



**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-2020-002

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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#app_criteria_review).

Change in Place of Use Only

### 1A. APPLICANT INFORMATION

|  |                    |                     |                                   |   |
|--|--------------------|---------------------|-----------------------------------|---|
| IRRIGATION DISTRICT<br><b>CENTRAL OREGON IRRIGATION DISTRICT</b>   |                    |                     | PHONE NO.<br><b>541-548-6047</b>  | ADDITIONAL CONTACT NO.<br><b>LESLIE CLARK</b> |
| ADDRESS<br><b>1055 SW LAKE COURT</b>   |                    |                     |                                   | COUNTY<br><b>DESCHUTES</b>                    |
| CITY<br><b>REDMOND</b>   | STATE<br><b>OR</b> | ZIP<br><b>97756</b> | E-MAIL<br><b>lesliec@coid.org</b> |   |
| <b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b> |                    |                     |                                   |   |

### 1B. AGENT INFORMATION

|  |       |     |           |                        |
|--|-------|-----|-----------|------------------------|
| AGENT/BUSINESS NAME  |       |     | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS  |       |     |           | FAX NO.                |
| CITY   | STATE | ZIP | E-MAIL    |                        |
| <b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b> |       |     |           |                        |

## 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. | 94956       | -                          | 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><b>Supplemental Form A –</b><br/> <b>Description of Proposed Change(s) to a Water Right</b></p> <p><input type="checkbox"/> A <b>separate</b> Supplemental Form A is enclosed for <b>each</b> water right to be affected by this transfer.</p> <p><b>Map</b></p> <p><input type="checkbox"/> Permanent Transfer<br/> 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><b>Fees:</b></p> <p><input type="checkbox"/> Amount enclosed: \$ _____<br/> See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900.</p> <p><b>Land Use Compatibility Statement</b></p> <p><input type="checkbox"/> The Land Use Information Form is <u>not</u> required if water is to be diverted, conveyed and/or used only on federal lands or if <u>ALL</u> of the following apply: a) a change in place of use only, b) a change that does not involve the placement or modification of structures, c) the use of water is for irrigation <b>only</b> and d) the use is located within an irrigation district or an exclusive farm use zone.</p> |
|--|--|

**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;
- (3) For lands which are no longer irrigated or susceptible of irrigation that are included in this transfer under the authority of ORS 540.572 and OAR 690-385-5000, notices as required under ORS.572 and OAR 690-385-5100 have been given to the user and any security interest holder of record of intent to transfer the right and the user was provided an opportunity to resolve the matter in the manner described by ORS 540.572 and OAR 690-385-5400 and 690-385-5600.
- (4) 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 HOBELL  
name (print)

12.4.2020  
date

OR

\_\_\_\_\_  
Authorized District Representative signature

\_\_\_\_\_  
name (print)

\_\_\_\_\_  
date

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

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

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

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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                    | <u>94956</u><br>Certificate Number |   |
| <input type="checkbox"/> Adjudicated, Non-certificated Right              | _____<br>Name of Decree            | _____<br>Page Number                            |
| <input type="checkbox"/> Permit for which Proof has been Approved         | -<br>Permit Number                 | _____<br>Date Claim of Beneficial Use Submitted |
| <input type="checkbox"/> Transferred Right for which Proof has been Filed | -<br>Previous Transfer Number      | _____<br>Date Claim of Beneficial Use Submitted |
| <input type="checkbox"/> Permit for Supplemental Irrigation               | -<br>Permit Number                 |   |

- Name on Permit, Certificate, or Decree: CENTRAL OREGON IRRIGATION DISTRICT
- Priority Date(s): OCTOBER 31, 1900 & DECEMBER 2, 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.**

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▪ Certificate Number or other identifying number: 94956

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) |      |      |     |       |     |              | MEASURED DISTANCES   |
|---|------|------|-----|-------|-----|--------------|--|
| POD#<br>or<br>POA#  | TWP  | RNG  | SEC | QQ    | DLC | GOV'T<br>LOT |  |
| 1   | 18 S | 11 E | 13  | SW    |     |              | CENTRAL OREGON CANAL: 1520' SOUTH AND 1535' WEST FROM THE<br>NE CORNER OF SECTION 13 |
| 11  | 17 S | 12 E | 29  | SE NE |     |              | NORTH CANAL: 850' NORTH AND 630' WEST FROM THE E 1/4 CORNER<br>OF SECTION 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                    | <u>76714</u>             |  |
|   | Certificate Number       |  |
| <input type="checkbox"/> Adjudicated, Non-certificated Right              | _____                    | _____                                  |
|   | Name of Decree           | Page Number                            |
| <input type="checkbox"/> Permit for which Proof has been Approved         | <u>-</u>                 | _____                                  |
|   | Permit Number            | Date Claim of Beneficial Use Submitted |
| <input type="checkbox"/> Transferred Right for which Proof has been Filed | <u>-</u>                 | _____                                  |
|   | Previous Transfer Number | Date Claim of Beneficial Use Submitted |
| <input type="checkbox"/> Permit for Supplemental Irrigation               | <u>-</u>                 | _____                                  |
|   | Permit Number            |  |

- Name on Permit, Certificate, or Decree: CENTRAL OREGON IRRIGATION DISTRICT
- Priority Date(s): FEBRUARY 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? 94956

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.**

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▪ Certificate Number or other identifying number: 76714

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#<br>or<br>POA#  | TWP  | RNG | SEC | QQ    | DLC | GOV'T<br>LOT | MEASURED DISTANCES          |
|   |      |     |     |       |     |              |                             |
|   | 21 S | 8 E | 17  | NE NE |     |              | CRANE PRAIRIE RESERVOIR DAM |
|   |      |     |     |       |     |              |                             |
|   |      |     |     |       |     |              |                             |
|   |      |     |     |       |     |              |                             |
|   |      |     |     |       |     |              |                             |

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**TABLE I. - AUTHORIZED PLACE OF USE**

| WATER RIGHT |         | Cert/Perm |    | POD | USE             | TRSQTL | ACRES  | USER NAME   | ORS |
|-------------|---------|-----------|----|-----|-----------------|--------|--|-------------|-----|
| Cert/Decree | PRIMARY | SUPP      |    |     |                 |        |  |             |     |
|             | 94956   | 76714     | I  | IR  | 171321NWSE01403 | 1.53   | East Cascade Adventures, LLC                 | ORS 540.572 |     |
|             |         |           | I  | IR  | 171319NWSE01300 | 0.55   | LaFranchi, Ron                               | ORS 540.572 |     |
|             |         |           | I  | IR  | 171330NESW00400 | 1.84   | Sheridan, Daniel Bradley                     | ORS 540.572 |     |
|             |         |           | I  | IR  | 171427NWNW00200 | 0.21   | Willis, Chad                                 | ORS 540.572 |     |
|             |         |           | II | IR  | 171215NENE00200 | 0.1    | Cole, Eric/Kathryn                           | ORS 540.572 |     |
|             |         |           | II | IR  | 151225NWSE00902 | 0.1    | Hannan, Travis                               | ORS 540.572 |     |
|             |         |           | II | IR  | 161211NWSW00401 | 0.96   | Petersen Rock Gardens Inc                    | ORS 540.572 |     |
|             |         |           | II | IR  | 161211SWNE00101 | 0.11   | Shatka, Michael/Brittany                     | ORS 540.572 |     |
|             |         |           | II | IR  | 151307NESE01200 | 1.33   | Black, Jamie/Benjamin                        | ORS 540.572 |     |
|             |         |           | II | IR  | 151318NWSE02100 | 0.19   | Hall, John/Hall, Jay                         | ORS 540.572 |     |
|             |         |           | II | IR  | 151306SENE03500 | 0.79   | Hernandez, Martha                            | ORS 540.572 |     |
|             |         |           | II | IR  | 151201SESE02700 | 0.1    | Monson, Douglas/Heather                      | ORS 540.572 |     |
|             |         |           | II | IR  | 141327SWNE00301 | 0.37   | Arnett, Gary/Carolle                         | ORS 540.572 |     |
|             |         |           | II | IR  | 151304NESE00100 | 0.2    | Karoma Properties, LLC                       | ORS 540.572 |     |
|             |         |           | II | IR  | 141333NESE02500 | 0.18   | Smith, Morgan/Lavonne, Smith/Christopher     | ORS 540.572 |     |
|             |         |           |    |     |                 | 8.56   |  | ORS 540.572 |     |
|             |         |           |    |     |                 |        |  |             |     |
|             |         |           | I  | IR  | 141532SESE00100 | 0.03   | Gilbertson, Leif                             | ORS 540.580 |     |
|             |         |           | I  | IR  | 151505NENE01301 | 0.07   | Gilbertson, Leif                             | ORS 540.580 |     |
|             |         |           | I  | IR  | 151504NWNW01301 | 3      | Gilbertson, Leif                             | ORS 540.580 |     |
|             |         |           | I  | IR  | 151504NENW01301 | 0.75   | Gilbertson, Leif                             | ORS 540.580 |     |
|             |         |           | I  | IR  | 171331NESW00200 | 0.97   | Rich & Ellingson Hwy 20 Residence Trust      | ORS 540.580 |     |
|             |         |           | II | IR  | 141322NESW01500 | 0.07   | Leonardo Franzese & Monte Franzese, Trustees | ORS 540.580 |     |
|             |         |           | II | IR  | 141322NWSE01500 | 0.55   | Leonardo Franzese & Monte Franzese, Trustees | ORS 540.580 |     |
|             |         |           | II | IR  | 151304NWNW00200 | 0.67   | COID QUITCLAIM                               | ORS 540.580 |     |
|             |         |           |    |     |                 | 6.11   |  | ORS 540.580 |     |
|             |         |           |    |     |                 |        |  |             |     |
|             |         |           |    |     |                 | 14.67  | TOTAL AUTHORIZED LANDS                       |             |     |

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1  
 2  
 3  
 88  
 9

**TABLE 2. – PROPOSED PLACE OF USE**

| WATER RIGHT |       | Cert/Perm | POD | USE             | TRSQTL | ACRES                                   | USER NAME |
|-------------|-------|-----------|-----|-----------------|--------|---|-----------|
| Cert/Decree | SUPP  |           |     |                 |        |   |           |
| 94956       | 76714 | I         | IR  | 171331NESW00200 | 1.97   | Rich & Ellingson Hwy 20 Residence Trust |           |
|             |       | I         | IR  | 141532SWSE01301 | 0.4    | Gilbertson, Leif                        |           |
|             |       | I         | IR  | 141532SESE00100 | 0.75   | Gilbertson, Leif                        |           |
|             |       | I         | IR  | 151504NWNW01301 | 1.65   | Gilbertson, Leif                        |           |
|             |       | I         | IR  | 151504SWNW01301 | 4.18   | Gilbertson, Leif                        |           |
|             |       | II        | IR  | 141309SENW00901 | 0.32   | S.E. & Elizabeth H. Kirchmeier          |           |
|             |       | II        | IR  | 161202SESE01302 | 1.4    | Roger Lee Shear and Colei Ann Guyette   |           |
|             |       | II        | IR  | 151212SESE00401 | 1      | Jeffrey A. & Julie M. Larkin            |           |
|             |       | II        | IR  | 151306NENW00100 | 2      | Aaron D. Walker                         |           |
|             |       | II        | IR  | 171214SENW00803 | 0.43   | Grant Anthony & Kelsey Leigh Gasper     |           |
|             |       | II        | IR  | 171214SWNE00803 | 0.57   | Grant Anthony & Kelsey Leigh Gasper     |           |
|             |       |           |     |                 | 14.67  | TOTAL PROPOSED LANDS                    |           |

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| LEIF GILBERTSON TRANSFER |      |      |      |
|--------------------------|------|------|------|
| TRSQTL                   | ON   | OFF  | TYPE |
| 141532SWSE01301          | 0.4  |      | IR   |
| 141532SESE00100          | 0.75 | 0.03 | IR   |
| 151505NENE01301          |      | 0.07 | IR   |
| 151504NWNW01301          | 1.65 | 3    | IR   |
| 151504NENW01301          |      | 0.75 | IR   |
| 151504SWNW01301          | 4.18 |      | IR   |
| TOTAL:                   | 6.98 | 3.85 |      |
| DIFFERENCE               |      | 3.13 |      |

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The regular meeting of the Board of Directors of the Central Oregon Irrigation District (COID) was called to order by Paul Kasberger, at 9:00 AM on November 10, 2020 in the District office.

Due to COVID-19 the meeting was restricted to in person participation and done virtually. Directors Paul Kasberger, Brad Clarno, Carroll Penhollow and participated in person in the COID Conference Room logged into Zoom. Participating remotely by Zoom was Dan Ellingson, Craig Horrell, Secretary - Managing Director; Shon Rae, Deputy Managing Director; Leslie Clark, Water Rights Manager; Cary Penhollow, Water Master; Erin Bathke, Accounting Assistant; Jessi Talbott, Water Rights Technician, and Jenny Hartzell-Hill, Executive Assistant participated in person. Participating remotely by Zoom were Kelley O'Rourke, Land Use Technician. Also attending via Zoom were Matt Singer, Legal Counsel and Brian Meece, Realtor of Record.

**1. OPEN FORUM:**

Ken Lyons with Wireless Policy on behalf of AT&T came before the Board. He has been working with FirstNet to establish a new safety network. They are looking at location east of Bend on COID property, a facility that First Responders have pinpointed as an ideal location. He is asking COID to reconsider their proposal and will submit a formal letter of request to the Board. Craig Horrell suggested placing this request on the Agenda for December Board. Mr. Lyons provided the Board with a detailed memo, Exhibit "A".

**2. CONFISCATION HEARINGS:**

Mr. Eli LaFranchi addressed the Board at 9:45 a.m. Brad Clarno read the Forfeiture Hearing Process language. Leslie Clark presented the summary of process to the Board with the Water Rights map. The property renter provided photos of the property at the meeting with the manager as well as a letter from adjacent property owner regarding assistance with irrigating. A receipt for seed was also submitted. At the meeting with the manager it was deemed that use was not sufficient in 2020 or the previous 4 years which has led to the confiscation of the unused water. Eli LaFranchi explained that he does not live on the property or in the area. He does not have photos showing use. He does not want to lose the water rights; he did not receive the mail because it was going to his father because the property is in his name. His renter was putting water in the wrong area because it was unclear to Eli the area of question. He has a plan to keep on top of this issue moving forward if he is able to keep the water right. He is asking the Board to consider allowing him to retain the water right. The hearing ended at 10:09 a.m. The Board moved into executive session at 10:10 a.m. to discuss the matter. Executive session was adjourned at 10:25 a.m.

Mr. Dan Sheridan addressed the Board at 10:27 a.m. Brad Clarno read the Forfeiture Hearing Process language. Leslie Clark presented the summary of process to the Board with the Water Rights map. She provided the background of what has been reviewed this past season. Confiscation and a transfer have been recommended. Dan explained the irrigation history on the property and explained that he has applied seed in the previous year to the areas in jeopardy but by July they were usually dry when the aerial photos are taken. He explained that he has had financial difficulties and was not able to purchase seed this past year. He is willing to do whatever needs to happen to prevent confiscation. He irrigates with a wheel line and handline that he put on the property since he purchased it. The Board moved into executive session at

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10:48 a.m. to deliberate and returned to regular session at 10:55 a.m. Paul made motion to confiscation 1.84 acres on Dan Sheridan and 0.55 acres on the Ron LaFranchi properties. Following a second by Carroll Penhollow the motion passed unanimously.

Eli LaFranchi returned to the meeting and Paul Kasberger announced that the .55 acres of water right confiscation will carry. Craig Horrell explained that the Board took into consideration the situation but ultimately it is the interest of the District to protect the water right and keep it on the Certificate. Staff explained the process and options to get water rights back in the future. Mr. LaFranchi expressed that he plans to take the matter before the Oregon Water Resources Department to protest the confiscation. It was explained to him that he needs to file the appeal application with OWRD within 60 days following submittal of application. It was noted that the zip code for mailing to the Myrtle Point address was transposed the correct address: Ron LaFranchi c/o Eli LaFranchi 1232 Maple Street Myrtle Point OR 97458.

Dan Sheridan returned to the meeting and Paul Kasberger informed him that the ruling was unanimous for confiscation of 1.84 acres of water right. Staff explained that the transfer papers as discussed will be mailed to him in the next week. He does not plan to appeal OWRD.

**3. MINUTES:**

Carroll Penhollow made a motion to approve the minutes for the October 13, 2020 General Session. Following a second by Brad Clarno the motion was approved unanimously.

**4. TRANSFERS / INCLUSIONS:**

A water management report was provided to the Board prior to the meeting, Exhibit "B". Carroll Penhollow reviewed the transfers. Carroll Penhollow made a motion to approve the transfers as presented. Following a second by Brad Clarno the motion passed unanimously.

**5. REPORTS:**

Due to the extra content in the Board Meeting, Department Reports were provided to the Board but not discussed.

- A. Watermaster Report –  
A written report (Exhibit "C") was provided to the Board prior to the meeting.
- B. Operations and Maintenance Report –  
A written report (Exhibit "D") was provided to the Board prior to the meeting.
- D. Hydro Report -  
A written report (Exhibit "E") was provided to the Board prior to the meeting.
- E. Internal Operations & Communications-  
A written report (Exhibit "F") was provided to the Board prior to the meeting.
- F. Finance -  
A written report (Exhibit "G") was provided to the Board prior to the meeting.



December 28, 2020

Arnett, Gary/Carolle  
1100 NE Jordan Ln  
Redmond, OR 97756

RE: Forfeiture of water rights appurtenant to tax map #: 1413270000301, 0.37 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,

A handwritten signature in blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 28, 2020  
Encl.

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**COMPLETE THIS SECTION ON DELIVERY**

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:

Arnett, Gary/Carolle  
1100 NE Jordan Ln  
Redmond, OR 97756

9590 9402 4901 9032 4495 24

2. Article Number (Transfer from service label)  
7019 0160 0000 9493 4364

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

3. Service Type  
 Registered Mail®  
 Registered Mail Restricted  
 Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery Restricted Delivery  
 Insured Mail (Limit \$500)  
 Restricted Delivery

4. Priority Mail Express®  
 Registered Mail®  
 Registered Mail Restricted  
 Return Receipt for Merchandise Confirmation™  
 Signature Confirmation®  
 Signature Restricted Delivery  
 Restricted Delivery

A. Signature: *Carolle Arnett*  
 B. Received by (Printed Name): *Carolle Arnett*  
 C. Date of Delivery: *10/20/18*  
 D. If delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

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

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

**OFFICIAL USE**

Certified Mail Fee \$ *3.55*  
 Return Receipt (hardcopy) \$ *2.15*  
 Return Receipt (electronic) \$  
 Signature Restricted Delivery \$  
 Adult Signature Required \$  
 Adult Signature Restricted Delivery \$  
 Postage \$  
 Total Postage and Fees \$ *0.40*

Arnett, Gary/Carolle  
1100 NE Jordan Ln  
Redmond, OR 97756

PS Form 3800, April 2015 PSN 7530-02-000-9053

RECEIVED  
DEC 30 2020  
OWRD

13589



October 6, 2020

Patron #: 4618

Arnett, Gary/Carolle  
1100 NE Jordan Ln  
Redmond, OR 97756

RECEIVED  
DEC 30 2020  
OWRD

RE: Tax Map #: 1413270000301, 37.65 acres total mapped water rights  
0.37 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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 forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 30 2020  
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 and standard mail October 6, 2020

13589

**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:

Arnett, Gary/Carolle: 4618  
 1100 NE Jordan Ln  
 Redmond, OR 97756



2. Article Number (Transfer from service label)  
 70J8 0360 0000 6070 6338

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

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent   
 Registered Mail<sup>®</sup>  Addressed  
 B. Prepared by (Printed Name) C. Date of Delivery  
 GARY ARNETT 11/11/15  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Adult Signature Restricted Delivery  
 Registered Mail<sup>®</sup>  
 Certified Mail<sup>®</sup> Return Receipt for Merchandise  
 Collect on Delivery Restricted Delivery  
 Insured Mail Restricted Delivery  
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

**U.S. Postal Service<sup>™</sup>**  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
*Domestic Mail Only*

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

**OFFICIAL USE**

Certified Mail Fee \$ 3.50  
 Extra Services & Fees (Enter box, and mark appropriate)  
 Return Receipt (hardcopy) \$ 2.70  
 Return Receipt (electronic) \$ 0.00  
 Collect on Delivery \$ 0.00  
 Adult Signature Restricted Delivery \$ 0.00  
 Adult Signature Restricted Delivery \$ 0.50

Postage \$ 0.50  
 Total Postage \$ 4.00  
 Sent To Arnett, Gary/Carolle: 4618  
 1100 NE Jordan Ln  
 Redmond, OR 97756  
 City, State, ZIP+4<sup>®</sup>

Postmark Here

70J8 0360 0000 6070 6338

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

RECEIVED  
 DEC 30 2020  
 OWRD

13589



November 1, 2019

Patron ID: 4618

Arnett, Gary/Carolle  
1100 NE Jordan Ln  
Redmond, OR 97756

RECEIVED  
DEC 30 2020  
OWRD

RE: Tax Map #: 1413270000301 – 69.20 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red cross-hatch.

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

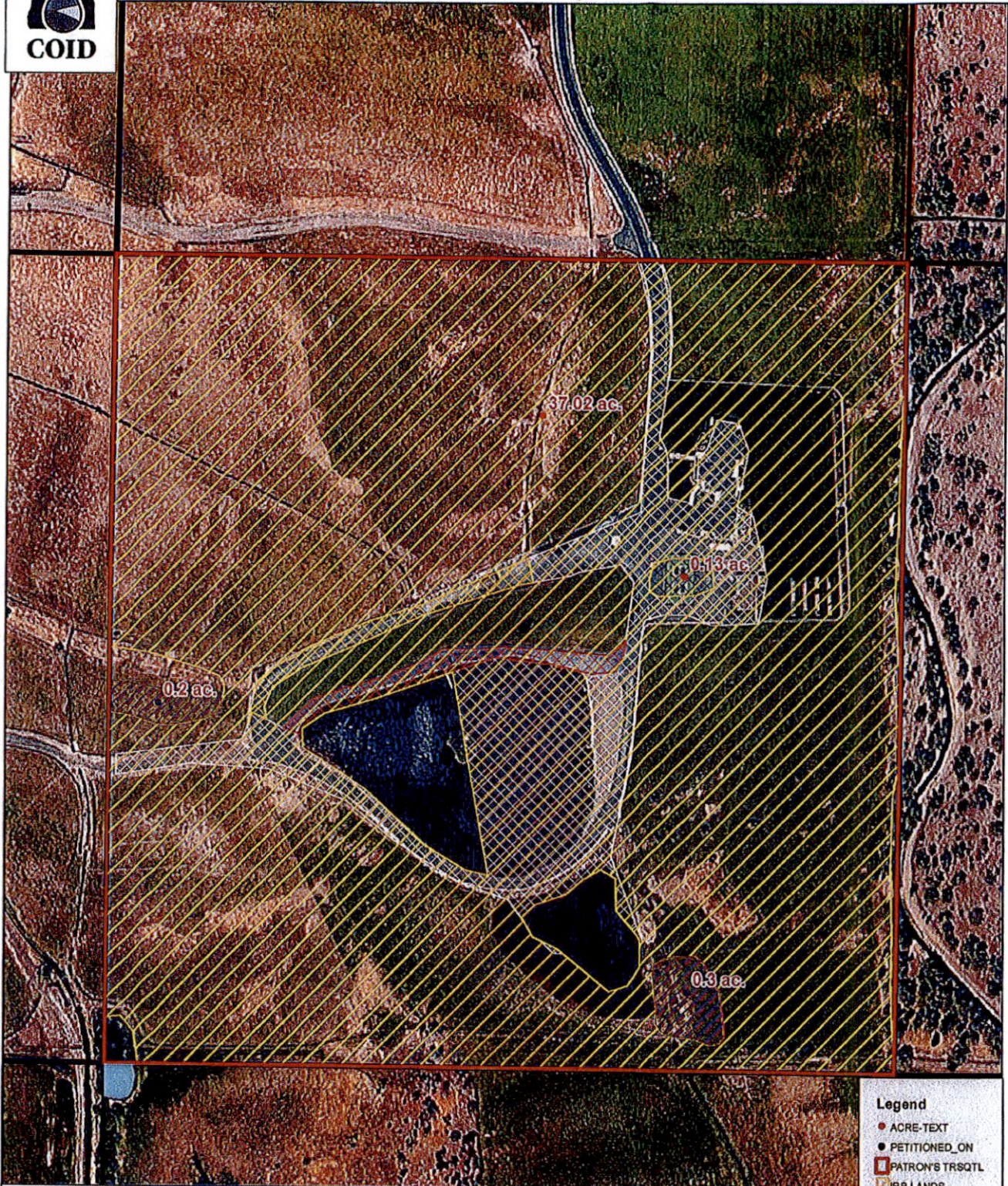
**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities.** (1) *Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



PATRON'S NAME: Arnett, Gary/Carolle



PATRON'S NAME: Arnett, Gary/Carolle  
 APPROXIMATE QQ TAXLOT SIZE: 40.1 ACRES  
 TRSQTL: 141327SWNE00301

- Legend**
- ACRE-TEXT
  - PETITIONED\_ON
  - PATRON'S TRSQTL
  - ▨ IRR LANDS
  - ▨ PETITIONED\_ON
  - ▨ TAXLOTS
  - ▨ PAST 5
  - ▨ 2015(URGENT)
  - ▨ 2017
  - ▨ 2018

135 RECEIVED

DEC 30 2020

OWRD



December 28, 2020

Smith, Morgan/Lavonne, Smith/Christopher  
PO Box 2194  
Redmond, OR 97756

RE: Forfeiture of water rights appurtenant to tax map #: 1413330002500, 0.18 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,

A handwritten signature in blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 28, 2020  
Encl.

RECEIVED

DEC 30 2020

OWRD

October 21, 2020

Leslie Clark, Director of Water Rights

Central Oregon Irrigation District

1055 S. W. Lake Court

Redmond, Oregon 97756

RECEIVED

DEC 30 2020

OWRD

Re: Tax Map #1413330002500, 11 acres total mapped water rights

0.18 acres water rights to be forfeited in 2020

Director,

We are aware of the forfeiture as described above. That particular small parcel is on a rise and it has been impossible for water delivery to irrigate it. We put in a small pond to collect water but that was unsuccessful. It is a long distance from any other source of water such as hoses, sprinklers, etc. That particular corner is also covered with Russian Thistle and each spring has to be sprayed with a weed poison to keep the seeds from spreading and establishing new plant growth. Of course, that treatment also kills any other vegetation.

Therefore, we are accepting the forfeiture and transfer of the 0.18 acres as described.

Thank you for your continued service and assistance over the past several years that we have been part of this district.



Lavonne Smith

cc: OWRD, 725 Summer St., N.E., Suite 100, Salem, Oregon

Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse LP, Ste 103, Bend, OR 97701

**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3.  
 Print your name and address on the reverse so the carrier 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:  
 Smith, Morgan/Lavonne,  
 Smith/Christopher  
 PO Box 2194  
 Redmond, OR 97756

2. Article Number (Transfer from service label)  
 9580 9402 4301 9032 4493 64

3. Service Type  
 Adult Signature Restricted Delivery  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Insured Mail Restricted Delivery (over \$500)  
 Priority Mail Express® Registered Mail Restricted Return Receipt for Merchandise Signature Confirmation Restricted Delivery

4. Signature  
 Agent  
 Addressee

5. Received by (Printer Name)  
 Morgan/Lavonne

6. Date of Delivery  
 12/30/19

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

8. Domestic Return Receipt

**U.S. Postal Service™ CERTIFIED MAIL® RECEIPT**  
 For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Certified Mail Fee \$ 3.55  
 Signature & Fee must be on all registered mailpieces.  
 Return Receipt (hardcopy) \$ 2.85  
 Certified Mail Restricted Delivery \$  
 Adult Signature Required \$  
 Insured Mail Restricted Delivery \$

Postage \$ 5.6  
 Total Postage and Fees \$ 9.15

Item No. 11-110  
 Street and ZIP+4®  
 PO Box 2194  
 Redmond, OR 97756

Postmark Here

Smith, Morgan/Lavonne,  
 Smith/Christopher  
 PO Box 2194  
 Redmond, OR 97756

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

RECEIVED  
 DEC 30 2020  
 OWRD

13589



October 6, 2020

RECEIVED

DEC 30 2020

OWRD

Patron #: 670090

Smith, Morgan/Lavonne/Christopher  
PO Box 2194  
Redmond, OR 97756

RE: Tax Map #: 1413330002500, 11 acres total mapped water rights  
0.18 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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 forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director and, if necessary, at the hearing with the Board of Directors.

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

Sincerely,



RECEIVED  
DEC 30 2020  
OWRD

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  
M&T Mortgage Corporation, 1 M&T Plaza, Buffalo, NY 14203

Sent by certified and standard mail October 6, 2020

13589



October 6, 2020

M&T Mortgage Corporation  
1 M&T Plaza  
Buffalo, NY 14203

RECEIVED  
DEC 30 2020  
OWRD

Borrower: Smith, Morgan/Lavonne, Smith/Christopher: 670090  
Tax Map #: 1413330002500  
Property Address: 3861 NW Canal Blvd Redmond, OR 97756

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

Please find enclosed a copy of the 5<sup>th</sup> 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 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.

13589

**SENDER: COMPLETE THIS SECTION**

1. 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:  
 Smith, Morgan/Lavonne,  
 Smith/Christopher: 670090  
 PO Box 2194  
 Redmond, OR 97756

2. Article Number (Transfer from service label)  
 7017 3340 0000 8340 1636

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

4. Priority Mail Express®  
 Registered Mail  
 Registered Mail Restricted Delivery  
 Return Receipt for Certified Mail  
 Signature Confirmation  
 Signature Confirmation Restricted Delivery

5. Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

Signature: *Morgan Smith*  
 Agent:  Addressed  
 Date of Delivery

B. Received By (Printer Name)  
 C. Date of Delivery

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

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

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

**OFFICIAL USE**

Certified Mail Fee: 3.50  
 Postage: 0.50

7017 3340 0000 8340 1636

PS Form 3811, July 2015 PSN 7530-02-000-9005

Urgent Services & Fees (Label Use, and Reg. Mail Only)  
 Return Receipt (Hardcopy) \$ 3.50  
 Certified Mail Restricted Delivery \$ 3.50  
 Adult Signature Required \$ 0.50  
 Adult Signature Restricted Delivery \$ 0.50

Postage: 0.50

Form 3811 (Rev. 01-15)

Sender to: *Smith, Morgan/Lavonne,  
 Smith/Christopher: 670090  
 PO Box 2194  
 Redmond, OR 97756*

City, State, ZIP+4®  
 Redmond, OR 97756

PS Form 3809, July 2015 PSN 7530-02-000-9005

RECEIVED  
 DEC 30 2020  
 OWRD

13589



November 1, 2019

Patron ID: 670090

Smith, Morgan/Lavonne, Smith/Christopher  
PO Box 2194  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 1413330002500 – 11.00 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



PATRON'S NAME: Smith, Morgan/Lavonne, Smith/Christopher

PATRON'S ID: 670090



PATRON'S NAME: Smith, Morgan/Lavonne, Smith/Christopher  
APPROXIMATE QQ TAXLOT SIZE: 12.7 ACRES  
TRSQTL: 141333NESE02500

Legend

- ACRE-TEXT
- STREETS
- PATRON'S TRSQTL
- IRR LANDS
- TAXLOTS
- PAST 5
- ☒ 2015(URGENT)

RECEIVED

DEC 30 2020

OWRD

13589



November 1, 2019

M & T Mortgage Corp  
1 M & T Plaza  
Buffalo, NY 14203

Borrower: Smith, Morgan/Lavonne, Smith/Christopher: 670090  
Tax Map #: 1413330002500  
Property Address: 3861 NW Canal Blvd, Redmond, OR 97756

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

Please find enclosed a copy of the 4<sup>th</sup> 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](mailto:abby@coid.org).

Sincerely,

Abby Centola  
Beneficial Use Technician

RECEIVED  
DEC 30 2020  
OWRD

Encl.



December 28, 2020

RECEIVED  
DEC 30 2020  
OWRD

Monson, Douglas/Heather  
PO Box 496  
Redmond, OR 97756

RE: Forfeiture of water rights appurtenant to tax map #: 151201D002700, 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,

A handwritten signature in black ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 28, 2020  
Encl.

- 13589

RECEIVED  
DEC 30 2020  
OWRD

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

CERTIFIED MAIL®



7019 0160 0000 9493 4555

Monson, Douglas/Heather  
PO BOX 496  
Redmond, OR 97756



1016  
1013  
NIXIE 971 DE 1 0010/30/20  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
97756-1469  
8C: 97756146955 \*1529-06647-06-38

13589





RECEIVED  
DEC 30 2020  
OWRD

October 6, 2020

Patron #: 4850

Monson, Douglas/Heather  
PO Box 496  
Redmond, OR 97756

RE: Tax Map #: 151201D002700, 2 acres total mapped water rights  
0.10 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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.

13589

**If you wish to dispute the forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 30 2020  
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  
Evergreen Moneysource Mortgage Company, 15405 SE 37th Street Suite 200, Bellevue, WA 98006

Sent by certified and standard mail October 6, 2020

13589



October 6, 2020

Borrower: Monson, Douglas/Heather: 4850  
Tax Map #: 151201D002700  
Property Address: 1616 NW 53rd St Redmond, OR 97756

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

Please find enclosed a copy of the 5<sup>th</sup> 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 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 30 2020

OWRD

13589

**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:  
**Monson, Douglas/Heather: 4850**  
**PO Box 496**  
**Redmond, OR 97756**



9590 9402 4901 9032 4416 72

2. Article Number (Transfer from service label)  
**7013 0600 0002 2442 9460**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   Agent  
 Addressee  
 B. Received by (Printed Name) \_\_\_\_\_  
 C. Date of Delivery \_\_\_\_\_  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Registered Mail Restricted Delivery with Signature Confirmation™
  - Certified Mail™
  - Certified Mail Restricted Delivery
  - Collect on Delivery/Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery
  - Restricted Delivery

Domestic Return Receipt

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

|  |         |
|--|---------|
| Postage  | \$ 3.50 |
| Certified Fee                                  | 2.50    |
| Return Receipt Fee (Endorsement Required)      |         |
| Restricted Delivery Fee (Endorsement Required) | 0.50    |
| Total Postage                                  | 6.50    |

Postmark Here

Monson, Douglas/Heather: 4850  
 PO Box 496  
 Redmond, OR 97756

RECEIVED  
 DEC 30 2020  
 OWRD

13589



November 1, 2019

Patron ID: 4850

Monson, Douglas/Heather  
PO Box 496  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 151201D002700 – 2.00 acres total Irrigated 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 2019 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 2019 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 the 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 2020 irrigation season,
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.

OMC

RECEIVED

OMC

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DEC 30 2020

PATRON'S ID: 4850



PATRON'S NAME: Monson, Douglas/Heather



PATRON'S NAME: Monson, Douglas/Heather  
APPROXIMATE QQ TAXLOT SIZE: 2.13 ACRES  
TRSQTL: 151201SESE02700

- Legend
- ACRE-TEXT
  - STREETS
  - PATRON'S TRSQTL
  - TAXLOTS

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DEC 30 2020

OWRD

November 1, 2019

Evergreen Moneysource Mortgage Company  
15405 SE 37th St, Suite 200  
Bellevue, WA 98006

Borrower: Monson, Douglas/Heather: 4850  
Tax Map #: 151201D002700  
Property Address: 1616 NW 53rd St, Redmond, OR 97756

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

Please find enclosed a copy of the 4<sup>th</sup> 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](mailto:abby@coid.org).

Sincerely,

Abby Centola  
Beneficial Use Technician

Encl.

13589





December 28, 2020

Hannan, Travis  
PO Box 2001  
Redmond, OR 97756

RECEIVED  
DEC 30 2020  
OWRD

RE: Forfeiture of water rights appurtenant to tax map #: 1512250000902, 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,

A handwritten signature in blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 28, 2020  
Encl.

13589

RECEIVED  
DEC 30 2020  
OWRD

13589

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

ADDRESS SERVICE REQUESTED

CERTIFIED MAIL®



7019 0160 0000 9493 4425

Hannan, Travis  
PO Box 2001  
Redmond, OR 97756

REDMOND, OR 974  
8 OCT 2020 PM 4 L



10/9  
12/3

NIXIE 971 DE 1 0010/30/20

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

JNC  
97756-1469

BC: 97756146955 \*2929-02397-30-31

4228 Hannan, Travis  
PO Box 2001  
Redmond, OR 97756

541-788-3480

|                         |            |
|-------------------------|------------|
| Last Assessment Amount: | \$415.00   |
| Last Assessment Date:   | 01/15/2020 |
| Current Balance:        | \$1,382.33 |

| DistrictText | Division   | Acreage | Beat |
|--------------|------------|---------|------|
|              | Division 2 | 4.700   | PB1  |

| County Tax Map Nbr | County Name | Address1                             | Acreage |
|--------------------|-------------|--------------------------------------|---------|
| 1512250000902      | Deschutes   | 3900 SW 58TH ST<br>REDMOND, OR 97756 | 4.700   |
|                    |             |                                      | 4.700   |

| TRSQ            | Lot   | Usage          | Headgate       | Quit Claim | Instream Lease | Rot# | Transfer | Petition | Acreage          |
|-----------------|-------|----------------|----------------|------------|----------------|------|----------|----------|------------------|
| 151225NWSE      | 00902 | Irrigation     | B-2-14-1-1     |            |                |      |          |          | Acreage: 4.700   |
| Beneficial Use: |       | 2019 - Partial | 2018 - Partial |            | 2017 - Partial |      |          |          | Off Lands:       |
|                 |       | 2016 - Partial | 2015 - Full    |            | 2014 - Dry     |      |          |          | On Lands:        |
|                 |       |                |                |            |                |      |          |          | Available: 4.700 |

- 1/3/19: 3<sup>rd</sup> year courtesy letter mailed
- 5/28/19: Ditchrider site review
- 11/1/19: 4<sup>th</sup> year nonuse letter sent by certified mail - returned unclaimed
- 5/6/20: Courtesy letter mailed/not returned
- 7/16/20: Watermaster site review. Called Hannan twice with no return call
- 10/6/20: Forfeiture letter sent by certified and standard mail

10/23/20 Travis called and requested a meeting with the manager.

10/28/20 3:30 pm Manager Meeting:

Travis submitted pictures of the corral area fully green as well as receipt for 10# of seed mix (purchased 9/2/20). Use of water in footprint of corral updated to Full. The 0.10-acre driveway strip is not used and forfeiture is proceeding.

RECEIVED

DEC 30 2020

13589

OWRD

**LeslieClark**

---

**From:** Jessi Talbott  
**Sent:** Thursday, October 29, 2020 9:52 AM  
**To:** Travis  
**Cc:** LeslieClark  
**Subject:** RE: East and west

Thank you for these pictures.

**Jessi Talbott | Water Rights Technician**

Central Oregon Irrigation District  
1055 SW Lake Court  
Redmond, OR 97756  
541.504.7577

RECEIVED  
DEC 30 2020  
OWRD



**From:** Travis <travishannan67@gmail.com>  
**Sent:** Wednesday, October 28, 2020 4:15 PM  
**To:** Jessi Talbott <jtalbott@coid.org>  
**Subject:** Fwd: East and west

Let me know if you need me to take any other pictures

Begin forwarded message:

**From:** Travis Hannan <[travishannan67@gmail.com](mailto:travishannan67@gmail.com)>  
**Date:** October 28, 2020 at 4:11:25 PM PDT  
**To:** Travis <[travishannan67@gmail.com](mailto:travishannan67@gmail.com)>  
**Subject:** East and west

13589



10/28/20

Looking East from the SE corner of corral/driveway

RECEIVED

DEC 30 2020

OWRD

13589



10/28/20  
Looking West from SE corner of property (towards corral  
+ driveway)

RECEIVED

DEC 30 2020

OWRD

13589

**LeslieClark**

---

**From:** Jessi Talbott  
**Sent:** Thursday, October 29, 2020 9:50 AM  
**To:** Travis  
**Cc:** LeslieClark  
**Subject:** RE: Your Lowe's Purchase Receipt

Great, thank you Travis. I have looped Leslie into this conversation and I will save this receipt in your file.

Best,

**Jessi Talbott | Water Rights Technician**

Central Oregon Irrigation District  
1055 SW Lake Court  
Redmond, OR 97756  
541.504.7577



RECEIVED

DEC 30 2020

OWRD

**From:** Travis <travishannan67@gmail.com>  
**Sent:** Wednesday, October 28, 2020 4:14 PM  
**To:** Jessi Talbott <jtalbott@coid.org>  
**Subject:** Fwd: Your Lowe's Purchase Receipt

Hey Jesse  
see below the Lowe's receipt with the grass seed

Begin forwarded message:

**From:** Travis <travishannan67@gmail.com>  
**Date:** October 28, 2020 at 4:09:18 PM PDT  
**To:** Travis <travishannan67@gmail.com>  
**Subject:** Fwd: Your Lowe's Purchase Receipt

Begin forwarded message:

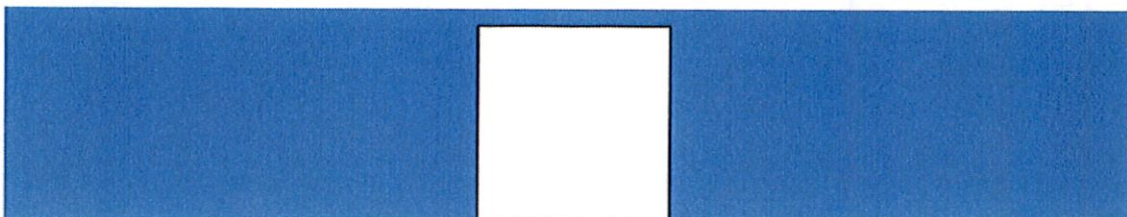
**From:** LowesEreceipt@lowes.com  
**Date:** September 2, 2020 at 7:55:07 AM PDT  
**To:** travishannan67@gmail.com

RECEIVED

Subject: Your Lowe's Purchase Receipt  
Reply-To: <do-not-reply@lowes.com>

DEC 30 2020

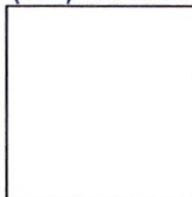
OWRD



## Your Lowe's Receipt

Thanks for shopping at Lowe's. Use this just like you would a paper receipt for proof of purchase, record keeping, returns and more.

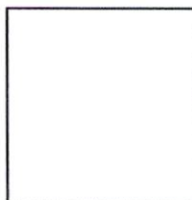
LOWE'S HOME CENTERS, LLC  
1313 SW CANAL BOULEVARD  
REDMOND, OR 97756  
(541) 633-2840



### PLEASE UPDATE YOUR MILITARY DISCOUNT PROFILE

DEADLINE EXTENDED: To ensure that you can continue using your military discount without interruption, please confirm your profile is updated by September 1, 2020.

See [lowes.com/military](https://lowes.com/military) for details.



| Item                              | Price    |
|-----------------------------------|----------|
| 168BDL PFJ 356CASE 2-1/4-INX14-FT | \$ 89.21 |
| Item #: 72877                     |          |
| 99.12 Discount Ea -9.91           |          |
| 1 @ 89.21                         |          |

SCOTTS 10-LB EZ SEED SUN/SHADE

\$ 30.58

13589



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DEC 30 2020

OWRD

Item #: 305320  
33.98 Discount Ea -3.40  
1 @ 30.58

Invoice 2077 Subtotal \$ 119.79

Invoice 2077 Subtotal \$ 119.79

Subtotal \$ 119.79

Total Tax \$ 0.00

Total \$ 119.79

Total Discount: \$13.31

Total # of items purchased: 2  
Excludes fees, services and special order items

Payment: VISA ending in 4758 \$ 119.79

AuthTime 09/02/20 07:53:44

AuthCD 02677D

CHIP REFID 286502368735

APL CAPITAL ONE VISA

TSI E800

AID A0000000031010

TVR 0080008000

Order Date 09/02/20 07:54:03

Store # 2865

Terminal # 2

Store Manager JEFF FROST

Tell us how we did! Enter for a chance to win!

START SURVEY

\*\*\*\*\*  
\* SHARE YOUR FEEDBACK! \*  
\* ENTER FOR A CHANCE TO BE \*  
\* ONE OF FIVE \$500 WINNERS DRAWN MONTHLY! \*  
\* ¡ENTRE EN EL SORTEO MENSUAL \*  
\* PARA SER UNO DE LOS CINCO GANADORES DE \$500! \*  
\*\*

13589

4228 Hannan, Travis  
PO Box 2001  
Redmond, OR 97756

541-788-3480

OWRD

travishannan67@gmail.com

|                         |            |
|-------------------------|------------|
| Last Assessment Amount: | \$415.00   |
| Last Assessment Date:   | 01/15/2020 |
| Current Balance:        | \$1,382.33 |

| District/Text | Division   | Acreage | Beat |
|---------------|------------|---------|------|
|               | Division 2 | 4.700   | PB1  |

| County Tax Map Nbr | County Name | Address                              | Acreage |
|--------------------|-------------|--------------------------------------|---------|
| 1512250000902      | Deschutes   | 3900 SW 58TH ST<br>REDMOND, OR 97756 | 4.700   |
|                    |             |                                      | 4.700   |

| TRSQ            | Lot   | Usage          | Headgate       | Quit Claim     | Instream Lease | Rot# | Transfer | Petition | Acreage          |
|-----------------|-------|----------------|----------------|----------------|----------------|------|----------|----------|------------------|
| 151225NWSE      | 00902 | Irrigation     | B-2-14-1-1     |                |                |      |          |          | Acreage: 4.700   |
| Beneficial Use: |       | 2019 - Partial | 2018 - Partial | 2017 - Partial |                |      |          |          | Off Lands:       |
|                 |       | 2016 - Partial | 2015 - Full    | 2014 - Dry     |                |      |          |          | On Lands:        |
|                 |       |                |                |                |                |      |          |          | Available: 4.700 |

Beneficial Use Record:

Last used 2015 - 0.22 Dry

2016 - 0.18 Dry

2017 - 0.32 ac Dry (Greenhouse/marijuana per 2019 site review - Confirm if COID or GW rights)

5/28/19: Ditchrider site review: 0.22 ac area reported as dry

11/1/19: 4<sup>th</sup> year nonuse letter sent by certified mail - returned unclaimed

5/6/20: Courtesy letter mailed/not returned

7/16/20: Watermaster site review. 0.22 ac area determined dry. Called Hannan twice with no return call

10/6/20: Forfeiture letter sent by certified and standard mail

10/23/20 Travis called and requested a meeting with the manager.

10/28/20 3:30 pm Manager Meeting:

- Corral is being irrigated. See 10/24/20 pictures. update 2020 use to full in footprint of corral
  - 0.13 ac 2016 use - sending pictures to update
  - Portion of 0.22 5<sup>th</sup> yr to go through forfeiture (driveway)
  - 0.09 ac 2016 - ~~leave it - remove w/ forfeiture~~ to come off w/ 2021 transfer
- Q When new buildings are complete Travis will contact us to GPS and transfer/sell all water not in use

13589

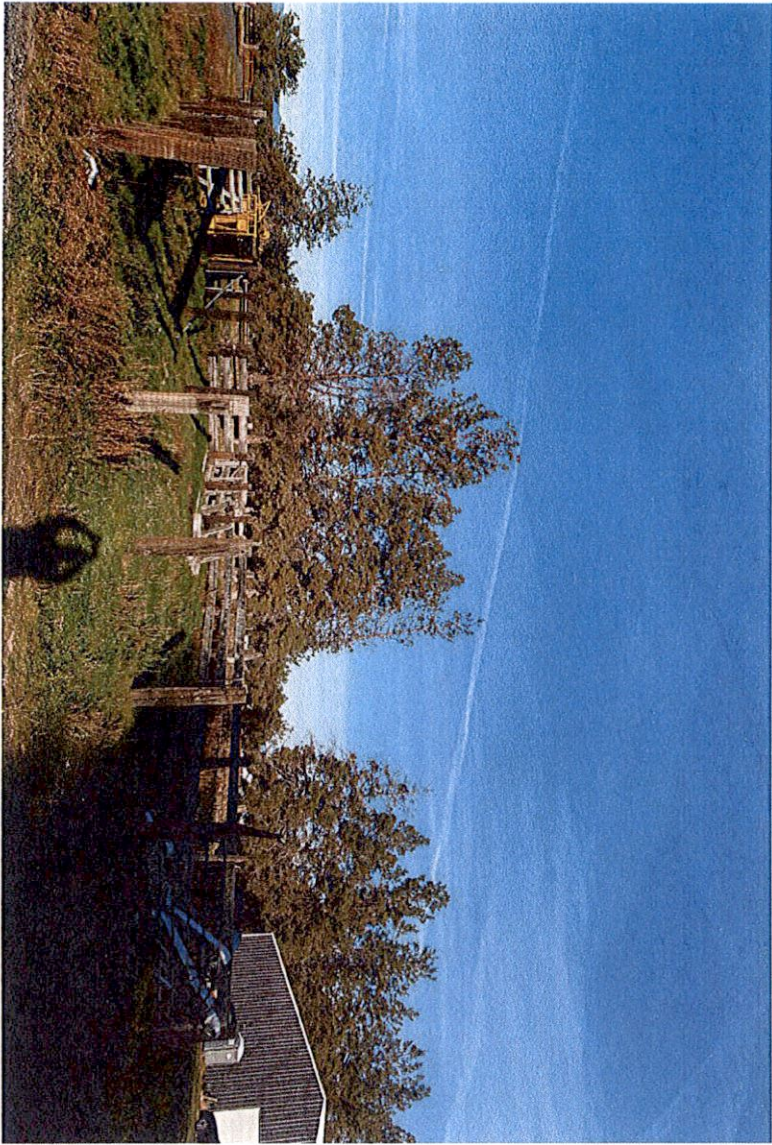
10/23/20



RECEIVED  
DEC 30 2020  
OWRD

13589

10/23/20



RECEIVED

DEC 30 2020

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RECEIVED

DEC 30 2020

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12/3/20



RECEIVED  
DEC 3 0 2020  
OWRD

13589

=

10/23/20



RECEIVED

DEC 30 2020

OWRD

13589

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only  
 For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

7029 0260 0000 9493 4425

Certified Mail Fee \$ 3.65  
 Return Receipt (hardcopy)  \$ 2.85  
 Return Receipt (electronic)  \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery  \$ \_\_\_\_\_  
 Insured Mail  \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery  \$ \_\_\_\_\_  
 Package 1.50  
 Total Postage and Fees \$ 6.40  
 Stamp \_\_\_\_\_  
 Street and Zip: MC: PO Box 2001  
 City, State, ZIP+4® Redmond, OR 97756

Postmark  
 Here

PS Form 3800, April 2015 PSN 7530-2  
 10938

RECEIVED  
 DEC 30 2020  
 OWRD

13589



October 6, 2020

Patron #: 4228

Hannan, Travis  
PO Box 2001  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 1512250000902, 4.7 acres total mapped water rights  
0.22 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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.**

13589



If you wish to dispute the forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 30 2020  
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  
Harold & Kimberly Guthrie, 3650 SW Cascade Vista Dr, Redmond, OR 97756

Sent by certified and standard mail October 6, 2020

13589



October 6, 2020

Harold & Kimberly Guthrie  
3650 SW Cascade Vista Dr  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

Borrower: Hannan, Travis: 4228  
Tax Map #: 1512250000902  
Property Address: 3900 SW 58th St Redmond, OR 97756

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

Please find enclosed a copy of the 5<sup>th</sup> 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 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

RECEIVED

DEC 30 2020

OWRD

Encl.

RECEIVED  
DEC 30 2020  
OWRD

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

ADDRESS SERVICE REQUESTED

CERTIFIED MAIL



7017 1450 0000 3433 8237

Hannan, Travis: 4228  
PO Box 2001  
Redmond, OR 97756



*AK 11/29  
12-4  
12-14*

*11/9 11-4*

NIXIE 971 DE 1 0011/27/19

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

UNC  
97756-083009

BC: 97756146955 \*0449-08648-02-41

13589



November 1, 2019

Patron ID: 4228

Hannan, Travis  
PO Box 2001  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 1512250000902 – 4.70 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.

RECEIVED

PATRON'S ID: 4228

DEC 30 2020

PATRON'S NAME: Hannan, Travis



PATRON'S NAME: Hannan, Travis  
APPROXIMATE QQ TAXLOT SIZE: 5.01 ACRES  
TRSQTL: 151225NWSE00902

Legend

- ACRE-TEXT
- STREETS
- ▣ PATRON'S TRSQTL
- ▨ RRR LANDS
- TAXLOTS
- ▨ 2015(URGENT)
- ▨ 2018
- ▨ 2017

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Karoma Properties, LLC  
1881 SW First Street  
Redmond, OR 97756

RE: Forfeiture of water rights appurtenant to tax map #: 151304DA00100, 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 28, 2020  
Encl.

13589

U.S. Postal Service<sup>SM</sup>  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
 Domestic Mail Only  
 For delivery information, visit our website at [www.usps.com](http://www.usps.com)<sup>SM</sup>

**OFFICIAL USE**

Certified Mail Fee \$ 3.50  
 Return Receipt (Hardcopy)  2.15  
 Return Receipt (Electronic)   
 Certified Mail Restricted Delivery   
 Signature Required   
 Adult Signature Restricted Delivery   
 Postage \$ 50

Total Postage and Fees \$ 53.50  
 Sent by G. D.  
 Sent on APR 01 2020  
 City, State, ZIP+4<sup>®</sup> Redmond, OR 97756

Postmark Here

Karoma Properties, LLC  
 1881 SW First Street  
 Redmond, OR 97756

PS Form 3800, Apr. 2019

7079 0160 0000 0970 6702  
 9544 8666 0000 0493 4456

RECEIVED  
 DEC 30 2020  
 OWRD

13589



October 6, 2020

RECEIVED

DEC 30 2020

OWRD

Patron #: 4049

Karoma Properties, LLC  
1881 SW First Street  
Redmond, OR 97756

RE: Tax Map #: 151304DA00100, 1 acres total unmapped water rights  
0.20 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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.***

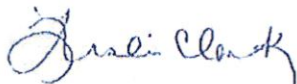


**If you wish to dispute the forfeiture and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 30 2020

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 and standard mail October 6, 2020

13589

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:

Karoma Properties, LLC: 4049  
1881 SW First Street  
Redmond, OR 97756

2. Article Number (Transfer from service label)  
7017 1450 0000 3433 8343

PS Form 3811, July 2015 PSN 7530-06-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) KAROMA S. C. Date of Delivery 11-4-19

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

3. Service Type  Priority Mail Express®  
 Adult Signature Restricted Delivery  Registered Mail Restricted  
 Certified Mail®  Registered Mail Restricted Delivery  
 Certified Mail Restricted Delivery  Delivery Point® for  
 Collect on Delivery Restricted Delivery  Signature Confirmation®  
 Collect on Delivery Restricted Delivery  Signature Confirmation with  
 Restricted Delivery  Restricted Delivery

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

**OFFICIAL USE**

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

7017 1450 0000 3433 8343

Extra Services & Fees (check box, add fee appropriate)  
 Return Receipt (hardcopy) \$ 2.50  
 Certified Mail Restricted Delivery \$  
 Adult Signature Restricted Delivery \$  
 Mail Signature Restricted Delivery \$  
 Postage \$ 0.50

Postmark Here

7017 1450 0000 3433 8343

PS Form 3820, January 2015 PSN 7530-06-000-9053

Karoma Properties, LLC: 4049  
 1881 SW First Street  
 Redmond, OR 97756

RECEIVED  
 DEC 30 2020  
 OWRD

13589



November 1, 2019

Patron ID: 4049

Karoma Properties, LLC  
1881 SW First Street  
Redmond, OR 97756

RECEIVED  
DEC 30 2020  
OWRD

RE: Tax Map #: 151304DA00100 – 1.00 acres total Irrigated 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 2019 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 2019 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 the 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 2020 irrigation season,
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.

13589



PATRON'S NAME: Karoma Properties, LLC

PATRON'S ID: 4049



PATRON'S NAME: Karoma Properties, LLC  
APPROXIMATE QQ TAXLOT SIZE: 1.68 ACRES  
TRSQTL: 151304NESE00100

- Legend
- ACRE-TEXT
  - STREETS
  - PATRON'S TRSQTL
  - TAXLOTS

RECEIVED  
= 13589  
DEC 30 2020

OWDD



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Hernandez, Martha  
2403 NW 35th Street  
Redmond, OR 97756

RE: Forfeiture of water rights appurtenant to tax map #: 151306A003500, 0.79 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 28, 2020  
Encl.

13589

**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:  
 Hernandez, Martha  
 2403 NW 35th Street  
 Redmond, OR 97756

2. Article Number (Transfer from service label)  
 7019 0160 0000 9493 4432

3. Service Type  
 Priority Mail Express  
 Adult Signature Restricted Delivery  
 Adult Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery  
 Insured Mail  
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express  
 Registered Mail Restricted Delivery  
 Return Receipt for Merchandise  
 Signature Confirmation®  
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Signature]  
 B. Received by (Printed Name)  
 M. Hernandez  
 C. Date of Delivery  
 12/30/20  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below.

**U.S. Postal Service™ CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only  
 For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail fee \$ 3.55  
 Return Receipt (hardcopy) \$ 2.85  
 Return Receipt (electronic) \$  
 Certified Mail Restricted Delivery \$  
 Adult Signature Required \$  
 Insured Mail Restricted Delivery \$  
 Postage .50

Postmark Here

Postage and Fees  
 \$ 6.90

Send to  
 Hernandez, Martha  
 2403 NW 35th Street  
 Redmond, OR 97756

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

RECEIVED  
 DEC 30 2020  
 OWRD

13589



RECEIVED

DEC 30 2020

OWRD

October 6, 2020

Patron #: 4843

Hernandez, Martha  
2403 NW 35th Street  
Redmond, OR 97756

RE: Tax Map #: 151306A003500, 4.04 acres total unmapped water rights  
0.79 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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.***

13589

**If you wish to dispute the forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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

RECEIVED  
DEC 30 2020  
OWRD

Sent by certified and standard mail October 6, 2020

13589



**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 multiple, or on the front if space permits.

1. Article Addressed to:  
 Hernandez, Martha: 4843  
 2403 NW 35th Street  
 Redmond, OR 97756

9590 9402 3619 7305 0426 68

2. Article Number (Transfer from service label)  
 7017 1450 0000 3433 8275

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X *MAR MAR HERNANDEZ*  Addressee

B. Received by (Printed Name)  Date of Delivery  
 X *MAR MAR HERNANDEZ*  11-1-19

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

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

Domestic Return Receipt

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

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

**OFFICIAL USE**

Certified Mail Fee \$ 3.50  
 Return Receipt (hardcopy) \$ 2.50  
 Certified Mail Restricted Delivery \$ 0.50  
 Adult Signature Restricted Delivery \$ 0.50  
 Postage \$ 0.50

Total Postage and Fees (check box, add to postage)  
 Return Receipt (hardcopy) \$ 2.50  
 Certified Mail Restricted Delivery \$ 0.50  
 Adult Signature Restricted Delivery \$ 0.50  
 Signature Confirmation Restricted Delivery \$ 0.50

Postmark Here

PS Form 3800, 7/15/15 PSN 7530-02-000-9053

7017 1450 0000 3433 8275

Hernandez, Martha: 4843  
 2403 NW 35th Street  
 Redmond, OR 97756

RECEIVED  
 DEC 3 0 2020  
 OWRD

13589



November 1, 2019

Patron ID: 4843

Hernandez, Martha  
2403 NW 35th Street  
Redmond, OR 97756

RE: Tax Map #: 151306A003500 – 4.04 acres total Irrigated Water Rights

RECEIVED

DEC 30 2020

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 2019 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 2019 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 the 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 2020 irrigation season,
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.

13589



PATRON'S NAME: Hernandez, Martha

PATRON'S ID: 4843



PATRON'S NAME: Hernandez, Martha  
APPROXIMATE QQ TAXLOT SIZE: 4.16 ACRES  
TRSQTL: 151306SENE03500

RECEIVED

- Legend
- ACRE-TEXT
  - STREETS
  - ▭ PATRON'S TRSQTL
  - ▭ TAXLOTS

DEC 30 2020

13589

OWRD



December 28, 2020

RECEIVED

DEC 30 2020

OWRD

Black, Jamie/Benjamin  
517 NW 35th Street  
Redmond, OR 97756

RE: Forfeiture of water rights appurtenant to tax map #: 1513070001200, 1.33 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 28, 2020  
Encl.

13589

**COMPLETE THIS SECTION ON DELIVERY**

**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:

Black, Jamie/Benjamin  
517 NW 35th Street  
Redmond, OR 97756

2. Article Number (transfer from service label)  
7039 0360 0000 9493 4388

9590 9402 4901 9032 4485 00

PS Form 3811, July 2015 PSN 7530-02-000-0063

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent

B. Received by (Print Name)  Addressee

C. Date of Delivery 10-08-20

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  
Publo

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

Domestic Return Receipt

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

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

**OFFICIAL USE**

Certified Mail Fee \$3.55  
 Extra Services (check box, add fee if applicable)  
 Return Receipt (hardcopy) \$2.15  
 Return Receipt (electronic)  
 Certified Mail Restricted Delivery  
 Adult Signature Required  
 Adult Signature Restricted Delivery  
 Package  
 Total Postage and Fees \$6.90  
 Sent To Black, Jamie/Benjamin  
 517 NW 35th Street  
 Redmond, OR 97756  
 PS Form 3800, April 2015 PSN 7530-02-000

9494 6646 0000 0910 6102

RECEIVED  
DEC 30 2020  
OWRD

13589



October 6, 2020

Patron #: 5103

Black, Jamie/Benjamin  
517 NW 35th Street  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 1513070001200, 7 acres total mapped water rights  
1.33 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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.***

13589

**If you wish to dispute the forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 30 2020

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 and standard mail October 6, 2020

13589

**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:  
 Black, Jamie/Benjamin: 5103  
 517 NW 35th Street  
 Redmond, OR 97756

2. Article Number (transfer from service label)  
 7018 0360 0000 6070 6406

PS Form 3811, July 2015 PSN 7530-02-000-9033

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *[Signature]*  Agent  Addressee  
 B. Received by (Printed Name): *Ben Blake*  
 C. Date of Delivery: *11/5/19*  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

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

4. Postmark: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

**OFFICIAL USE**

6. Certified Mail Fee: *3.50*  
 Extra Services & Fees (check box, add FIM# if applicable)  
 Return Receipt (hardcopy)  Return Receipt (electronic)  Collect on Delivery  Adult Signature Restricted Delivery  Signature Confirmation™ Restricted Delivery  Signature Confirmation™ Restricted Delivery  Signature Confirmation™ Restricted Delivery

7. Total Postage: *0.50*  
 Sent to: *6-50*  
 Street and/or: *Black, Jamie/Benjamin: 5103*  
 City, State: *Redmond, OR 97756*

Postmark: \_\_\_\_\_ Date: \_\_\_\_\_

7018 0360 0000 6070 6406

RECEIVED  
 DEC 3 0 2020  
 OWRD

13589





November 1, 2019

Patron ID: 5103

Black, Jamie/Benjamin  
517 NW 35th Street  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 1513070001200 – 7.00 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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.***

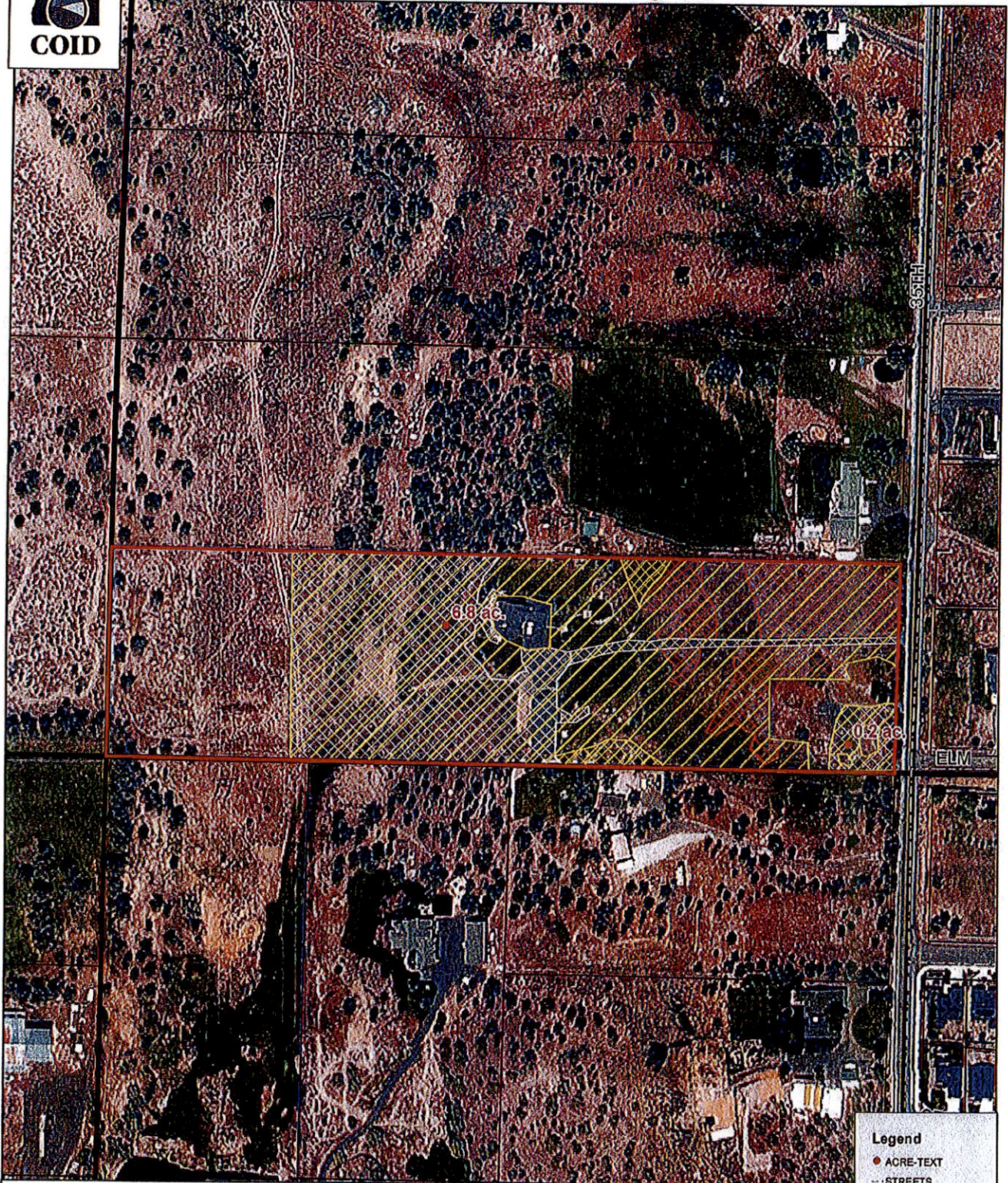
Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. Currently, you have **3 options** to protect this water right, they are as follows:

1. You must use the full water right on the ground exactly as it is mapped during the 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



PATRON'S NAME: Black, Jamie/Benjamin

PATRON'S ID: 5103



PATRON'S NAME: Black, Jamie/Benjamin  
APPROXIMATE QQ TAXLOT SIZE: 9.95 ACRES  
TRSQTL: 151307NESE01200

RECEIVED  
DEC 30 2020

- Legend**
- ACRE-TEXT
  - STREETS
  - PATRON'S TRSQTL
  - ▨ IRR LANDS
  - TAXLOTS
  - PAST 5
  - 2015(URGENT)
  - 2017

OWRD 13589



November 1, 2019

RECEIVED

DEC 30 2020

OWRD

Umpqua Bank  
6021 244th St SW  
Mountlake Terrace, WA 98043

Borrower: Black, Jamie/Benjamin: 5103  
Tax Map #: 1513070001200  
Property Address: 517 NW 35th Street, Redmond, OR 97756

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

Please find enclosed a copy of the 4<sup>th</sup> 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](mailto:abby@coid.org).

Sincerely,

A handwritten signature in cursive script that reads "Abby Centola".

Abby Centola  
Beneficial Use Technician

Encl.



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Hall, John/Hall, Jay  
PO Box 379  
Hubbard, OR 97032

RE: Forfeiture of water rights appurtenant to tax map #: 1513180002100, 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 28, 2020  
Encl.

**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:  
 Hall, John/Hall, Jay  
 PO Box 379  
 Hubbard, OR 97032

2. A. Signature: *[Signature]*  
 B. Registered by (Printed Name): *[Signature]*  
 C. Date of Delivery: 10/8/20  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type:  
 Adult Signature Restricted Delivery  
 Certified Mail Restricted Delivery  
 Collect on Delivery Restricted Delivery  
 Collect on Delivery Restricted Delivery  
 Insured Mail Restricted Delivery  
 Insured Mail Restricted Delivery  
 Lower \$0.03

4. Special Mail Services:  
 Registered Mail Express®  
 Registered Mail™  
 Registered Mail Restricted  
 Return Receipt for Merchandise  
 Signature Confirmation™  
 Restricted Delivery  
 Restricted Return Receipt

5. Barcode: 9402 4901 9030 4494 63  
 0000 4493 4493 4493  
 1-800-900-9000

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

**OFFICIAL USE**

Certified Mail Fee: \$3.55  
 Return Receipt (hardcopy)  \$2.85  
 Return Receipt (electronic)  
 Certified Mail Restricted Delivery  
 Signature Restricted  
 Adult Signature Restricted Delivery  
 Package: .50  
 Total Postage and Fees: \$6.90  
 Street/Apt/Rm: Street 26674  
 City, State, ZIP+4®: Hubbard, OR 97032  
 PS Form 3800, A

Hall, John/Hall, Jay  
 PO Box 379  
 Hubbard, OR 97032

Postmark Here

97032 0160 0000 0910 6702

RECEIVED  
 DEC 30 2020  
 OWRD

13589



October 6, 2020

Patron #: 4829

Hall, John/Jay  
PO Box 379  
Hubbard, OR 97032

RECEIVED

DEC 30 2020

RE: Tax Map #: 1513180002100, 6.28 acres total mapped water rights  
0.19 acres water rights to be forfeited in 2020

OWRD

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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 forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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  
US Bank National Association, 4801 Frederica Street, Owensboro, KY 42301

Sent by certified and standard mail October 6, 2020

RECEIVED

DEC 30 2020

OWRD

13589



October 6, 2020

US Bank National Association  
4801 Frederica Street  
Owensboro, KY 42301

Borrower: Hall, John/Hall, Jay: 4829  
Tax Map #: 1513180002100  
Property Address: 4046 SW Highland Ave Redmond, OR 97756

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

RECEIVED

DEC 3 0' 2020

OWRD

Please find enclosed a copy of the 5<sup>th</sup> 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 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.



**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:  
 Hall, John/Hall, Jay: 4829  
 PO Box 379  
 Hubbard, OR 97032

2. Article Number (transfer from service label)  
 7017 1450 0000 3433 8213

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

4. Signature  
 Signature  
 Agent  
 Address

5. Date of Delivery  
 Yes  
 No

6. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:

7. Priority Mail Express®  
 Registered Mail Restricted Delivery  
 Signature Confirmation™  
 Signature Confirmation Restricted Delivery

8. Domestic Return Receipt



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

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

**OFFICIAL USE**

Certified Mail Fee \$ 3.50

Extra Services & Fees (select box, add to postage)  
 Return Receipt (hardcopy) \$ 2.80  
 Restricted Mail Restricted Delivery \$ 0.00  
 Adult Signature Restricted Delivery \$ 0.00  
 Adult Signature Restricted Delivery \$ 0.00

Postage \$ 0.50

Total Postage and Fees \$ 4.80

Postmark Here

Hall, John/Hall, Jay: 4829  
 PO Box 379  
 Hubbard, OR 97032

PS Form 3821, July 2015 PSN 7530-02-000-0093

RECEIVED  
 DEC 30 2020  
 OWRD

13589



November 1, 2019

Patron ID: 4829

Hall, John/Hall, Jay  
PO Box 379  
Hubbard, OR 97032

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 1513180002100 – 6.28 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



PATRON'S NAME: Hall, John/Hall, Jay

PATRON'S ID: 4829



PATRON'S NAME: Hall, John/Hall, Jay  
 APPROXIMATE QQ TAXLOT SIZE: 9.03 ACRES  
 TRSQTL: 151318NWSE02100

RECEIVED

- Legend**
- ACRE-TEXT
  - STREETS
  - ▭ PATRON'S TRSQTL
  - ▨ IRR LANDS
  - TAXLOTS
  - PAST 5
  - ▣ 2015(URGENT)

DEC 30 2020 13589

OWRD



December 28, 2020

Petersen Rock Gardens Inc  
7930 SW 77th  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Forfeiture of water rights appurtenant to tax map #: 1612110000401, 0.96 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 28, 2020  
Encl.

**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:  
 Petersen Rock Gardens Inc  
 7930 SW 77th  
 Redmond, OR 97756

2. Article Number (transfer from service label)  
 7019 0160 0000 0000 0999 4487

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

4. If received by Printed Name, C. D. Dayal Delivery  
 Ryan Hirschfeld  
 If YES, enter delivery address below:  Yes  No

A. Signature  
 Agent  Addressee

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

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

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

**OFFICIAL USE**

Certified Mail Fee \$ 3.55  
 Postage and Fees (check box, and fill in amount)  
 Return Receipt (hardcopy) \$ 2.40  
 Restricted Mail Restricted Delivery \$  
 Adult Signature Restricted Delivery \$  
 Adult Signature Restricted Delivery Signature Confirmation \$  
 Postage \$ .50

Total Postage and Fees \$ 6.45  
 Sent to Petersen Rock Gardens Inc  
 7930 SW 77th  
 Redmond, OR 97756  
 City, State, ZIP+4

PS Form 3838

RECEIVED  
 DEC 30 2020  
 OWRD

13589



October 6, 2020

Patron #: 561280

Petersen Rock Gardens Inc  
7930 SW 77th  
Redmond, OR 97756

RE: Tax Map #: 1612110000401, 7 acres total mapped water rights  
0.96 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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 30 2020

OWRD

13589

If you wish to dispute the forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 and standard mail October 6, 2020

RECEIVED

DEC 30 2020

OWRD

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**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:

Petersen Rock Gardens Inc: 561280  
7930 SW 77th  
Redmond, OR 97756

2. Article Number (transfer from service label)  
7017 3380 0000 8340 1476

PS Form 3811, July 2015 PSN 7550-02-000-9003

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *Melinda Carter*

B. Received by (Printed Name)  
*Melinda Carter*

C. Date of Delivery  
*11/19*

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

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

Domestic Return Receipt

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

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

**OFFICIAL USE**

Certified Mail Fee *3.50*

Extra Services & Fees (check box, add fee if applicable)  
 Return Receipt (hardcopy) \$ *2.80*  
 Certified Mail Restricted Delivery \$  
 Adult Signature Restricted Delivery \$  
 Adult Signature Restricted Delivery \$

Postage *0.50*

Total Fee is an amount of \$ *6.80*

Signature of Addressee  
*Melinda Carter*

Postmark Here

Petersen Rock Gardens Inc: 561280  
7930 SW 77th  
Redmond, OR 97756

PS Form 3800, July 2015 PSN 7550-02-000-9002

RECEIVED  
DEC 30 2020  
OWRD

13589





November 1, 2019

Patron ID: 561280

Petersen Rock Gardens Inc  
7930 SW 77th  
Redmond, OR 97756

RECEIVED

DEC 30 2020

RE: Tax Map #: 1612110000401 – 9.20 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



**PATRON'S NAME: Petersen Rock Gardens Inc**

**PATRON'S ID: 561280**



| Legend |                |
|--------|----------------|
| ●      | ACRE-TEXT      |
| ---    | STREETS        |
| ■      | PATRON'S TRSQT |
| ■      | RR LANDS       |
| □      | TAXLOTS        |
| □      | PAST 5         |
| ■      | 2015(URGENT)   |
| ■      | 2018           |
| ■      | 2018           |



**PATRON'S NAME: Petersen Rock Gardens Inc**  
**APPROXIMATE QQ TAXLOT SIZE: 8.37 ACRES**  
**TRSQT: 161211NWSW00401**

**RECEIVED**

**DEC 30 2020**

**OWRD**

**13589**



December 28, 2020

Shatka, Michael/Brittany  
7651 SW Canal Blvd  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Forfeiture of water rights appurtenant to tax map #: 1612110000101, 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 28, 2020  
Encl.

# Patron Taxlot Inquiry

5429 **Shatka, Michael/Brittany**  
7651 SW Canal Blvd  
Redmond, OR 97756

541-604-6983

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

**RECEIVED**  
**DEC 30 2020**

| DistrictText | Division   | Acreage | Beat |
|--------------|------------|---------|------|
|              | Division 2 | 3.000   | PB1  |

| County Tax Map Nbr | County Name | Address1                                | Acreage |
|--------------------|-------------|---|---------|
| 1612110000101      | Deschutes   | 7651 SW CANAL BLVD<br>REDMOND, OR 97756 | 3.000   |
|                    |             |   | 3.000   |

**OWRD**

| TRSQ            | Lot            | Usage          | Headgate       | Quit Claim | Instream Lease | Rot# | Transfer | Petition | Acreage          |
|-----------------|----------------|----------------|----------------|------------|----------------|------|----------|----------|------------------|
| 161211SWNE      | 00101          | Irrigation     | A-21-9-0-3     |            |                |      |          |          | Acreage: 3.000   |
| Beneficial Use: | 2019 - Partial | 2018 - Partial | 2017 - Dry     |            |                |      |          |          | Off Lands:       |
|                 | 2016 - Partial | 2015 - Partial | 2014 - Partial |            |                |      |          |          | On Lands:        |
|                 |                |                |                |            |                |      |          |          | Available: 3.000 |

Property has 4.0 acres of Swalley Irrigation District water rights delivered through COID system/same headgate.

- 11/1/19: 4<sup>th</sup> year nonuse certified letter mailed to: Chandler & Newville Inc., patron #5130
- 1/22/20: Property sold to Michael & Brittney Shatka
- 5/6/20: Courtesy letter mailed to 5<sup>th</sup> year patrons
- 7/6/20: Cary Penhollow completed site visit. Notes indicate area was tilled but not planted/Dry. A postcard was mailed to Michael & Brittney Shatka informing them of site review and asking them to contact COID. No contact from Shatka.
- 10/6/20: Forfeiture letter sent by certified and standard mail to the Shatka's.
- 10/9/20: Brittney & Michael Shatka called COID office and talked to Charlene. Requested a call from staff.
- 10/12/20: Leslie & Jessi called Brittney and left a voicemail.
- 10/15/20: Leslie & Jessi called Michael. He informed us they had purchased the property earlier this year. We informed him the beneficial use is with the water right and does not start over with a new owner. Michael said he attempted to plant and irrigate the area but there is no way to control the water once it enters his property and it was flooding area he did not want the water so he shut it off. He said he spoke to COID ditchrider but did not receive any help. Michael requested a meeting with the manager. Scheduled for 10/22/20 at 12:00 p.m.

10/22/20 12:00 p.m. Managers Meeting:

Present: Michael Shatka, Craig Horrell COID manager, Cary Penhollow COID Watermaster, Leslie Clark COID Water Rights Manager, Jessica Talbott COID Water Right Technician

Discussed beneficial use status of COID water on the property and the beneficial use requirements in Oregon. The Shatka's purchased the property in 2020 and therefore did not receive the COID certified mailing in 2019. The irrigation system and land were in disrepair and Shatka's had limited funds due to COVID. They improved the irrigation system to the SW area of the property where Swalley Irrigation District water rights are appurtenant, and soils were better and planted hemp. They did not have funds to improve the rest of the system (where COID is mapped) and did not know about the option to lease water instream. We discussed the other COID water rights on the property and various options to get the areas into irrigation, file water transfer to change the map, or lease the water instream in 2021, re-starting the beneficial use clock. COID explained there is nothing that can be done to protect/preserve the 0.11 acres at this time except transferring it off the property. COID explained the forfeiture process and told Mr. Shatka he can file a protest with OWRD. COID is proceeding with forfeiture of the 0.11 acres.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your full return 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:

Shatka, Michael/Brittany  
7651 SW Canal Blvd  
Redmond, OR 97756

2. Article Number (Transfer from service label)  
7039 0160 0000 9493 4494

PS Form 3811, July 2015 PSN 7535-02-000-0033

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *R*  Agent  Addressed

B. Received by (Printed Name)  
*Ryan Hackett*  C. Date of Delivery  
*10/8*

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

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

7

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**OFFICIAL USE**

Certified Mail Fee  
\$3.55

Postage  
.50

PS Form 3800

Shatka, Michael/Brittany  
7651 SW Canal Blvd  
Redmond, OR 97756

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DEC 3 0'2020  
OWRD

13589



October 6, 2020

Patron #: 5429

Shatka, Michael/Brittany  
7651 SW Canal Blvd  
Redmond, OR 97756

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 1612110000101, 3 acres total mapped water rights  
0.11 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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:

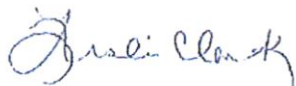
***540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a 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 forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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  
American Financial Resources, 9 Sylvan Way, Parsippany, NJ 7054

Sent by certified and standard mail October 6, 2020

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DEC 30 2020

OWRD

13589



October 6, 2020

American Financial Resources  
9 Sylvan Way  
Parsippany, NJ 7054

RECEIVED

DEC 30 2020

Borrower: Shatka, Michael/Brittany: 5429  
Tax Map #: 1612110000101  
Property Address: 7651 SW Canal Blvd Redmond, OR 97756

OWRD

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

Please find enclosed a copy of the 5<sup>th</sup> 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 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 blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

Encl.



**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, on the front, if space permits.

1. Article Addressed to:

CHANDLER & NEWVILLE INC.: 5130  
20508 SW Roy Rogers Road #147  
Sherwood, OR 97140

2. Article Number (Transfer from service label)  
7016 0360 0000 6070 6147

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

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

A. Signature *[Signature]*  Agent  Addressee  
 B. Received by (Printed Name) *CECILE ATKINSON*  
 C. Date of Delivery *11/14/19*

PS Form 3811, July 2016 PSN 7530-02-000-9053

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**OFFICIAL USE**

Certified Mail Fee *3.80*

Postmark Here

7016 0360 0000 6070 6147

7

CHANDLER & NEWVILLE INC.: 5130  
20508 SW Roy Rogers Road #147  
Sherwood, OR 97140

RECEIVED  
DEC 30 2020  
OWRD

13589



November 1, 2019

Patron ID: 5130

CHANDLER & NEWVILLE INC  
20508 SW Roy Rogers Road #147  
Sherwood, OR 97140

RECEIVED

DEC 30 2020

OWRD

RE: Tax Map #: 1612110000101 – 3.00 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red cross-hatch.

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

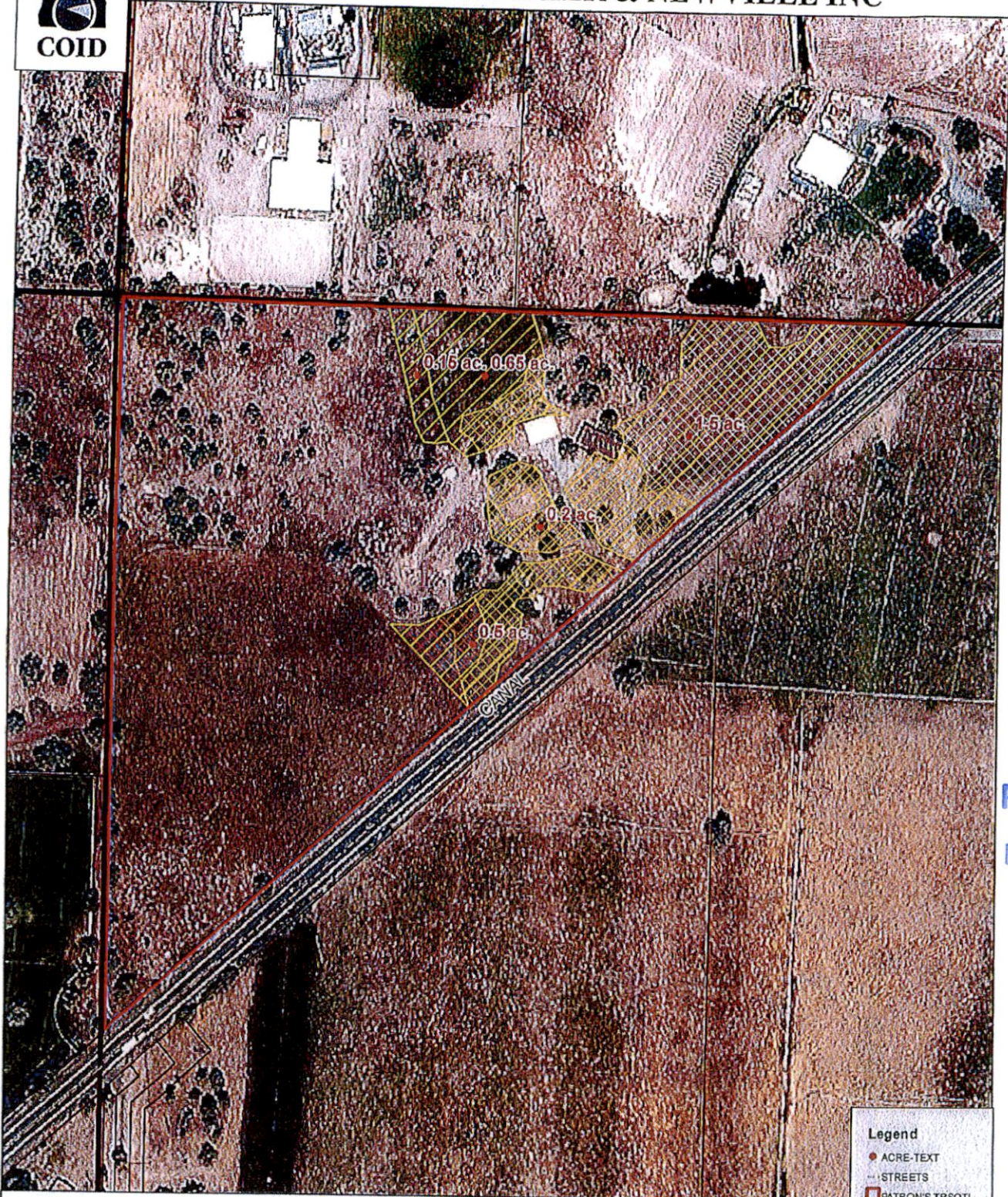
**540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities.** (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



PATRON'S NAME: CHANDLER & NEWVILLE INC PATRON'S ID: 5130



RECEIVED  
DEC 30 2020  
OWRD



PATRON'S NAME: CHANDLER & NEWVILLE INC  
APPROXIMATE QQ TAXLOT SIZE: 12.93 ACRES  
TRSQTL: 161211SWNE00101

- Legend**
- ACRE-TEXT
  - STREETS
  - ▭ PATRON'S TRSQTL
  - ▭ IRR LANDS
  - ▭ TAXLOTS
  - PAST 5
  - ▭ 2015(URGENT)
  - ▭ 2016
  - ▭ 2017

13589



December 28, 2020

RECEIVED

DEC 30 2020

Cole, Eric/Kathryn  
21125 Scottsdale Dr  
Bend, OR 97701

OWRD

RE: Forfeiture of water rights appurtenant to tax map #: 171215AD00200, 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,

A handwritten signature in blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 28, 2020  
Encl.

13589



October 6, 2020

Patron #: 901394

Cole, Eric/Kathryn  
21125 Scottsdale Dr  
Bend, OR 97701

RE: Tax Map #: 171215AD00200, 0.48 acres unmapped total water rights  
0.10 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

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

**OFFICIAL USE**

Certified Mail Fee \$ 3.55

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

Return Receipt (hardcopy) \$ 2.85

Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ .50

Total Postage and Fees \$ 6.90

Sent To Cole, Eric/Kathryn

Street and Apt. No., or PO Box No. 21125 Scottsdale Dr

City, State, ZIP+4® Bend, OR 97701

PS Form 3800, April 2015 PSN 7530-02

RECEIVED

DEC 3 0 2020

OWRD

13589

**If you wish to dispute the forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director and, if necessary, at the hearing with the Board of Directors.

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

Sincerely,

RECEIVED

DEC 30 2020

OWRD



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  
North Star Commerce Corporation, 1611W. Hill Ave, Sisters, OR 97759

Sent by certified and standard mail October 6, 2020

13589



RECEIVED  
DEC 30 2020  
OWRD

October 6, 2020

North Star Commerce Corporation  
1611W. Hill Ave  
Sisters, OR 977598

Borrower: Cole, Eric/Kathryn: 901394  
Tax Map #: 171215AD00200  
Property Address: 21125 Scottsdale Dr Bend, OR 97701

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

Please find enclosed a copy of the 5<sup>th</sup> 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 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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DEC 30 2020

OWRD

U.S. Postal Service<sup>SM</sup>  
CERTIFIED MAIL<sup>®</sup> RECEIPT  
Domestic Mail Only

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**OFFICIAL USE**

**Certified Mail Fee**

Extra Services & Fees (check box and fee amount)

|   |        |
|---|--------|
| <input checked="" type="checkbox"/> Return Receipt (hardcopy) | \$3.50 |
| <input type="checkbox"/> Return Receipt (electronic)          | \$2.80 |
| <input type="checkbox"/> Certified Mail Restricted Delivery   |        |
| <input type="checkbox"/> Signature Required                   |        |
| <input type="checkbox"/> Adult Signature Restricted Delivery  |        |
| Postage   | 0.50   |

Postmark Here

Sent To  
Cole, Eric/Kathryn: 901394  
21125 Scottsdale Dr  
Bend, OR 97701

PS Form 3800, August 2019

97701-90225  
UNC  
UIC: 97756  
NIXI

Cole, Eric/Kathryn: 901394  
21125 Scottsdale Dr  
Bend, OR 97701

7018 0360 0000 6070 6161



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

FOR FEES  
7018 0360 0000 6070 6161

CERTIFIED MAIL

13589





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DEC 30 2020

OWRD

November 1, 2019

Patron ID: 901394

Cole, Eric/Kathryn  
21125 Scottsdale Dr  
Bend, OR 97701

RE: Tax Map #: 171215AD00200 – 2.00 acres total Irrigated 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 2019 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 2019 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 the 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 2020 irrigation season,
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



PATRON'S NAME: Cole, Eric/Kathryn

PATRON'S ID: 901394



PATRON'S NAME: Cole, Eric/Kathryn  
APPROXIMATE QQ TAXLOT SIZE: 0.48 ACRES  
TRSQTL: 171215NENE00200

RECEIVED

Legend

- ACRE-TEXT
- PATRON'S TRSQTL
- TAXLOTS

DEC 30 2020

13589

OWRD



RECEIVED

DEC 30 2020

OWRD

November 1, 2019

GreenPoint Mortgage Funding, Inc  
100 Wood Hollow Dr  
Novato, CA 94945

Borrower: Cole, Eric/Kathryn: 901394  
Tax Map #: 171215AD00200  
Property Address: 21125 Scottsdale Dr, Bend, OR 97701

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

Please find enclosed a copy of the 4<sup>th</sup> 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](mailto:abby@coid.org).

Sincerely,

A handwritten signature in cursive script that reads "Abby Centola".

Abby Centola  
Beneficial Use Technician

Encl.

13589



RECEIVED

DEC 30 2020

OWRD

November 1, 2019

Home Loan Center, Inc  
163 Technology Dr  
Irvine, CA 92618

Borrower: Cole, Eric/Kathryn: 901394  
Tax Map #: 171215AD00200  
Property Address: 21125 Scottsdale Dr, Bend, OR 97701

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

Please find enclosed a copy of the 4<sup>th</sup> 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](mailto:abby@coid.org).

Sincerely,

Abby Centola  
Beneficial Use Technician

Encl.



RECEIVED

DEC 30 2020

OWRD

November 1, 2019

World Savings Bank, FSB  
1901 Harrison St  
Oakland, CA 94612

Borrower: Cole, Eric/Kathryn: 901394  
Tax Map #: 171215AD00200  
Property Address: 21125 Scottsdale Dr, Bend, OR 97701

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

Please find enclosed a copy of the 4<sup>th</sup> 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](mailto:abby@coid.org).

Sincerely,

Abby Centola  
Beneficial Use Technician

Encl.

13589



December 28, 2020

Ron LaFranchi  
580 N Central St  
Couquille, OR 97423

RECEIVED

DEC 30 2020

OWRD

RE: Forfeiture of water rights appurtenant to tax map #: 1713190001300, 0.55 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,

A handwritten signature in blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR

Eli LaFranchi

Mailed via certified mail December 28, 2020  
Encl.

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Eli LaFranchi  
1232 Maple St  
Myrtle Point, OR 94758

RE: Forfeiture of water rights appurtenant to tax map #: 1713190001300, 0.55 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,

A handwritten signature in blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Ron LaFranchi  
Mailed via certified mail December 28, 2020  
Encl.

13589

# Patron Taxlot Inquiry

3430 **LaFranchi, Ron**  
**% Eli LaFranchi**  
**1232 Maple St**  
**Myrtle Point, OR 94758**

541-290-7010

|                                |            |
|--------------------------------|------------|
| <b>Last Assessment Amount:</b> | \$346.00   |
| <b>Last Assessment Date:</b>   | 01/15/2020 |
| <b>Current Balance:</b>        | \$-58.57   |

**RECEIVED**  
**DEC 30 2020**

| DistrictText | Division   | Acreage | Beat |
|--------------|------------|---------|------|
|              | Division 3 | 2.000   | CO2  |

**OWRD**

| <u>County Tax Map Nbr</u> | <u>County Name</u> | <u>Address1</u>                   | <u>Acreage</u> |
|---------------------------|--------------------|-----------------------------------|----------------|
| 1713190001300             | Deschutes          | 22223 NELSON RD<br>BEND, OR 97701 | 2.000          |
|                           |                    |                                   | <b>2.000</b>   |

| TRSQ            | Lot   | Usage          | Headgate       | Quit Claim     | Instream Lease | Rot# | Transfer | Petition | Acreage          |
|-----------------|-------|----------------|----------------|----------------|----------------|------|----------|----------|------------------|
| 171319NWSE      | 01300 | Irrigation     | B-32           |                |                |      |          |          | Acreage: 0.500   |
| Beneficial Use: |       | 2019 - Full    | 2018 - Full    | 2017 - Full    |                |      |          |          | Off Lands:       |
|                 |       | 2016 - Full    | 2015 - Full    | 2014 - Full    |                |      |          |          | On Lands:        |
|                 |       |                |                |                |                |      |          |          | Available: 0.500 |
| 171319NWSE      | 01300 | Irrigation     | B-32           |                |                |      |          |          | Acreage: 1.500   |
| Beneficial Use: |       | 2019 - Partial | 2018 - Partial | 2017 - Partial |                |      |          |          | Off Lands:       |
|                 |       | 2016 - Partial | 2015 - Partial | 2014 - Full    |                |      |          |          | On Lands:        |
|                 |       |                |                |                |                |      |          |          | Available: 1.500 |

1/3/19: 3<sup>rd</sup> year nonuse courtesy letter.  
 6/24/19: CO2 site report – 3<sup>rd</sup> year nonuse review.  
 11/1/19: Certified mailing – 4<sup>th</sup> year nonuse letter. Letter returned by postman marked “Unclaimed”.  
 5/6/20: Courtesy letter extending period to request instream lease to 5/20/20 due to COVID19  
 6/30/20: Watermaster site review. Dry – no attempt to green up. Postcard mailed informing of status and requesting Patron to contact COID when irrigated.  
 10/6/20: 5<sup>th</sup> year Forfeiture letter sent by certified mail and standard mail. Certified letter signed for.  
 10/20/20: Eli LaFranchi called. He disagrees with the letter/forfeiture. The letters were all mailed to his father, Ron LaFranchi, but that he managed the property and is the representative. Eli received the May 2020 courtesy letter and said he met with his renter on site and went over the problem with him, showed him where to irrigate. Eli called the renter after receiving the 10/6/20 forfeiture letter and the renter said he seeded and irrigated but nothing came in. Eli said a neighbor also irrigated this area when the renter was gone. Leslie emailed an affidavit of use to Eli so the neighbor can submit it. Eli is bringing his renter with him to the managers meeting.

Managers Meeting 10/28/20 3:00 p.m. Craig Horrell, Leslie Clark and Jessi Talbott represented COID:  
 Eli LaFranchi arrived at the meeting with his renter. The renter submitted 5 photos of the property and a receipt and package slip for 25# of grass seed mix. It was difficult to see any evidence of growth in the pictures. The renter stated he has 7 head of cattle on this property and it has been difficult to produce any growth. Eli also submitted a letter from the neighbor to the west of this property, Brent Rankin. Craig Horrell and staff determined the evidence presented did not demonstrate beneficial use of the water. Staff informed Eli that COID will continue with the forfeiture process. Eli requested a hearing before the COID board of directors. Hearing is scheduled for November 10, 2020 at 9 a.m.

11/10/20 Board Hearing:

COID staff read the above timeline, presented 2020 aerial photo, and presented the photos that Mr. LaFranchi brought to the manager meeting on 10/28. Cary Penhollow, COID Watermaster, informed the Board he did not see any growth or active irrigation when he was on the property 6/30/20.

Mr. LaFranchi stated that he did not understand the requirement to produce vegetation. He had talked with his renter multiple times telling the renter he needed to make sure he was flooding water across the dry field. He thought that was beneficially using the water until he went to the manager meeting and was informed he had to produce non-native vegetation on the entire mapped area. Mr. LaFranchi submitted two additional photos and dozens of text messages exchanged between the renter and the neighbor (Brent Rankin who submitted a letter to the manager meeting) regarding the rotation of water between the two properties. The COID Board of Directors unanimously agreed to proceed with forfeiture of 0.55 acres of irrigation. Mr. LaFranchi was informed he will receive a certified letter with copy of the forfeiture application from COID prior to the end of 2020.



**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:

LaFranchi, Ron  
1232 Maple St  
Myrtle Point, OR 94758

2. Article Number (Transfer from service label)  
7019 0160 0000 9493 4463

3. Service Type  
 Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted  
 Adult Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Insured Mail  
 Insured Mail Restricted Delivery (over \$500)

4. Signature  
 Agent  
 Addressee  
 Received by (Printed Name) RON LAFRANCHI  
 Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below

5. Return Receipt for Merchandise Confirmation  
 Signature Confirmation  
 Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-0065

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 Return Receipt (hardcopy) \$ 2.85  
 Return Receipt (electronic)  
 Insured Mail (electronic)  
 Insured Mail Restricted Delivery  
 Adult Signature Restricted Delivery  
 Postage \$ 50

Total Postage and Fees \$ 6.90

Street No  
 Street Name  
 City, State, ZIP+4®  
 ZIP+4®

LaFranchi, Ron  
1232 Maple St  
Myrtle Point, OR 94758

Postmark Here

7019 0160 0000 0970 6702

PS Form 3800, 2007

RECEIVED  
DEC 30 2020  
OWRD

13589



October 6, 2020

Patron #: 3430

LaFranchi, Ron  
1232 Maple St  
Myrtle Point, OR 94758

RECEIVED

DEC 30 2020

RE: Tax Map #: 1713190001300, 2 acres total mapped water rights  
0.55 acres water rights to be forfeited in 2020

OWRD

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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 forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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

RECEIVED  
DEC 30 2020  
OWRD

Sent by certified and standard mail October 6, 2020

13589





RECEIVED

DEC 30 2020

OWRD

November 1, 2019

Patron ID: 3430

LaFranchi, Ron  
1232 Maple St  
Myrtle Point, OR 94758

RE: Tax Map #: 1713190001300 – 2.00 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



PATRON'S NAME: LaFranch, Ron

PATRON'S ID: 3430



PATRON'S NAME: LaFranch, Ron  
 APPROXIMATE QQ TAXLOT SIZE: 4.89 ACRES  
 TRSQTL: 171319NWSE01300

Legend

- ACRE-TEXT
- STREETS
- ▭ PATRON'S TRSQTL
- ▨ IRR LANDS
- TAXLOTS
- PAST 5
- ▣ 2015(URGENT)

RECEIVED

DEC 30 2020

13589

OWRD



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

East Cascade Adventures, LLC  
62910 Waugh Rd  
Bend, OR 97701

RE: Forfeiture of water rights appurtenant to tax map #: 1713210001403, 1.53 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 28, 2020  
Encl.

CERTIFIED MAIL

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

ADDRESS SERVICE REQUESTED



7019 0160 0000 9493 4401



East Cascade Adventures, LLC  
62910 Waugh Rd  
Bend, OR 97701

*NMR*

HIXIE 971 DE 1 0010/20/20

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 97756146955 \*1529-07069-06-38

UNC  
97701-1100

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**OFFICIAL USE**

1 Certified Mail Fee 3.55

2 Extra Services:  Return Receipt (hardcopy) 2.85

3 Return Receipt (electronic)

4 Certified Mail Restricted Delivery

5 Adult Signature Restricted Delivery

Postage .50

6 Total Postage and Fees 4.90

7 Sent to East Cascade Adventures, LLC  
62910 Waugh Rd  
Bend, OR 97701

8 Street and/or Apt. No., or PO Box  
City, State, ZIP+4<sup>®</sup>

PS Form 3800, April 2015

7019 0160 0000 9493 4401

RECEIVED  
DEC 3 0 2020  
OWRD

13589





RECEIVED

DEC 30 2020

OWRD

October 6, 2020

Patron #: 4544

East Cascade Adventures, LLC  
62910 Waugh Rd  
Bend, OR 97701

RE: Tax Map #: 1713210001403, 2.73 acres total mapped water rights  
1.53 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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 forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 30 2020

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 and standard mail October 6, 2020

13589

**LeslieClark**

---

**From:** Microsoft Outlook  
**To:** jasonglasserosu@gmail.com  
**Sent:** Wednesday, August 12, 2020 11:32 AM  
**Subject:** Relayed: 62910 Waugh Rd

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[jasonglasserosu@gmail.com](mailto:jasonglasserosu@gmail.com) ([jasonglasserosu@gmail.com](mailto:jasonglasserosu@gmail.com))

Subject: 62910 Waugh Rd

RECEIVED

DEC 30 2020

OWRD

13589

**LeslieClark**

---

**From:** LeslieClark  
**Sent:** Wednesday, August 12, 2020 11:32 AM  
**To:** jasonglasserosu@gmail.com  
**Cc:** CaryPenhollow  
**Subject:** 62910 Waugh Rd

RECEIVED

DEC 30 2020

OWRD

**Importance:** High

|                  |                           |                               |
|------------------|---------------------------|-------------------------------|
| <b>Tracking:</b> | <b>Recipient</b>          | <b>Delivery</b>               |
|                  | jasonglasserosu@gmail.com |                               |
|                  | CaryPenhollow             | Delivered: 8/12/2020 11:32 AM |

Hello Jason,

COID has made numerous attempts to contact East Cascade Adventures LLC, the owners of this property, regarding the beneficial use of the water rights. There is 1.53 acres of COID water right located on this property that is subject to forfeiture October 1, 2020 due to nonuse of the water right. COID has followed all legal steps to inform you of this pending action. The COID Watermaster, Cary Penhollow, visited the property 8/3/20 and determined no use has occurred as of that date. Unless you immediately put the land back into production and notify us of use of the water by September 15, 2020, COID will proceed with the forfeiture process, permanently removing the water from the property without compensation.

Please contact me if you have any questions.

Thank you,

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



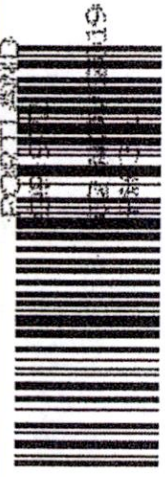
11

NIXIE 971 DE 1 0011/23/19

RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD

IA  
BC: 97756146955 \*1429-01901-13-43  
97701-980910

**CERTIFIED MAIL**



7018 0360 0000 6070 6260

EGON IRRIGATION DISTRICT  
Court  
97756-1469

RVICE REQUESTED

East Cascade Adventures, LLC: 4544  
62910 Waugh Rd  
Bend, OR 97701

*NMR*



UNITED STATES POSTAL SERVICE  
02 1P  
000070476  
MAILED FROM

NIXIE 971 DE 1 0011/10/19

RETURN TO SENDER  
NO MAIL RECEIPT  
UNABLE TO FORWARD

BC: 97756146955 \*1267-05402-02-41  
97701-980910

NMR  
977561469  
97701-980910

13589

RECEIVED  
DEC 30 2020  
OWRD



RECEIVED

DEC 30 2020

OWRD

November 1, 2019

Patron ID: 4544

East Cascade Adventures, LLC  
62910 Waugh Rd  
Bend, OR 97701

RE: Tax Map #: 1713210001403 – 2.73 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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.

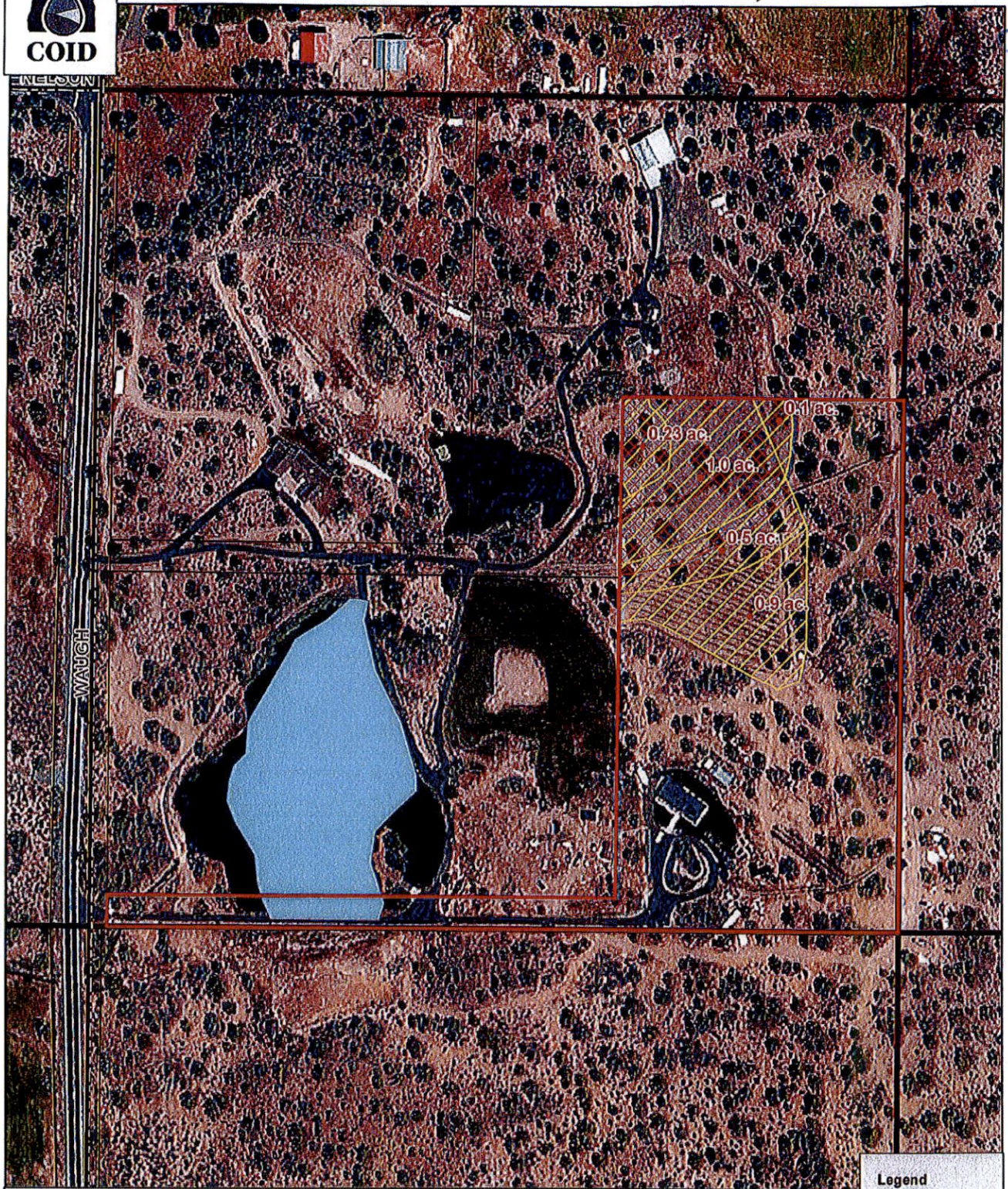
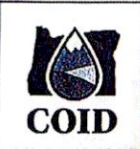
Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. Currently, you have **3 options** to protect this water right, they are as follows:

1. You must use the full water right on the ground exactly as it is mapped during the 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.

RECEIVED  
DEC 30 2020  
DWRD

PATRON'S ID: 4544

PATRON'S NAME: East Cascade Adventures, LLC



PATRON'S NAME: East Cascade Adventures, LLC  
APPROXIMATE QQ TAXLOT SIZE: 10 ACRES  
TRSQTL: 171321NWSE01403

- Legend**
- ACRE-TEXT
  - STREETS
  - PATRON'S TRSQTL
  - IRR LANDS
  - TAXLOTS
  - 2015 (URGENT)

13589



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DEC 30 2020

OWRD

December 28, 2020

Sheridan, Daniel Bradley  
837 NE 9th St  
Bend, OR 97701

RE: Forfeiture of water rights appurtenant to tax map #: 171330000400, 1.84 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,

A handwritten signature in blue ink that appears to read "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 28, 2020  
Encl.

13589



RECEIVED

DEC 30 2020

LeslieClark

**From:** LeslieClark  
**Sent:** Friday, November 13, 2020 3:36 PM  
**To:** Danny S  
**Subject:** RE: SHERIDAN TRANSFER AND FORFEITURE MAP  
**Attachments:** WR-0013-Sheridan.pdf; T-2020-035 Sheridan Notice\_1.21 acres.pdf; Irrigation Contract\_Sheridan.pdf; Sheridan Transfer Map\_1.21 acres.pdf; Sheridan Forfeiture Map\_1.84 acres.pdf

OWRD

Hi Danny,

Attached is the paperwork to transfer 1.21 acres of irrigation within your property.

- Invoice: Transfer Fee
- T-2020-035: Transfer Notice to be submitted to Oregon Water Resources Department (OWRD)
- Irrigation Contract: Please review closely, giving attention to item #6. By signing the contract you are committing to irrigating the new areas (as shown on the map) during the 2021 irrigation season and keeping it irrigated every year thereafter. If you agree, please sign the contract before a notary public and return the original to me.

Please return the signed original irrigation contract and payment of the invoice by December 1, 2020 and I will get it submitted to OWRD prior to the end of this year.

The Forfeiture application will also be submitted to OWRD prior to the end of the year. You will receive a complete copy of the application along with a map that shows where the water is being removed. Between transfer T-2020-035 and the Forfeiture transfer, your water right map should match the irrigated areas in 2018/2019.

If you would like to sign before one of our notaries in our office please call the office to make an appointment. Our office is open 7 am to 4 pm Monday through Friday. We will be closed for the Thanksgiving holiday.

Please let me know if you have any questions about the process or forms.

Thank you,

Leslie

*Leslie Clark*

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



**From:** Danny S <tovalholwen@hotmail.com>  
**Sent:** Friday, November 13, 2020 7:50 AM

530 Sheridan, Daniel Bradley  
837 NE 9th St  
Bend, OR 97701

541-410-0984

|                         |            |
|-------------------------|------------|
| Last Assessment Amount: | \$967.00   |
| Last Assessment Date:   | 01/15/2020 |
| Current Balance:        | \$0.00     |

RECEIVED

DEC 30 2020

OWRD

| DistrictText | Division   | Acreage | Beat |
|--------------|------------|---------|------|
|              | Division 3 | 28.510  | CO2  |

| County Tax Map Nbr | County Name | Address1                            | Acreage |
|--------------------|-------------|-------------------------------------|---------|
| 171330000400       | Deschutes   | 62664 ERICKSON RD<br>BEND, OR 97701 | 28.510  |
|                    |             |                                     | 28.510  |

| TRSQ            | Lot            | Usage          | Headgate       | Quit Claim | Instream Lease | Rot# | Transfer | Petition | Acreage           |
|-----------------|----------------|----------------|----------------|------------|----------------|------|----------|----------|-------------------|
| 171330NESW      | 00400          | Irrigation     | B-21-1         |            |                |      |          |          | Acreage: 15.800   |
| Beneficial Use: | 2019 - Partial | 2018 - Partial | 2017 - Dry     |            |                |      |          |          | Off Lands:        |
|                 | 2016 - Dry     | 2015 - Full    | 2014 - Full    |            |                |      |          |          | On Lands:         |
|                 |                |                |                |            |                |      |          |          | Available: 15.800 |
| 171330NESW      | 00400          | Irrigation     | B-21-1         |            |                |      |          |          | Acreage: 0.410    |
| Beneficial Use: | 2019 - Dry     | 2018 - Dry     | 2017 - Dry     |            |                |      |          |          | Off Lands:        |
|                 | 2016 - Dry     | 2015 - Dry     | 2014 - Full    |            |                |      |          |          | On Lands:         |
|                 |                |                |                |            |                |      |          |          | Available: 0.410  |
| 171330SEnw      | 00400          | Irrigation     | B-21-1         |            |                |      |          |          | Acreage: 2.300    |
| Beneficial Use: | 2020 - Full    | 2019 - Full    | 2018 - Full    |            |                |      |          |          | Off Lands:        |
|                 | 2017 - Partial | 2016 - Full    | 2015 - Full    |            |                |      |          |          | On Lands:         |
|                 |                |                |                |            |                |      |          |          | Available: 2.300  |
| 171330SEnw      | 00400          | Irrigation     | B-21-1         |            |                |      |          |          | Acreage: 10.000   |
| Beneficial Use: | 2020 - Partial | 2019 - Partial | 2018 - Partial |            |                |      |          |          | Off Lands:        |
|                 | 2017 - Partial | 2016 - Partial | 2015 - Partial |            |                |      |          |          | On Lands:         |
|                 |                |                |                |            |                |      |          |          | Available: 10.000 |

BU Record:

Last Year Used: 2015 – 3.38 ac Dry

1/3/19: Courtesy 3<sup>rd</sup> year letter

5/17/19: Ditchrider site review – 3.38 acre area Dry

11/1/19: 4<sup>th</sup> year certified letter mailed and signed for.

5/6/20: Courtesy reminder letter

7/15/20: Watermaster site review determined 3.38 acre area not irrigated. Postcard sent to Sheridan informing area was determined dry and to contact COID when good growth established.

10/6/20: 5<sup>th</sup> year letter sent by certified and standard mail. Signed for 10/15/20

10/12/20: COID received letter from Sheridan protesting forfeiture

10/23/20: Leslie talked to Sheridan and scheduled a meeting with manager.

11/3/20 10:30 a.m. Manager Meeting:

Craig Horrell, Cary Penhollow, Jessi Talbot, Leslie Clark  
Dan Sheridan

13589

Leslie explained BU and multiple notifications sent to Dan. Dan acknowledged he received the letters. He had hoped to get the field irrigated in 2020 but he ran into financial difficulties and his tractor broke down. We reviewed 2020, 2019, 2018, 2017, and 2016 aerials with Dan. Dan did not bring any evidence of irrigation of the specific dry areas. (See page 2)

Sheridan Notes Page 2:

We discussed several areas in the NESW that are currently being irrigated w/o a water right. A portion of the unused water could be transferred to those areas. Cary arranged to meet Dan on the property 11/4 at 1 p.m. to GPS areas to transfer water on. Per the site visit, COID prepared two draft maps, one to transfer water off dry areas and onto areas irrigated without a water right, and a second map to forfeit remaining dry areas.

11/6/20 Leslie emailed the two draft maps to Dan, asking him to confirm if he agreed with the maps and wants to pursue the water transfer, or to request a hearing before the board. Dan called the COID office later that day and requested a hearing before the board on November 10<sup>th</sup>.

11/10/20 Hearing before COID Board of Directors:

COID staff presented the timeline of COID actions (see page 1) and displayed aerial photos from 2016 through 2020.

Mr. Sheridan stated after he purchased the property, he seeded the NE area of concern with a winter seed mix which produced some vegetation; he did not specify what year he did that. A review of the Deschutes Co. property records indicates he purchased the land in 1998. He also mentioned prior to his purchasing the property, the NW boundary of the mapped water right (by the pond) had been planted in timothy hay which continued to grow on its own without active irrigation.

Board Director Carroll Penhollow asked Mr. Sheridan what his method of irrigation was on the field. Prior to 2018 he had irrigated the main field with wheel lines and the outer boundary with handlines. In 2018 Mr. Sheridan planted hemp in the main field using irrigation strips and black weed cloth between the planted rows. He stated he did not irrigate or produce in the dry areas proposed for forfeiture because the mapped area was not conducive to the strip irrigation.

Mr. Sheridan stated he had planned to irrigate the dry areas proposed for forfeiture in 2020 but his tractor broke down and he was having financial difficulty. He asked if he could have another year and lease it instream in 2021. COID staff informed him the time to lease was in 2020 and the water would not be eligible for instream lease or transfer after 2020.

The Board unanimously agreed to proceed with Forfeiture of 1.84 acres of Irrigation and to submit a permanent transfer application relocating 1.21 acres with the Sheridan property.

Dear COI,

3.38

I have received your letter regarding a seizure of apx 3 acres of water rights. I dispute your claim that this land has not had water applied in the last 5 years beneficially. Much of this land has timothy that I have personally watered with sprinklers the same year I did my big hemp grow (2017?). Some of the land has brome grass from central oregon premium pasture mix that I have watered and kept alive for years, although it does not produce many tons per acre. Some of the land has ponderosa trees that get watered which your map doesn't seem to make any exemption for. There is one very small section between the pond and the canal that has never been watered. This includes canal road next to the bridge. I am willing to transfer this to the pasture that has "run off" green land. I am willing to do in stream lease for any lands you are concerned about in 2021.

I don't understand why you would do this action in a COVID year. Yes, I have had a hard time paying bills this year. Yes, this year I did not apply water to the 3 acres of land. I have had tractor bills and have not been able to afford seed for the land in question.

Sincerely,



Danny Sheridan  
837 NE 9<sup>th</sup> St.  
Bend OR 97701

541.410.0984

#530

RECEIVED

DEC 30 2020

OWRD

13589

**LeslieClark**

---

**From:** LeslieClark  
**Sent:** Thursday, October 22, 2020 10:41 AM  
**To:** tovaholwen@hotmail.com  
**Cc:** Jessi Talbott (jtalbott@coid.org)  
**Subject:** Response to Forfeiture Letter

RECEIVED

DEC 30 2020

OWRD

Hi Dan,

COID is in receipt of your letter response to the COID 10/6/20 forfeiture letter. I called the phone number you provided on your letter and left you a voice mail message but have not received a response.

I am not able to stop the forfeiture based on the information you provided in your letter. If you want to contest the forfeiture you need to request a meeting with the COID manager. The meeting must be held no later than November 6<sup>th</sup>. This meeting would be held in the COID office with all COVID protection requirements in place, or, if you are not able to come into our office and you have internet access, we can setup a virtual meeting.

Please let me know how you want to proceed.

*Leslie Clark*

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



13589

**LeslieClark**

---

**From:** LeslieClark  
**Sent:** Friday, October 23, 2020 10:05 AM  
**To:** tovaholwen@hotmail.com  
**Cc:** Jessi Talbott (jtalbott@coid.org)  
**Subject:** Response #2 to Forfeiture Letter

RECEIVED

DEC 30 2020

**Importance:** High

OWRD

Hi Dan,

I am following up on the email I sent you yesterday. It is critical that you contact me to schedule a meeting with the COID manager. This meeting must be held no later than November 6, 2020 or we will have no option but to proceed with the forfeiture process to remove the 3.38 acres of irrigation. Please respond by email or call the main office at: 541-548-6047 to request a meeting with the manager.

Thank you,

*Leslie Clark*

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



**From:** LeslieClark  
**Sent:** Thursday, October 22, 2020 10:41 AM  
**To:** tovaholwen@hotmail.com  
**Cc:** Jessi Talbott (jtalbott@coid.org) <jtalbott@coid.org>  
**Subject:** Response to Forfeiture Letter

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I am not able to stop the forfeiture based on the information you provided in your letter. If you want to contest the forfeiture you need to request a meeting with the COID manager. The meeting must be held no later than November 6<sup>th</sup>. This meeting would be held in the COID office with all COVID protection requirements in place, or, if you are not able to come into our office and you have internet access, we can setup a virtual meeting.

Please let me know how you want to proceed.

*Leslie Clark*

13589

**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:

Sheridan, Daniel Bradley  
 837 NE 9th St  
 Bend, OR 97701



9590 9402 4901 9032 4493 88

2. Article Number (Transfer from service label)

7019 0160 0000 9493 4500

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Signature] [Signature]  
 B. Received by (Printed Name)  
 Daniel Sheridan  
 C. Date of Delivery  
 10/15/2020  
 D. Is delivery address different from item 1? Yes  No  If YES, enter delivery address below:

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

Domestic Return Receipt

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

**OFFICIAL USE**

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

Postmark Here

Certified Mail Fee \$ 3.85  
 Signature Restricted Delivery Fee \$ 2.85  
 Return Receipt (electronic) \$ 0.00  
 Certified Mail Restricted Delivery \$ 0.00  
 Adult Signature Restricted Delivery \$ 0.00  
 Postage \$ .50

Recd Package and  
 Sent to  
 Sheridan, Daniel Bradley  
 837 NE 9th St  
 Bend, OR 97701  
 City, State, ZIP+4®

PS Form 3811, July 2015

7019 0160 0000 9493 4500

RECEIVED  
 DEC 30 2020  
 OWRD



October 6, 2020

RECEIVED

DEC 30 2020

OWRD

Patron #: 530

Sheridan, Daniel Bradley  
837 NE 9th St  
Bend, OR 97701

RE: Tax Map #: 1713300000400, 16.21 acres total mapped water rights  
3.38 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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.***

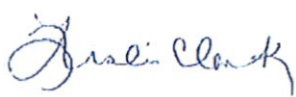


If you wish to dispute the forfeiture and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing. If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 640.610(2)(a-n), a meeting will be scheduled with the Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 30 2020  
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  
Selco Community Credit Union, 501 NE Bellevue Dr, Bend, OR 97701

Sent by certified and standard mail October 6, 2020



RECEIVED

DEC 30 2020

OWRD

October 6, 2020

Selco Community Credit Union  
501 NE Bellevue Dr  
Bend, OR 97701

Borrower: Sheridan, Daniel Bradley: 530  
Tax Map #: 1713300000400  
Property Address: 62664 Erickson Rd Bend, OR 97701

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

Please find enclosed a copy of the 5<sup>th</sup> 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 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.

13589

**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 multipiece, or on the front if space permits.

1. Article Addressed to:  
 Sheridan, Daniel Bradley: 530  
 837 NE 9th St  
 Bend, OR 97701

2. Article Number (Transfer from service label)  
 7017 3380 0000 8340 1605  
 PS Form 3811, July 2015 PSN 7530-02-000-9083

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

4. Signature  
 X *[Signature]*  
 Dated by (Printed Name)  
 JANE SHERIDAN  
 C. Date of Delivery  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

Domestic Return Receipt

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

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

**OFFICIAL USE**

Certified Mail Fee 3.50  
 Extra Services & Fees (check box, add fee in \$)  
 Return Receipt (electronic) 0.30  
 Certified Mail Restricted Delivery 0.00  
 Adult Signature Restricted Delivery 0.00  
 Postage 0.50

Total Postage and Fees \$6.30  
 Stamp Fee  
 Sheridan, Daniel Bradley: 530  
 837 NE 9th St  
 Bend, OR 97701  
 PS Form 3809, July 2015 PSN 7530-02-000-9083

RECEIVED  
 DEC 30 2020  
 OWRD



RECEIVED

DEC 30 2020

OWRD

November 1, 2019

Patron ID: 530

Sheridan, Daniel Bradley  
837 NE 9th St  
Bend, OR 97701

RE: Tax Map #: 1713300000400 – 28.51 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.

13589

PATRON'S ID: 530

PATRON'S NAME: Sheridan, Daniel Bradley

OWRD



PATRON'S NAME: Sheridan, Daniel Bradley  
APPROXIMATE QQ TAXLOT SIZE: 39.91 ACRES  
TRSQTL: 171330NESW00400

- Legend**
- ACRE-TEXT
  - PATRON'S TRSQTL
  - ▨ IRR LANDS
  - TAXLOTS
  - ▤ 2015(URGENT)
  - ▥ 2016
  - ▧ 2018

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Willis, Chad  
62750 Dodds Rd.  
Bend, OR 97701

RE: Forfeiture of water rights appurtenant to tax map #: 171427B000200, 0.21 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,

A handwritten signature in blue ink that appears to read "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 28, 2020  
Encl.

13589

**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:  
 Willis, Chad  
 62750 Dodds Rd.  
 Bend, OR 97701

2.  9590 9402 4911

3. Service Type  
 Adult Signature Restricted Delivery  
 Certified Mail Restricted Delivery  
 Collect on Delivery Restricted Delivery  
 Insured Mail Restricted Delivery (over \$500)  
 Registered Mail Restricted Delivery  
 Return Receipt for Merchandise  
 Signature Confirmation Restricted Delivery  
 Signature Confirmation Restricted Delivery (over \$500)

4. Priority Mail Express®  
 Registered Mail Restricted Delivery  
 Return Receipt for Merchandise  
 Signature Confirmation Restricted Delivery  
 Signature Confirmation Restricted Delivery (over \$500)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature \_\_\_\_\_ Agent  Addressed

B. Received by (Printed Name) CKA C. Date of Delivery 10/15/20

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

Domestic Return Receipt

**U.S. Postal Service<sup>SM</sup>**  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
 Domestic Mail Only

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

**OFFICIAL USE**

Certified Mail # 9590 9402 4911

1.  Return Receipt (hardcopy) \$ 2.85

2.  Return Receipt (electronic) \$ \_\_\_\_\_

3.  Certified Mail Restricted Delivery \$ \_\_\_\_\_

4.  Insured Mail Restricted Delivery \$ \_\_\_\_\_

5.  Mail Signature Restricted Delivery \$ \_\_\_\_\_

Postage SD

Total Postage and Fees 10.90

Postmark Here

Willis, Chad  
 62750 Dodds Rd.  
 Bend, OR 97701

PS Form 3800, July 2019

7029 0260 0000 9492 4532

RECEIVED

DEC 30 2020

OWRD

13589



RECEIVED

DEC 30 2020

OWRD

October 6, 2020

Patron #: 5068

Willis, Chad  
62750 Dodds Rd.  
Bend, OR 97701

RE: Tax Map #: 171427B000200, 30 acres total unmapped water rights  
0.21 acres water rights to be forfeited in 2020

Dear Patron,

Our records indicate that you did not beneficially use the full water right for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to remove 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 Department (OWRD), as required by statute. Enclosed with this letter is a copy of the water right map indicating where the water right pending forfeiture is appurtenant.

Certified letters were sent to you and any known security interest holders, following the end of the 2019 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2020 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 2019 and 2020 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 irrigated between 2015 and 2020.

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 forfeiture 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 Managing Director to try to resolve the issue with you; and if unable to do so, a District hearing before the COID Board of Directors may be held (at your request) 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 your property.

If you have any evidence that you have beneficially used 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 Managing Director 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 30 2020

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  
Directors Mortgage, 4550 Southwest Kruse Way Suite 275, Lake Oswego, OR 97035  
Premier Mortgage Resources, 1325 NW Flanders, Portland, OR 97209

Sent by certified and standard mail October 6, 2020

13589



RECEIVED

DEC 30 2020

OWRD

October 6, 2020

Premier Mortgage Resources  
1325 NW Flanders  
Portland, OR 97209

Borrower: Willis, Chad: 5068  
Tax Map #: 171427B000200  
Property Address: 62750 Dodds Rd. Bend, OR 97701

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

Please find enclosed a copy of the 5<sup>th</sup> 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 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 30 2020

OWRD

October 6, 2020

Directors Mortgage  
4550 Southwest Kruse Way Suite 275  
Lake Oswego, OR 97035

Borrower: Willis, Chad: 5068  
Tax Map #: 171427B000200  
Property Address: 62750 Dodds Rd. Bend, OR 97701

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

Please find enclosed a copy of the 5<sup>th</sup> 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 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 blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

Encl.

13589

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only  
 For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Domestic Mail Fee \$ 3.50

Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$ 2.80  
 Return Receipt (electronic) \$ 0.00  
 Certified Mail Restricted Delivery \$ 0.00  
 Signature Required \$ 0.00  
 Adult Signature Restricted Delivery \$ 0.00

Postage \$ 0.50

Total Postage and Fees \$ 4.00

Postmark Here

Send Payment to:  
 Willis, Chad: 5068  
 62750 Dodds Rd  
 Bend, OR 97701  
 CN: 5068, ZIP+4®

PS Form 3800, November 2019

7016 0750 0000 0945 4550

RECEIVED

DEC 30 2020

OWRD

13589



RECEIVED

DEC 30 2020

OWRD

November 1, 2019

Patron ID: 5068

Willis, Chad  
62750 Dodds Rd  
Bend, OR 97701

RE: Tax Map #: 171427B000200 – 31.00 acres total Irrigated 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 2019 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 2019 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2015 are noted in red 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. Currently, 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 2020 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 2020 season (the District will accept requests for instream lease applications through February 15, 2020). The water will go back onto your property at the end of the irrigation season for you to use in 2021, or,
3. Request to remove the unused water through a water transfer. Requests should be made by February 15, 2020.



PATRON'S NAME: Willis, Chad



PATRON'S NAME: Willis, Chad  
 APPROXIMATE QQ TAXLOT SIZE: 38.23 ACRES  
 TRSQT: 171427NWNW00200

Legend

- ACRE-TEXT
- STREETS
- PATRON'S TRSQT
- ▨ IRR LANDS
- TAXLOTS
- PAST 5
- ⊠ 2014
- ⊠ 2015 (URGENT)
- ⊠ 2017



RECEIVED

DEC 30 2020

OWRD

November 1, 2019

Premier Mortgage Resources, LLC  
1325 NW Flanders  
Portland, OR 97209

Borrower: Willis, Chad: 5068  
Tax Map #: 171427B000200  
Property Address: 62750 Dodds Rd, Bend, OR 97701

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

Please find enclosed a copy of the 4<sup>th</sup> 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](mailto:abby@coid.org).

Sincerely,

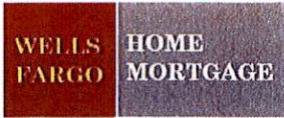
A handwritten signature in cursive script that reads "Abby Centola".

Abby Centola  
Beneficial Use Technician

Encl.

13589

Willis, Chad : 5068



Wells Fargo  
P.O. Box 10335  
Des Moines, IA 50306 0335

RECEIVED

DEC 30 2020

OWRD

November 19, 2019

Abby Centola  
Central Oregon Irrigation District  
1055 S.W. Lake Ct.  
Redmond, OR 97756

Subject: Response to an inquiry about 62750 Dodds Road, Bend, OR 97701

Dear Ms. Abby Centola:

Thank you for contacting us about the property listed above. We've reviewed your concern and sent our response directly to our customer because we don't have permission to share account information with you. We recognize you were expecting to receive our response, and we want to provide you with additional information about how to receive specific account details in the future.

**To receive account information**

To protect the privacy of our customer, we require their written authorization to share account information. Please contact our customer directly for information or to be authorized to receive information about their account.

**Going forward**

We appreciate the time and effort you took to contact us. If you have any questions, I'm here to help. You may contact me at (515) 631-4395. I am available to assist you Monday through Friday, 9:30 a.m. to 6:00 p.m. Central Time. If you require immediate assistance and I am unavailable, other representatives are available to assist you at 1-800-853-8516, Monday through Friday, 7:00 a.m. to 7:00 p.m. Central Time.

Sincerely,

Leann Miller  
Executive Resolution Specialist  
Customer Care and Recovery Group

FA0/co8984802/cl936

13589

XNML1CDTGF 000300 NNNNNNNNNN NNN NNN 002 002 001937 21443459.1





RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Rich & Ellingson Hwy 20 Residence Trust  
22185 E Highway 20  
Bend, OR 97701

RE: Water Right Transfer #P-2020-002

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 28, 2020. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

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

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

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

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

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

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

Sincerely,

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 28, 2020  
Encl.

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Leif Gilbertson  
8883 Houston Lake Rd  
Powell Butte, OR 97753

RE: Water Right Transfer #P-2020-002

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 28, 2020. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

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

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

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

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

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

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

Sincerely,

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 28, 2020  
Encl.

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

S.E. & Elizabeth H. Kirchmeier  
10701 Whimp Way  
Terrebonne, OR 97760

RE: Water Right Transfer #P-2020-002

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 28, 2020. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Leslie Clark".

Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 28, 2020  
Encl.

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Roger Lee Shear and Colei Ann Shear  
6635 SW 61st St  
Redmond, OR 97756

RE: Water Right Transfer #P-2020-002

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 28, 2020. 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*

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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 28, 2020  
Encl.

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Jeffrey A. & Julie M. Larkin  
PO Box 1152  
Redmond, OR 97756

RE: Water Right Transfer #P-2020-002

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Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 28, 2020  
Encl.

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Aaron D. Walker  
3989 NW Xavier Ave  
Redmond, OR 97756

RE: Water Right Transfer #P-2020-002

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Leslie Clark  
Director of Water Rights

cc: OWRD, 725 Summer St N.E., Salem, OR  
Sent by certified mail December 28, 2020  
Encl.

13589



RECEIVED

DEC 30 2020

OWRD

December 28, 2020

Grant Anthony & Kelsey Leigh Gasper  
21370 View Lane  
Bend, OR 97701

RE: Water Right Transfer #P-2020-002

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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 28, 2020  
Encl.

13589

**COMPLETE THIS SECTION**

Items 1, 2, and 3.  
Your name and address on the reverse  
we can return the card to you.  
This card to the back of the mailpiece,  
the front if space permits.

Addressed to:  
Lingson Hwy 20 Residence  
  
Highway 20  
97701



0 9402 5868 0038 7978 27

Number (Transfer from service label)

9 1640 0001 7231 1757

11, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X** *[Handwritten Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *[Handwritten Signature]* C. Date of Delivery *[Handwritten Date]*

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

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

Domestic Return Receipt

**COMPLETE THIS SECTION**

Items 1, 2, and 3.  
Your name and address on the reverse  
we can return the card to you.  
This card to the back of the mailpiece,  
the front if space permits.

Addressed to:  
Anthony & Kelsey Leigh Gasper  
ew Lane  
97701



0 9402 5868 0038 7977 66

Number (Transfer from service label)

1640 0001 7231 1702

11, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X** *[Handwritten Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *[Handwritten Signature]* C. Date of Delivery *[Handwritten Date]*

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

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

Domestic Return Receipt

**COMPLETE THIS SECTION**

Items 1, 2, and 3.  
Your name and address on the reverse  
an return the card to you

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X** *[Handwritten Signature]*  Agent  
 Addressee



| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY   |                                   |
|--|---|-----------------------------------|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>SE Kirchmeier</i> <input type="checkbox"/> Agent<br/> <input checked="" type="checkbox"/> Addressee</p>   |                                   |
| 1. Article Addressed to:<br><br>S.E. & Elizabeth H. Kirchmeier<br>10701 Whimp Way<br>Terrebonne, OR 97760  | B. Received by (Printed Name)<br>SE KIRCHMEIER  | C. Date of Delivery<br>12/31/2020 |
|  | D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No   |                                   |
|  | <p>3. Service Type</p> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™<br><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Insured Mail Restricted Delivery |                                   |
| 2. Article Number (Transfer from service label)<br>7019 1640 0001 7231 1740  |   |                                   |
| PS Form 3811, July 2015 PSN 7530-02-000-9053   |   | Domestic Return Receipt           |

| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY   |                                |
|--|---|--------------------------------|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>M Larkin</i> <input type="checkbox"/> Agent<br/> <input checked="" type="checkbox"/> Addressee</p>  |                                |
| 1. Article Addressed to:<br><br>Jeffrey A. & Julie M. Larkin<br>PO Box 1152<br>Redmond, OR 97756   | B. Received by (Printed Name)<br>M Larkin   | C. Date of Delivery<br>1/22/20 |
|  | D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No   |                                |
|  | <p>3. Service Type</p> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™<br><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Insured Mail Restricted Delivery |                                |
| 2. Article Number (Transfer from service label)<br>7019 1640 0001 7231 1726  |   |                                |
| PS Form 3811, July 2015 PSN 7530-02-000-9053   |   | Domestic Return Receipt        |

| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY   |                               |
|--|---|-------------------------------|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>Roger Shear</i> <input type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p>  |                               |
| 1. Article Addressed to:<br><br>Roger Lee Shear and Colei Ann Guyette<br>6635 SW 61st St<br>Redmond, OR 97756  | B. Received by (Printed Name)<br>Roger Shear  | C. Date of Delivery<br>1/6/21 |
|  | D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No   |                               |
|  | <p>3. Service Type</p> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™<br><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Insured Mail Restricted Delivery |                               |
| 2. Article Number (Transfer from service label)<br>7019 1640 0001 7231 1733  |   |                               |
| PS Form 3811, July 2015 PSN 7530-02-000-9053   |   | Domestic Return Receipt       |

**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:

Aaron D. Walker  
3989 NW Xavier Ave  
Redmond, OR 97756



9590 9402 5868 0038 7977 73

2. Article Number (Transfer from service label)

7019 1640 0001 7231 1719

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

Aaron Walker

C. Date of Delivery

1/7/21

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

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

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



**CERTIFIED MAIL**



7019 1640 0001 7231 1542

Arnett, Gary/Carolle  
1100 NE Jordan Ln  
Redmond, OR 97756

1-2  
1-14

*micro*



UNITED STATES POSTAGE  
02 1P  
0000704761  
MAILED FROM Z

NIXIE 980 DE 1 0001/20/21  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 9

**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:

Black, Jamie/Benjamin  
517 NW 35th Street  
Redmond, OR 97756



9590 9402 5868 0038 7979 71

2. Article Number (Transfer from service label)

7019 1640 0001 7231 1559

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *cm R10 C19*

Agent  
 Addressee

B. Received by (Printed Name)

*cm R10 C19*

C. Date of Delivery

*1-4-91*

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

3. Service Type

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

Central

Redmond, OR 97756

2ND

CERTIFIED MAIL



7019 1640 0001 7231 1566



UNITED STATES POSTAGE  
\$01  
02 1P  
0000704761 DEC  
MAILED FROM ZIP C

2c

980 DE 1 0001/20/21  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
BC: 97756146955  
0127N020185-02054  
NIXIE

*W/ Kathryn*

Cole, Eric/Kathryn  
21125 Scottsdale Dr  
Bend, OR 97701

al Oregon Irrigation Distric  
1055 S.W. Lake Court  
Redmond, OR 97756

7019 1640 0001 7231 1573

UNITED STATES POSTAGE  
PITNEY BOWES  
\$008.00  
02 1P  
0000704761 DEC 11 2020  
MAILED FROM ZIP CODE 97756

*NRK*

*63309 Nels Anderson Rd  
97701*

East Cascade Adventures, LLC  
62910 Waugh Rd  
Bend, OR 97701

NIXIE 980 DZ 1 0101/05/21

RETURN TO SENDER  
NO MAIL RECEIPT  
UNABLE TO FORWARD

RC 97756-1288  
UNITED STATES POSTAL SERVICE  
POSTAGE WILL BE PAID BY ADDRESSEE  
NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

**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:

Hall, John/Hall, Jay

PO Box 379

Hubbard, OR 97032



9590 9402 5868 0038 7979 40

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

Jay Hall

C. Date of Delivery

11/08/01

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

3. Service Type

 Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Return Receipt for



1/21/21  
As of today COID  
did not receive  
a signed, certified notice  
or an un-delivered mailing.  
  
Leslie Clark

December 28, 2020

Hannan, Travis  
PO Box 2001  
Redmond, OR 97756

RE: Forfeiture of water rights appurtenant to tax map #: 1512250000902, 0

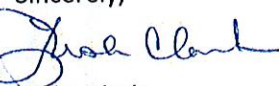
This notice is to inform you the District has filed a permanent transfer application with Oregon Water Resources Department (OWRD) to remove water rights appurtenant to the lands described above due to 5 consecutive years of non-use.

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

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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 28, 2020  
Encl.



**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:

Hernandez, Martha  
 2403 NW 35th Street  
 Redmond, OR 97756



9590 9402 5868 0038 7979 26

2. Article Number (Transfer from service label)

7019 1640 0001 7231 1603

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

M Hernandez

 Agent Addressee

B. Received by (Printed Name)

Ugarte

C. Date of Delivery

12-27-20

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

3. Service Type

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

**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:

Karoma Properties, LLC  
1881 SW First Street  
Redmond, OR 97756



9590 9402 5868 0038 7979 19

2. Article Number (Transfer from service label)

7019 1640 0001 7231 1610

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X RTZ

- Agent
- Addressee

B. Received by (Printed Name)

CORIN SEGO

C. Date of Delivery

1-4-11

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

3. Service Type

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

Mail  
Restricted Delivery  
(0)

**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:

Eli LaFranchi  
 1232 Maple St  
 Myrtle Point, OR 94758



0500 0102 5868 0038 7978 96

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X** 

- Agent  
 Addressee

B. Received by (Printed Name)

Eli LaFranchi

C. Date of Delivery

1/19

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

3. Service Type

- Adult Signature  
 Adult Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery

- Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Return Receipt for Merchandise

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

2/12

7019 1640 0001 7231 1641



Monson, Douglas/Heather  
PO Box 496  
Redmond, OR 97756

*Handwritten signature: Heather Monson*



12/29  
1-14

1.23  
1-14

UNITED STATES POSTAGE  
PITNEY BOWES  
\$008.20<sup>0</sup>  
02 1P  
0000704761 DEC 11 2020  
MAILED FROM ZIP CODE 97756

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



7019 1640 0001 7231 1658



Petersen Rock Gardens Inc  
7930 SW 77th  
Redmond, OR 97756

*Handwritten:* M  
17/29  
1-4  
1-14

NIXIE 980 DE 1 0001/20/21

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 97756146955 0127N020185-02042



**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:

Sheridan, Daniel Bradley  
 837 NE 9th St  
 Bend, OR 97701



9590 9402 5868 0038 7978 58

2. Article Number (Transfer from service label)

7019 1640 0001 7231 1672

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

C19

 Agent  
 Addressee

B. Received by (Printed Name)

KCT

C. Date of Delivery

12/29

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

3. Service Type

- |  |  |
|--|--|
| <input type="checkbox"/> Adult Signature                           | <input type="checkbox"/> Priority Mail Express®              |
| <input type="checkbox"/> Adult Signature Restricted Delivery       | <input type="checkbox"/> Registered Mail™                    |
| <input checked="" type="checkbox"/> Certified Mail®                | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery        | <input type="checkbox"/> Return Receipt for Merchandise      |
| <input type="checkbox"/> Collect on Delivery                       | <input type="checkbox"/> Signature Confirmation™             |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery   | <input type="checkbox"/> Signature Confirmation              |
| <input type="checkbox"/> Insured Mail                              | <input type="checkbox"/> Restricted Delivery                 |
| <input type="checkbox"/> Registered Mail Restricted Delivery (500) |  |

**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:

Smith, Morgan/Lavonne,  
Smith/Christopher  
PO Box 2194  
Redmond, OR 97756



9590 9402 5868 0038 7978 41

2. Article Number (Transfer from service label)

7019 1640 0001 7231 1689

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

*Smith*

12-29-20

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Insured Mail Restricted Delivery (over \$500)

**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:

Willis, Chad  
62750 Dodds Rd.  
Bend, OR 97701



9590 9402 5868 0038 7978 34

2. Article Number (Transfer from service label)

7019 1640 0001 7231 1676

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent  
 Addressee

B. Received by (Printed Name)

WJA

C. Date of Delivery

7/29/10

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

WJA

3. Service Type

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

Mail Restricted Delivery (0)



7019 1640 0001 7231 1597

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

For delivery information, visit our website at [www.usps.com](http://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)         | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ _____ |
| <input type="checkbox"/> Adult Signature Required            | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |
| Postage  | \$       |

Postmark  
Here

**Total Postage**  
\$ 8.40

Sent To Hannan, Travis

Street and Ap PO Box 2001

City, State, Zi Redmond, OR 97756