28 2018

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SENDER - COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee  B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery  12-1-17
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px;"> Lapaugh, Deborah: 3142 22235 Bear Creek Rd Bend, OR 97701 </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
 9590 9402 3392 7227 3071 62 2. Article Number (transfer from service label) 7017 1450 0000 3433 7322	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 <input type="checkbox"/> Mail Restricted Delivery (30)
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt	

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 DEC 28 2018
 OWRD
 13089



November 9, 2017

Patron ID: 3142

Lapaugh, Deborah
22235 Bear Creek Rd
Bend, OR 97701

RE: Tax Map #: 1813060000400 – 5.00 acres total Irrigation Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2017 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in July 2017 showing where your mapped water rights are located in yellow hatch. The mapped areas that have not been irrigated since 2013 are noted in white cross-hatch.

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 2018 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2018 season (the District will accept requests for instream lease applications through February 15, 2018). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet) for you to use in 2019, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2018.

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Please fill out and return the enclosed postcard within 10 days of receiving this letter. If you choose to pursue a transfer, you will need to schedule an appointment with COID staff.

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 2018 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 the unused water right in 2018 (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 required by statute). A copy of the District Confiscation Policy is enclosed for your review.

If you have any evidence that you fully irrigated the entire mapped area at any time since 2013, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2018, your 2018 assessments will still be due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact me at 541-548-6047 or email: abby@coid.org as soon as possible so we can discuss your available options.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'abby centola', with a stylized flourish at the end.

Abby Centola
Beneficial Use Technician

Encl.

cc: , , ,



November 10, 2017

Bank of America
1001 Liberty Ave Ste 675
Pittsburgh, PA 15222

Borrower: Lapaugh, Deborah: 3142
Tax Map #: 1813060000400
Property Address: 22235 Bear Creek Rd, Bend, OR 97701

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

Please find enclosed a copy of the 4th year non-use letter that Central Oregon Irrigation District (COID) sent to the above noted property owner for failure to beneficially use the water rights for four consecutive years. This property is at risk of losing irrigation water rights if the property owner does not comply.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Abby Centola".

Abby Centola
Beneficial Use Technician

Encl.

RECEIVED

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