



422 Thunderegg BLVD Nyssa, OR 97913

PH# (541)372-3540

December 27<sup>th</sup>, 2023

Oregon Water Resource Department  
725 Summer Street, NE  
Suite A  
Salem, OR 97301

RE: 2023 Permanent Water Transfers

Hello,

Enclosed is the "Application for District Permanent Water Right Transfers", "Supplemental Form A", ON & OFF maps, as well as the application packets for the 5<sup>th</sup> year intent to petition for transfer after 5<sup>th</sup> year consecutive years of non-use.

A check for \$1,360.00 is enclosed, if this is not the correct amount due, please let me know.

Transfer application packet included for the following individuals:

Nancy Allen  
Roger Ensz  
Nick Van Engen  
Alvin & Jeanna Hall  
David Tschida  
Fred Hussey  
Brock Clyde  
Sean Andel  
Gary Davis  
Kiah Jones  
Lance King  
Wayne Stepleton  
Marlow Pounds  
Joseph Davis

Charisse Place\*  
Michael & Rollean Mc Clain\*  
Robert & Reyna Nungaray\*  
Ezekiel Grove\*  
David Grimaldo\*

If you have any questions, please let me know.

Thank you,

  
Krista Kinzer

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

# Application for District Permanent Water Right Transfer

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

Change in Place of Use Only

### 1A. APPLICANT INFORMATION

IRRIGATION DISTRICT Owyhee Irrigation District			PHONE NO. 541-372-3540	ADDITIONAL CONTACT NO.
ADDRESS 422 Thunderegg Blvd				COUNTY Malheur County
CITY Nyssa	STATE OR	ZIP 97913	E-MAIL krista@owyheerirrigation.org	
<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.	75691	-	
2.		-	
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>  <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 checked="" type="checkbox"/> <b>Permanent Transfer</b>          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 checked="" type="checkbox"/> Amount enclosed: \$ <u>1350</u>          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 <b>not</b> required if water is to be diverted, conveyed and/or used only on federal lands or if <b>ALL</b> 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>
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### 4. SIGNATURES

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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

Clancy Flynn

name (print)

12/21/2023

date

OR

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

Krista Kinzer

name (print)

12/21/2023

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.



# District Permanent Water Right Transfer Application

## Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

### 1. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	75691	
	Certificate Number	
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	-	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	-	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for Supplemental Irrigation	-	_____
	Permit Number	

- Name on Permit, Certificate, or Decree: United States of America Bureau of Reclamation
- Priority Date(s): Feb. 14, 1916 - Aug. 19, 1924

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

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

Tributary to: Snake 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? \_\_\_\_\_

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

▪ Certificate Number or other identifying number: 75691

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

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

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

**Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):**  
 (i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP (N or S)	RNG (E or W)	SEC	Q-Q	DLC	GOV'T LOT	MEASURED DISTANCES
1	22S	45E	20	NWSE			within the NW1/4SE1/4, section 20: (Owyhee Dam) 200 feet south & 2010 feet West from common corner corner to section 20 and 21 and (Glory Hole Spillway) 200 feet South and 1680 feet West from common corner corner to Section 20 and 21 and within the NW1/4SW1/4, Section 21, (Tunnel No. 1) 495 feet East and 264 feet South from common corner corner to Section 20 and 21, all in T.22., R.45 E., W.M.

Owyhee Irrigation District		2023 Water Rights Transfer							OFF MAP		Remaining/ Total Acres per tax lot per QQ	
POD or POA #	Priority Date	Use	Twp	Rng	Sec	QQ	County Tax Lot	Acres	Status	Name	DINN	
75691	8/19/1924-2/15/1916	IR	16	47	34	NWNW	700	0.51	OFF	Nacy Allen	23-71800	15.80
75691	8/19/1924-2/15/1916	IR	18	46	32	NESE	800	0.09	OFF	Roger Ensz	23-44900	22.41
75691	8/19/1924-2/15/1916	IR	18	46	32	SESE	800	0.15	OFF	Roger Ensz	23-44900	19.59
75691	8/19/1924-2/15/1916	IR	18	46	35	NWNW	300	3.96	OFF	Nick Van Engen	23-41800	5.00
75691	8/19/1924-2/15/1916	IR	18	46	35	SWNW	300	1.62	OFF	Nick Van Engen	23-41800	7.24
75691	8/19/1924-2/15/1916	IR	18	46	35	NWSW	300	6.65	OFF	Nick Van Engen	23-41800	24.18
75691	8/19/1924-2/15/1916	IR	18	46	35	SWSW	300	0.70	OFF	Nick Van Engen	23-41800	0.00
75691	8/19/1924-2/15/1916	IR	18	46	34	SWSW	900	1.63	OFF	Alvin & Jeanna Hall	23-43400	30.88
75691	8/19/1924-2/15/1916	IR	18	46	34	NWSW	900	0.15	OFF	Alvin & Jeanna Hall	23-43400	18.82
75691	8/19/1924-2/15/1916	IR	17	47	31	NENE	1400	0.40	OFF	Charisse Place *	23-59100	0.00
75691	8/19/1924-2/15/1916	IR	20	46	4	SESW	800	1.70	OFF	Michael & Rollean McClain *	23-35400	0.00
75691	8/19/1924-2/15/1916	IR	18	46	33	NWNW	600	1.08	OFF	David Tschida	23-48100	34.30
75691	8/19/1924-2/15/1916	IR	18	46	33	SWNW	700	2.83	OFF	Fred Hussey	23-50000	35.50
75691	8/19/1924-2/15/1916	IR	17	47	20	SWSW	500	0.40	OFF	Robert & Reyna Nungaray *	23-62512	0.20
75691	8/19/1924-2/15/1916	IR	17	47	17	SWNW	700	0.67	OFF	Ezekiel Grove *	23-64505	0.00
75691	8/19/1924-2/15/1916	IR	20	46	9	NENW	200	0.44	OFF	David Grimaldo *	23-34100	35.01
75691	8/19/1924-2/15/1916	IR	17	47	8	SENE	700	0.50	OFF	Sean Andel	23-72302	0.00
75691	8/19/1924-2/15/1916	IR	17	46	26	SWNE	6300	2.43	OFF	Gary Davis	23-66600	1.07
75691	8/19/1924-2/15/1916	IR	17	46	26	SENE	6300	3.57	OFF	Gary Davis	23-66600	25.83
							<b>Total</b>	<b>29.48</b>				
										left behind		Canceled
							<b>Total</b>	<b>29.48</b>				
										* indicates transferred due to non-use		

Owyhee Irrigation District		2023 Water Rights Transfer						OFF MAP		Remaining/ Total Acres per tax lot per QQ		
POD or POA #	Priority Date	Use	Twp	Rng	Sec	County QQ	Tax Lot	Acres	Status	Name	DINN	
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75691	8/19/1924-2/15/1916	IR	18	46	35	NWSW	300	6.65	OFF	Nick Van Engen	23-41800	24.18
75691	8/19/1924-2/15/1916	IR	18	46	35	SWSW	300	0.70	OFF	Nick Van Engen	23-41800	0.00
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75691	8/19/1924-2/15/1916	IR	17	47	17	SWNW	700	0.67	OFF	Ezekiel Grove *	23-64505	0.00
75691	8/19/1924-2/15/1916	IR	20	46	9	NENW	200	0.44	OFF	David Grimaldo *	23-34100	35.01
75691	8/19/1924-2/15/1916	IR	17	47	8	SENE	700	0.50	OFF	Sean Andel	23-72302	0.00
75691	8/19/1924-2/15/1916	IR	17	46	26	SWNE	6300	2.43	OFF	Gary Davis	23-66600	1.07
75691	8/19/1924-2/15/1916	IR	17	46	26	SENE	6300	3.57	OFF	Gary Davis	23-66600	25.83
							<b>Total</b>	<b>29.48</b>				
										left behind		Canceled
							<b>Total</b>	<b>29.48</b>				
										* indicates transferred due to non-use		

P-2023-001

540.572 Forfeiture Transfer

Authorized Land

17-47-17 SWNW 700

Krista Kinzer

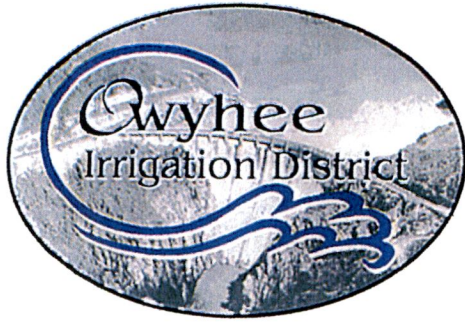
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Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

November 17, 2022

Parcel #: 64505      Account #: 2379

Ezekiel Grove  
4550 Oak Road  
Ontario, OR 97914

RE: Legal Description: T.17S R.47E Sec.17: SWNW TL700  
Total Acres of Irrigation: 1  
Property address: 4550 Oak Road Ontario, OR 97914

Dear Patron,

Owyhee Irrigation District or OID reviews water deliveries and maps to track beneficial use of the water rights we deliver. This practice helps OID protect and preserve the water rights that are delivered under our contract with United States Bureau of Reclamation. (1951 Amendatory Contract)

During the 2022 water year review process our records indicate that a *portion* or *all* of the water right available to the above-noted property has NOT been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirements of beneficial use.

This letter is a request for you to confirm that the information contained herein is correct or provide evidence of any deficiencies.

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

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

1. You must use the full water right on the ground exactly as it is mapped during the 2023 irrigation season (see enclosed aerial photo for location of mapped water rights)
  - a. Contact the office by phone, email or in person to notify the district of your decision to use the water rights.

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2. Relinquish your water rights.
  - a. If you choose this option, sign, date, & return the attached Relinquish Form to the District Office.
3. Lease, at minimum, the unused portion of the water right back into the stream for the 2023 season (the District will accept requests for temporary lease applications through February 15, 2023). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet)

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2023 season by filing a petition with Oregon Water Resources Department to transfer the water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-OID water), that water (per ORS 540.510) may be subject to cancellation by Oregon Water Resources Department should OID be forced to file a confiscation transfer.*

By this letter, be advised non-use during the 2023 water season will lead to a determination that the land is no longer irrigated or susceptible to irrigate. (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property (as required by statute). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all or part of your water right at any time since 2018, please present the evidence to our office within 30 days from the date of this letter.

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

**REMINDER:** Whether you choose to use, lease, transfer, or not use your water rights in 2023; your 2023 assessments will still be due and payable to OID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact Krista Kinzer or Katie Wortman at (541) 372-3540 or by email to: [office@owyheeirrigation.org](mailto:office@owyheeirrigation.org) as soon as possible so we can discuss your available options.

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

Sincerely,



Clancy Flynn  
District Manager

cc: Malheur Federal Credit Union - 216 N Plymouth Ave, New Plymouth, ID 83655

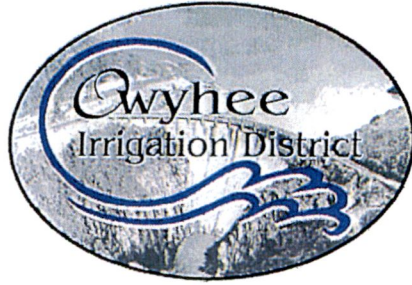
Sent by certified mail (return receipt requested): 11/17/2022  
Copy Sent by First Class Mail: 11/17/2022

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Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

November 17, 2022

Malheur Federal Credit Union  
216 N Plymouth Ave,  
New Plymouth, ID 83655

Instrument No.: 2020-1416  
Date: April 22, 2020  
Recorded: April 22, 2020  
Tax Map #: Twp. 17, R. 47, Sec 17 TL 700  
Property Owner: Ezekiel P. Grove Place

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 Owyhee Irrigation District (OID) sends to its patrons that fail to beneficially use their water rights for four consecutive years. You will also find a copy of OID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 by phone or email.

Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: krista@owyheeirrigation.org

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**SENDER:** Complete  
 Print your so that we  
 Attach this or on the

1. Article Add  
 Ezekiel  
 4550  
 Ontario

2. Article Num  
 7020 3

7020 3160 0916 0201 4429 1321

**U.S. Postal Service™  
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 Domestic Mail Only**

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

Ontario, ON N7Y 9T4

**OFFICIAL USE**

Certified Mail Fee	\$4.00	0933
Extra Services & Fees (check box, add fee as appropriate)	\$3.25	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.84	11/17/2022
Total Postage and Fees	\$8.09	
Sent To	Ezekiel Grove	
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		
Ontario		

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

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

**DELIVERY**  
 Agent  
 Addressee  
 C. Date of Delivery  
 11/19/22  
 Item 1?  Yes  
 No  
 Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Signature Confirmation™  
 Signature Confirmation Restricted Delivery

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

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

New Plymouth, ID 83655

**OFFICIAL USE**

Certified Mail Fee	\$4.00	0933
Extra Services & Fees (check box, add fee as appropriate)	\$3.25	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.84	11/17/2022
Total Postage and Fees	\$8.09	
Sent To	Malheur Fed. Credit Union	
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		
New Plymouth, ID		

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

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Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheerirrigation.org

March 7<sup>th</sup>, 2023

Parcel #: 64505

Account #: 2379

**Ezekiel Grove**  
4550 Oak Road  
Ontario, OR 97914

Dear Patron,

In 2022 you received a certified letter from Owyhee Irrigation District (OID) stating that you have not irrigated a portion or all of your water right since 2018. That letter provided you with the option to request a water transfer, instream lease, or pay your account in full & irrigate the land with the water rights on your property.

The deadline to request an instream lease was February 15<sup>th</sup>, 2023. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area & move it to another area of your property so you can beneficially use your water rights during the 2023 water season, then please call me at #541-372-3540 or email me at [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org) by July 1<sup>st</sup> 2023.

**Please note that you must pay the account balance in full before we can deliver water to any part of your property.**

Any portion of your water that has not been beneficially used since 2018 is subject to confiscation in October. If you do not request, or are not approved for a water transfer, your ONLY option to keep the unused water on your property is to use the full water right on the ground exactly as it is mapped in the 2023 water season. Please refer to the water rights map sent to you in October 2022.

This letter serves as notice that OID staff will make one visit to your property between July 1<sup>st</sup> – September 1<sup>st</sup> to physically review the area. If that visit determines any portion of the area subject to confiscation is not being beneficially irrigated, OID will send a certified letter after October 1<sup>st</sup> informing you of the pending confiscation.

Regards,

Krista Kinzer  
Administrative Assistant  
P: (541) 372-3540  
E: [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)

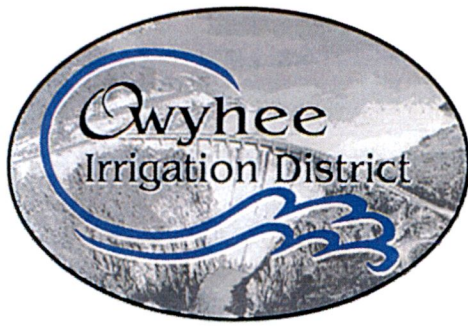
[www.owyheerirrigation.org](http://www.owyheerirrigation.org)

14375 -

RECEIVED

JAN 02 2024

OWRD



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheeirrigation.org

May 2nd, 2023

Account #: 2379

**Ezekiel Grove,**

This letter is a courtesy reminder that a balance is owing on your account. Each month your account will incur a Penalty Fee of 1.33% until your balance is paid in full.

Please note that you must pay the account balance in full before we can deliver water to your property.

Please be aware that any property that has not used water in five (5) years is in jeopardy of losing its water rights under ORS 540.610. If you intend to keep your water right, you must bring your account current and exercise these rights at least once in five (5) years, or they may be subject to forfeit.

Please find included a copy of your Account Statement.

We have made it easy to make your payment!

- Mail a check to the address above.
- Call the office & make your payment over the phone! #541-372-3540
- Visit our website [www.owyheeirrigation.org](http://www.owyheeirrigation.org), click on "Customer Portal" set up your account & make a payment with a checking account or credit/debit card!

*If you have already made a payment to bring your account current, then you may disregard this letter.*

Regards,

*Krista Kinzer*

Krista Kinzer

Administrative Assistant

P: (541) 372-3540

E: office@owyheeirrigation.org

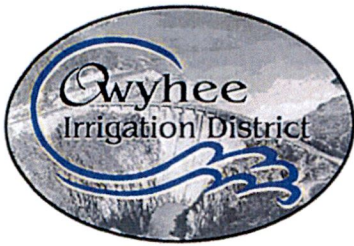
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OWRD

www.owyheeirrigation.org

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

October 27, 2023

Parcel #: 64505      Account #: 2379

**Ezekiel Grove**  
4550 Oak Rd  
Ontario, OR 97914

RE:    Legal Description: **Twp. 17S, R. 47E., Sec. 17, Tax Lot 700**  
total water rights 1-acre(s) water rights to be confiscated in 2023

Dear Patron,

The Owyhee Irrigation District has determined your land is no longer susceptible to irrigation water because you have failed to beneficially use the full water right available to your land for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Department (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2023 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and Owyhee Irrigation District's intent to confiscate any remaining unused water at the end of the 2023 irrigation season. Available options included using the full water right beneficially and transferring off the unused water right. Surveys were completed during 2023 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used (if available) to assist in the review of what may or may not have been accomplished between 2019 - 2023

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

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14375 -

**JAN 02 2024**

**OWRD**

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

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 540.610 (2)(a-n) the District Manager shall attempt to resolve the matter with you. If your objections cannot be resolved by the manager, a hearing shall be held before the Board of Directors who shall make a determination whether to proceed with the petition to the Water Resources Commission. If no written objections are received by Owyhee Irrigation District within 30 days after the mailing of this notice, Owyhee Irrigation District will petition the Water Resources Commission to transfer the water rights off of your property.

If you have any evidence that you have beneficially used all or part of the water right at any time during the last 5 years, or that non-use is excusable under ORS 540.610 (2) please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

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

Sincerely,



Clancy Flynn  
District Manager

cc: Oregon Water Resources Department (OWRD)  
Malheur Federal Credit Union – 216 N Plymouth Ave, New Plymouth, ID 83655

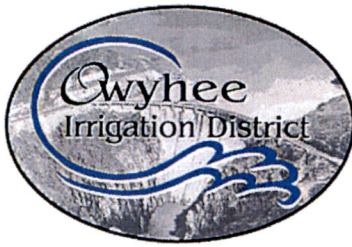
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JAN 02 2024

OWRD

Sent by certified mail, return receipt request: 10/27/2023  
Copy sent by first class mail: 10/27/2023





October 26, 2023

Malheur Federal Credit Union  
216 N Plymouth Ave,  
New Plymouth, ID 83655

Instrument No.: 2020-1416  
Date: April 22, 2020  
Recorded: April 22, 2020  
Tax Map #: Twp. 17 S., R. 47 E., Sec. 17, TL 700  
Property Owner: Ezekiel P. Grove

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 Owyhee Irrigation District (OID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 541-372-3540 or by email at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Krista Kinzer".

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

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JAN 02 2024  
OWRD

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New Plymouth ID 83655

OFFICIAL USE

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$3.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$8.56

0933  
02  
Postmark  
Here  
10/30/2023

Sent To  
Malheur Federal Credit Union  
Street and Apt. No., or PO Box No.  
216 N. Plymouth Ave.  
City, State, ZIP+4®  
New Plymouth ID 83655

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

7019 0140 0000 2290 4946

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Ontario, OR 97914

OFFICIAL USE

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$3.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$8.56

0933  
02  
Postmark  
Here  
10/30/2023

Sent To  
Ezekiel Grove  
Street and Apt. No., or PO Box No.  
4550 Oak Rd  
City, State, ZIP+4®  
Ontario, OR 97914

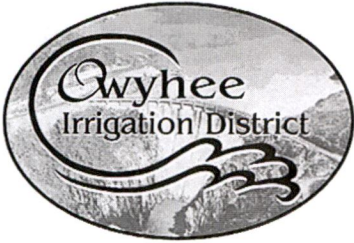
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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JAN 02 2024

OWRD



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

December 27, 2023

Parcel #: 64505      Account #: 2379

**Ezekiel Grove**  
4550 Oak Rd  
Ontario, OR 97914

RE:    Legal Description: **Twp. 17S, R. 47E., Sec. 17, Tax Lot 700**  
total water rights **0.67 -acre(s)** water rights to be confiscated in 2023

RE: Confiscation of water rights appurtenant to legal description above, 0.67 acres irrigation

Dear Patron,

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

- A. The application does not include 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
  - a. 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 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.

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14375 -

JAN 02 2024

OWRD

Sincerely,



Clancy Flynn  
District Manager

cc: Oregon Water Resources Department (OWRD)  
725 Summer St. NE Salem, OR  
Mailed via certified mail, December 27<sup>th</sup>, 2023

Sent by certified mail, return receipt request: **12/27/2023**  
Copy sent by first class mail: **12/27/2023**

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JAN 02 2024  
OWRD

7020 3160 0007 4429 2274

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Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$3.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.90

Total Postage and Fees \$0.90

Sent To  
Ezekial Grove  
Street and Apt. No., or PO Box No.  
4550 oak Rd  
City, State, ZIP+4®  
Ontario, OR 97914



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

See Reverse for Instructions

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P-2023-002

540.572 Forfeiture Transfer

Authorized Land

17-47-31 NENE 1100

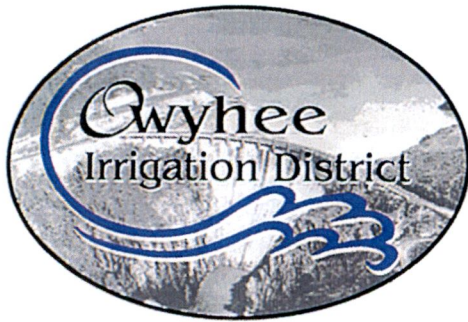
Krista Kinzer

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JAN 02 2024

OWRD



**Owyhee Irrigation District**  
**422 Thunderegg Blvd.**  
**Nyssa, OR 97913**  
**Ph: (541) 372-3540**  
**Fax: (541) 372-2437**

November 17, 2022

Parcel #: 59100      Account #: 1635

Charisse & Joseph Place  
505 Peterson Rd  
Ontario, OR 97914

RE: Legal Description: T.17S R.47E Sec.31: NE1\4NE1\4 TL 1100  
Total Acres of Irrigation: 1  
Property address: 505 Peterson Rd Ontario, OR 97914

Dear Patron,

Owyhee Irrigation District or OID reviews water deliveries and maps to track beneficial use of the water rights we deliver. This practice helps OID protect and preserve the water rights that are delivered under our contract with United States Bureau of Reclamation. (1951 Amendatory Contract)

During the 2022 water year review process our records indicate that a *portion* or *all* of the water right available to the above-noted property has NOT been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirements of beneficial use.

This letter is a request for you to confirm that the information contained herein is correct or provide evidence of any deficiencies.

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

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

1. You must use the full water right on the ground exactly as it is mapped during the 2023 irrigation season (see enclosed aerial photo for location of mapped water rights)
  - a. Contact the office by phone, email or in person to notify the district of your decision to use the water rights.

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JAN 02 2024

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2. Relinquish your water rights.
  - a. If you choose this option, sign, date, & return the attached Relinquish Form to the District Office.
3. Lease, at minimum, the unused portion of the water right back into the stream for the 2023 season (the District will accept requests for temporary lease applications through February 15, 2023). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet)

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2023 season by filing a petition with Oregon Water Resources Department to transfer the water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-OID water), that water (per ORS 540.510) may be subject to cancellation by Oregon Water Resources Department should OID be forced to file a confiscation transfer.*

By this letter, be advised non-use during the 2023 water season will lead to a determination that the land is no longer irrigated or susceptible to irrigate. (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property (as required by statute). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all or part of your water right at any time since 2018, please present the evidence to our office within 30 days from the date of this letter.

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

**REMINDER:** Whether you choose to use, lease, transfer, or not use your water rights in 2023; your 2023 assessments will still be due and payable to OID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact Krista Kinzer or Katie Wortman at (541) 372-3540 or by email to: [office@owyheeirrigation.org](mailto:office@owyheeirrigation.org) as soon as possible so we can discuss your available options.

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

Sincerely,



Clancy Flynn  
District Manager

cc: Midland Credit Management, Inc. – 350 Camino De La Reina Suite 300 San Diego, CA 92108

Sent by certified mail (return receipt requested): 11/17/2022

Copy Sent by First Class Mail: 11/17/2022

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JAN 02 2024

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Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

November 17, 2022

Midland Credit Management Inc.  
350 Camino Del La Reina Suite 300  
San Diego, CA 92108

Case No.: 20CV20850  
Date: August 19, 2020  
Case No.: 21CV12224  
Date: May 13, 2021  
Tax Map #: Twp. 17, R. 47, Sec <sup>31</sup>~~2~~ TL 5103  
Property Owner: Charisse & Joseph Place

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 Owyhee Irrigation District (OID) sends to its patrons that fail to beneficially use their water rights for four consecutive years. You will also find a copy of OID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 by phone or email.

Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: krista@owyheeirrigation.org

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**Ontario, OR 97914**

**OFFICIAL USE**

Certified Mail Fee	\$4.00	0933 08  Postmark Here  11/17/2022
Extra Services & Fees (check box, add fee as appropriate)	\$3.25	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.84	
<b>Total Postage and Fees</b>	<b>\$8.09</b>	

Sent To  
 Charissa & Joseph Place  
 Street and Apt. No., or PO Box No.

City, State, ZIP+4®  
 Ontario

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

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**San Diego, CA 92108**

**OFFICIAL USE**

Certified Mail Fee	\$4.00	0933 08  Postmark Here  11/17/2022
Extra Services & Fees (check box, add fee as appropriate)	\$3.25	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.84	
<b>Total Postage and Fees</b>	<b>\$8.09</b>	

Sent To  
 Midland Credit Manage  
 Street and Apt. No., or PO Box No.

City, State, ZIP+4®  
 San Diego

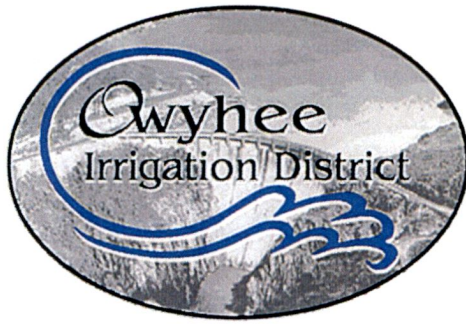
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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JAN 02 2024

OWRD



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheeirrigation.org

May 2nd, 2023

Account #: 1635

**Charisse Place,**

This letter is a courtesy reminder that a balance is owing on your account. Each month your account will incur a Penalty Fee of 1.33% until your balance is paid in full.

Please note that you must pay the account balance in full before we can deliver water to your property.

Please be aware that any property that has not used water in five (5) years is in jeopardy of losing its water rights under ORS 540.610. If you intend to keep your water right, you must bring your account current and exercise these rights at least once in five (5) years, or they may be subject to forfeit.

Please find included a copy of your Account Statement.

We have made it easy to make your payment!

- Mail a check to the address above.
- Call the office & make your payment over the phone! #541-372-3540
- Visit our website [www.owyheeirrigation.org](http://www.owyheeirrigation.org), click on "Customer Portal" set up your account & make a payment with a checking account or credit/debit card!

*If you have already made a payment to bring your account current, then you may disregard this letter.*

Regards,

*Krista Kinzer*

Krista Kinzer

Administrative Assistant

P: (541) 372-3540

E: office@owyheeirrigation.org

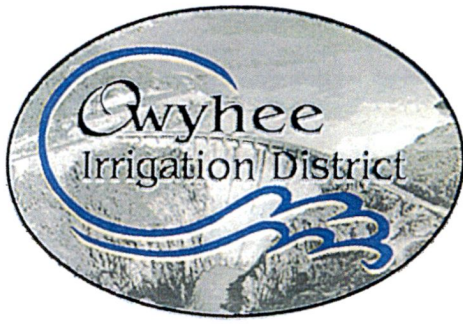
www.owyheeirrigation.org

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JAN 02 2024

OWRD



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheeirrigation.org

March 7<sup>th</sup>, 2023

Parcel #: 59100 Account #: 1653

Chariss & Joseph Place  
505 Peterson Rd  
Ontario, OR 97914

Dear Patron,

In 2022 you received a certified letter from Owyhee Irrigation District (OID) stating that you have not irrigated a portion or all of your water right since 2018. That letter provided you with the option to request a water transfer, instream lease, or pay your account in full & irrigate the land with the water rights on your property.

The deadline to request an instream lease was February 15<sup>th</sup>, 2023. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area & move it to another area of your property so you can beneficially use your water rights during the 2023 water season, then please call me at #541-372-3540 or email me at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org) by July 1<sup>st</sup> 2023.

**Please note that you must pay the account balance in full before we can deliver water to any part of your property.**

Any portion of your water that has not been beneficially used since 2018 is subject to confiscation in October. If you do not request, or are not approved for a water transfer, your ONLY option to keep the unused water on your property is to use the full water right on the ground exactly as it is mapped in the 2023 water season. Please refer to the water rights map sent to you in October 2022.

This letter serves as notice that OID staff will make one visit to your property between July 1<sup>st</sup> – September 1<sup>st</sup> to physically review the area. If that visit determines any portion of the area subject to confiscation is not being beneficially irrigated, OID will send a certified letter after October 1<sup>st</sup> informing you of the pending confiscation.

Regards,

Krista Kinzer  
Administrative Assistant  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

[www.owyheeirrigation.org](http://www.owyheeirrigation.org)

14375 -

RECEIVED  
JAN 02 2024  
OWRD



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

October 26, 2023

Parcel #: 59100      Account #: 1653

**Chariss & Joseph Place**  
505 Peterson Rd  
Ontario, OR 97914

RE:    Legal Description: **Twp. 17S, R. 47E., Sec. 31, Tax Lot 1100**  
total water rights 1-acre(s) water rights to be confiscated in 2023

Dear Patron,

The Owyhee Irrigation District has determined your land is no longer susceptible to irrigation water because you have failed to beneficially use the full water right available to your land for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Department (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2023 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and Owyhee Irrigation District's intent to confiscate any remaining unused water at the end of the 2023 irrigation season. Available options included using the full water right beneficially and transferring off the unused water right. Surveys were completed during 2023 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used (if available) to assist in the review of what may or may not have been accomplished between 2019 - 2023

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

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

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 540.610 (2)(a-n) the District Manager shall attempt to resolve the matter with you. If your objections cannot be resolved by the manager, a hearing shall be held before the Board of Directors who shall make a determination whether to proceed with the petition to the Water Resources Commission. If no written objections are received by Owyhee Irrigation District within 30 days after the mailing of this notice, Owyhee Irrigation District will petition the Water Resources Commission to transfer the water rights off of your property.

If you have any evidence that you have beneficially used all or part of the water right at any time during the last 5 years, or that non-use is excusable under ORS 540.610 (2) please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

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

Sincerely,



Clancy Flynn  
District Manager

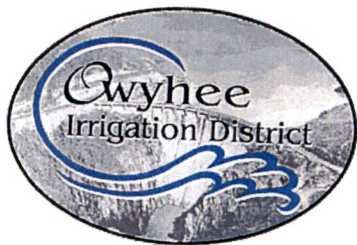
cc: Oregon Water Resources Department (OWRD)  
Midland Credit Management, Inc – 350 Camino De La Reina, Suite 300, San Diego, CA  
92108

RECEIVED

JAN 02 2024

OWRD

Sent by certified mail, return receipt request: 10/27/2023  
Copy sent by first class mail: 10/27/2023



October 26, 2023

Midland Credit Management, Inc  
350 Camino De La Reina,  
Suite 300,  
San Diego, CA 92108

Case #: 20CV20850  
Date: Aug. 19, 2020  
Case #: 21CV12224  
Date: May 13, 2021  
Tax Map #: Twp. 17 S., R. 47 E., Sec. 31, TL 1100  
Property Owner: Charisse & Joseph Place

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 Owyhee Irrigation District (OID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 541-372-3540 or by email at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org).

Sincerely,

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

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JAN 02 2024

OWRD

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7019 0140 0000 2290 4960

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**OFFICIAL USE**

Ontario, OH 4790

Certified Mail Fee \$4.35

Extra Services & Fees (check box, add fee as appropriate) \$3.55

Return Receipt (hardcopy) \$0.00

Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$0.66

**Total Postage and Fees** \$8.56

Sent To  
 Chariss & Joseph Place  
 Street and Apt. No., or PO Box No.  
 505 Peterson Rd  
 City, State, ZIP+4®  
 Ontario, OH 47913

0933 02  
 Postmark Here  
 10/30/2023

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

7020 3160 0001 4429 2229

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**OFFICIAL USE**

San Diego, CA 92108

Certified Mail Fee \$4.35

Extra Services & Fees (check box, add fee as appropriate) \$3.55

Return Receipt (hardcopy) \$0.00

Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$0.66

**Total Postage and Fees** \$8.56

Sent To  
 Midland Credit Management, Inc.  
 Street and Apt. No., or PO Box No.  
 350 Camino De La Reina,  
 City, State, ZIP+4®  
 San Diego, CA 92108

0933 02  
 Postmark Here  
 10/30/2023

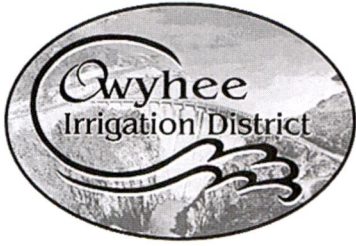
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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JAN 02 2024

14375 - OWRD





Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

December 27, 2023

Parcel #: 59100      Account #: 1653

**Chariss & Joseph Place**  
505 Peterson Rd  
Ontario, OR 97914

RE:    Legal Description: **Twp. 17S, R. 47E., Sec. 31, Tax Lot 1100**  
total water rights **0.40 -acre(s)** water rights to be confiscated in 2023

RE: Confiscation of water rights appurtenant to legal description above, 0.40 acres irrigation

Dear Patron,

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

- A. The application does not include 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
  - a. 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 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.

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JAN 02 2024

OWRD

Sincerely,

A handwritten signature in black ink, appearing to read "Clancy Flynn". The signature is fluid and cursive, with the first name "Clancy" written in a larger, more prominent script than the last name "Flynn".

Clancy Flynn  
District Manager

cc: Oregon Water Resources Department (OWRD)  
*725 Summer St. NE Salem, OR*  
Mailed via certified mail, December 27<sup>th</sup>, 2023

Sent by certified mail, return receipt request: **12/27/2023**  
Copy sent by first class mail: **12/27/2023**

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**JAN 02 2024**

**OWRD**

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7021 0950 0000 3997 6077

Ontario, OR 97914

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$3.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.90
<b>Total Postage and Fees</b>	<b>\$8.80</b>



12/27/2023

Sent To  
 Chariss + Joseph Place  
 Street and Apt. No., or PO Box No.  
 505 Peterson Rd  
 City, State, ZIP+4®  
 Ontario OR 97914

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

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 OWRD

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P-2023-003

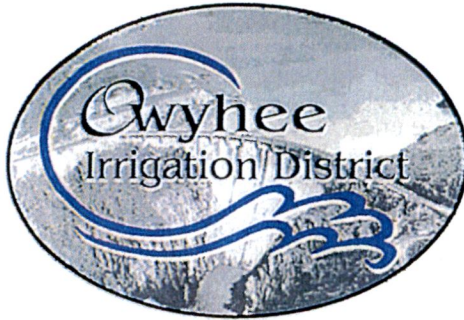
540.572 Forfeiture Transfer

Authorized Land

20-46-04 SESW 800

Krista Kinzer

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JAN 02 2024  
OWRD



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

October 28<sup>th</sup>, 2022

Parcel #: 35400

Account #: 1338

Michael & Rollean McClain  
962 Enterprise Ave.  
Nyssa, OR 97913

RE: Legal Description: POR SE1/4SW1/4  
Total Acres of Irrigation: 2  
Property address: 962 Enterprise Ave Nyssa, OR 97913

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JAN 02 2024

OWRD

Dear Patron,

Owyhee Irrigation District or OID reviews water deliveries and maps to track beneficial use of the water rights we deliver. This practice helps OID protect and preserve the water rights that are delivered under our contract with United States Bureau of Reclamation. (1951 Amendatory Contract)

During the 2022 water year review process our records indicate that a *portion* or *all* of the water right available to the above-noted property has NOT been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirements of beneficial use.

This letter is a request for you to confirm that the information contained herein is correct or provide evidence of any deficiencies.

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

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

1. You must use the full water right on the ground exactly as it is mapped during the 2023 irrigation season (see enclosed aerial photo for location of mapped water rights)
  - a. Contact the office by phone, email or in person to notify the district of your decision to use the water rights.
2. Relinquish your water rights.
  - a. If you choose this option, sign, date, & return the attached Relinquish Form to the District Office.

14375 -

3. Lease, at minimum, the unused portion of the water right back into the stream for the 2023 season (the District will accept requests for temporary lease applications through February 15, 2023). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet)

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2023 season by filing a petition with Oregon Water Resources Department to transfer the water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-OID water), that water (per ORS 540.510) may be subject to cancellation by Oregon Water Resources Department should OID be forced to file a confiscation transfer.*

By this letter, be advised non-use during the 2023 water season will lead to a determination that the land is no longer irrigated or susceptible to irrigate. (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property (as required by statute). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all or part of your water right at any time since 2018, please present the evidence to our office within 30 days from the date of this letter.

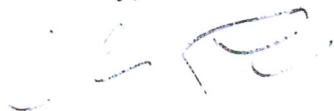
I have enclosed an aerial photo showing where your mapped water rights are located. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the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

**REMINDER:** Whether you choose to use, lease, transfer, or not use your water rights in 2023; your 2023 assessments will still be due and payable to OID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact Krista Kinzer or Katie Wortman at (541) 372-3540 or by email to: [office@owyheeirrigation.org](mailto:office@owyheeirrigation.org) as soon as possible so we can discuss your available options.

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

Sincerely,



Clancy Flynn  
District Manager

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JAN 02 2024

OWRD

cc: [Oregon Dept of Revenue – PO Box 14725 Salem, OR 97309](#)  
cc: [Oregon Department of Justice – 1162 Court St. NE Salem, OR 97301-40966](#)  
cc: [JP Morgan Mortgage - 383 Madison Ave, New York, NY 10179](#)  
cc: [Discover Bank – PO Box C-90006 Bellevue, WA 98009](#)

Sent by certified mail (return receipt requested): 10/28/2022

Copy Sent by First Class Mail: 10/28/2022



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

October 28, 2022

Discover Bank  
PO Box C-90006  
Bellevue, WA 98009

Case No.: 18CV03327  
Dated: May 14, 2018  
Tax Map #: POR SE1/4SW1/4  
Property Owner: Michael & Rollean McClain  
Property Address: 962 Enterprise Ave Nyssa, OR 97913

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 Owyhee Irrigation District (OID) sends to its patrons that fail to beneficially use their water rights for four consecutive years. You will also find a copy of OID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 by phone or email.

Sincerely,

*Krista Kinzer*

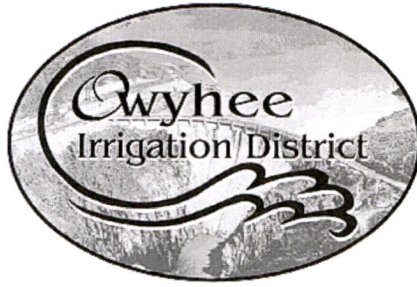
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

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JAN 02 2024

OWRD

14375 -



**Owyhee Irrigation District**  
**422 Thunderegg Blvd.**  
**Nyssa, OR 97913**  
**Ph: (541) 372-3540**  
**Fax: (541) 372-2437**

October 28, 2022

JP Morgan Mortgage  
383 Madison Ave  
New York, NY 10179

Instrument No: 2021-3574  
Dated: July 22, 2021  
Tax Map #: POR SE1/4SW1/4  
Property Owner: Michael & Rollean McClain  
Property Address: 962 Enterprise Ave Nyssa, OR 97913

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Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)

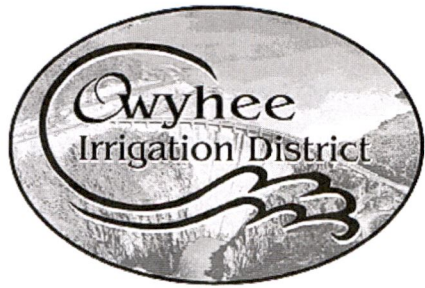
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**JAN 02 2024**

**OWRD**

14375 -





Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

October 28, 2022

Oregon Department of Revenue  
PO Box 14725  
Salem, OR 97309

Instrument No: 2018-4682, 2018-4679, 2019-3984, 2019-3987  
Dated: 12/24/2018, 12/24/2018, 10/28/2019, 10/28/2019  
Tax Map #: POR SE1/4SW1/4  
Property Owner: Michael & Rollean McClain  
Property Address: 962 Enterprise Ave Nyssa, OR 97913

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

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Sincerely,

*Krista Kinzer*

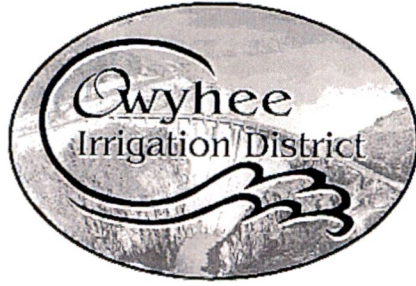
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

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JAN 02 2024

OWRD

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Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

October 28, 2022

Oregon Department of Justice  
1162 Court St. NE  
Salem, OR 97301-4096

Instrument No: 2018-4682, 2018-4679, 2019-3984, 2019-3987  
Dated: 12/24/2018, 12/24/2018, 10/28/2019, 10/28/2019  
Tax Map #: POR SE1/4SW1/4  
Property Owner: Michael & Rollean McClain  
Property Address: 962 Enterprise Ave Nyssa, OR 97913

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

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If you have any questions regarding the letter or beneficial use, please contact me by phone or email.

Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

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JAN 02 2024

OWRD

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RECEIVED  
 JAN 02 2024  
 OWRD

7017 1070 0000 8815 7820

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Nyssa, OR 97913

**OFFICIAL USE**

Certified Mail Fee	\$4.00	0933 08
Extra Services & Fees (check box, add fee as appropriate)	\$7.25	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.84	10/28/2022
Total Postage and Fees	\$8.09	
Sent To Michael + Rollean McClain Street and Apt. No., or PO Box No. 962 Enterprise Ave City, State, ZIP+4® Nyssa, OR 97913		

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

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:  
 Discover Bank  
 P.O. Box C-9000  
 Bellevue, WA 98008

2. Article Number (Transfer from envelope)

7017 1070 0000 8815 7837

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Bellevue, WA 98009

**OFFICIAL USE**

Certified Mail Fee	\$4.00	0933 08
Extra Services & Fees (check box, add fee as appropriate)	\$7.25	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.84	10/28/2022
Total Postage and Fees	\$8.09	
Sent To Street and Apt. No., or PO Box No. City, State, ZIP+4®		

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

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

**SENDER: COMPLETE THIS SECTION**

- Complete item 1 so that we can return the card to you.
- Print your name and address on so that we can return the card to you.
- Attach this card to the back of the envelope or on the front if space permits.

1. Article Addressed to:  
 Oregon  
 P.O. Box  
 Salem, OR

2. Article Number (Transfer from envelope)

7017 1070 0000 8815 7367

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**CERTIFIED MAIL® RECEIPT**  
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Salem, OR 97309

**OFFICIAL USE**

Certified Mail Fee	\$4.00	0933 08
Extra Services & Fees (check box, add fee as appropriate)	\$7.25	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.84	10/28/2022
Total Postage and Fees	\$8.09	
Sent To Street and Apt. No., or PO Box No. City, State, ZIP+4®		

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

**VERY**

Agent  
 Addressee

C. Date of Delivery

1?  Yes  
 No

22

Signature Confirmation  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Return Receipt for Merchandise  
 Signature Confirmation Restricted Delivery

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

14375 -

**U.S. Postal Service™**  
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**OFFICIAL USE**

New York, NY 10179

Certified Mail Fee \$4.00

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

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

Postage \$0.84

**Total Postage and Fees \$8.09**

0933 08

Postmark Here

10/28/2022

Sent To

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

City, State, ZIP+4®

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

7017 1070 0000 8815 7813

2. Article Number (Transfer from Form 3811)  
7017 1070 0000 8815 7813

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

Domestic Return Receipt

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

Salem, OR 97301

Certified Mail Fee \$4.00

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

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

Postage \$0.84

**Total Postage and Fees \$8.09**

0933 08

Postmark Here

10/28/2022

Sent To

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

City, State, ZIP+4®

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

7017 1070 0000 8815 7417

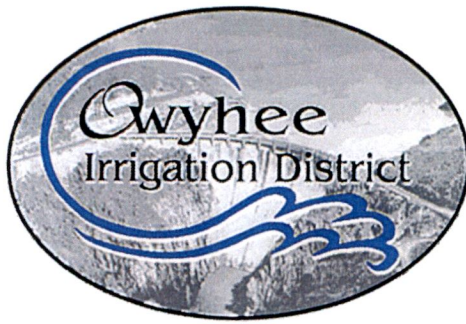
2. Article Number (Transfer from Form 3811)  
7017 1070 0000 8815 7417

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

Domestic Return Receipt

RECEIVED  
 JAN 02 2024  
 OWRD

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheeirrigation.org

May 2nd, 2023

Account #: 1338

**Michael & Rollean McClain,**

This letter is a courtesy reminder that a balance is owing on your account. Each month your account will incur a Penalty Fee of 1.33% until your balance is paid in full.

Please note that you must pay the account balance in full before we can deliver water to your property.

Please be aware that any property that has not used water in five (5) years is in jeopardy of losing its water rights under ORS 540.610. If you intend to keep your water right, you must bring your account current and exercise these rights at least once in five (5) years, or they may be subject to forfeit.

Please find included a copy of your Account Statement.

We have made it easy to make your payment!

- Mail a check to the address above.
- Call the office & make your payment over the phone! #541-372-3540
- Visit our website [www.owyheeirrigation.org](http://www.owyheeirrigation.org), click on "Customer Portal" set up your account & make a payment with a checking account or credit/debit card!

*If you have already made a payment to bring your account current, then you may disregard this letter.*

Regards,

*Krista Kinzer*

Krista Kinzer

Administrative Assistant

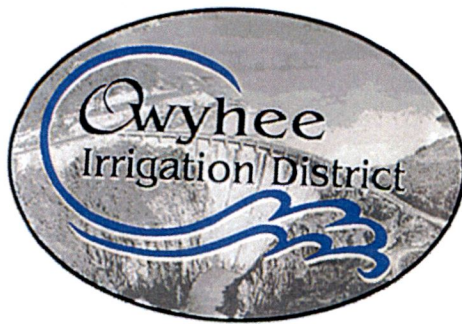
P: (541) 372-3540

E: office@owyheeirrigation.org

RECEIVED

JAN 02 2024

OWRD



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheeirrigation.org

March 7<sup>th</sup>, 2023

Parcel #: 35400

Account #: 1338

**Michael & Rollean McClain**  
962 Enterprise Ave.  
Nyssa, OR 97913

Dear Patron,

In 2022 you received a certified letter from Owyhee Irrigation District (OID) stating that you have not irrigated a portion or all of your water right since 2018. That letter provided you with the option to request a water transfer, instream lease, or pay your account in full & irrigate the land with the water rights on your property.

The deadline to request an instream lease was February 15<sup>th</sup>, 2023. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area & move it to another area of your property so you can beneficially use your water rights during the 2023 water season, then please call me at #541-372-3540 or email me at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org) by July 1<sup>st</sup> 2023.

**Please note that you must pay the account balance in full before we can deliver water to any part of your property.**

Any portion of your water that has not been beneficially used since 2018 is subject to confiscation in October. If you do not request, or are not approved for a water transfer, your ONLY option to keep the unused water on your property is to use the full water right on the ground exactly as it is mapped in the 2023 water season. Please refer to the water rights map sent to you in October 2022.

This letter serves as notice that OID staff will make one visit to your property between July 1<sup>st</sup> – September 1<sup>st</sup> to physically review the area. If that visit determines any portion of the area subject to confiscation is not being beneficially irrigated, OID will send a certified letter after October 1<sup>st</sup> informing you of the pending confiscation.

Regards,

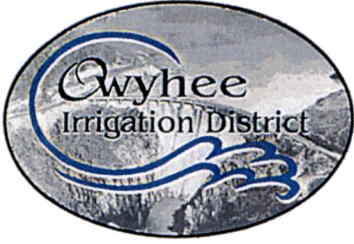
*Krista Kinzer*

Krista Kinzer  
Administrative Assistant  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

RECEIVED  
JAN 02 2024  
OWRD

[www.owyheeirrigation.org](http://www.owyheeirrigation.org)

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

October 27, 2023

Parcel #: 35400 Account #: 1338

**Michael & Rollean McClain**  
962 Enterprise Ave  
Nyssa, OR 97914

RECEIVED  
JAN 02 2024  
OWRD

RE: Legal Description: **Twp. 20S, R. 46E., Sec. 4, Tax Lot 800**  
total water rights 2-acre(s) water rights to be confiscated in 2023

Dear Patron,

The Owyhee Irrigation District has determined your land is no longer susceptible to irrigation water because you have failed to beneficially use the full water right available to your land for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Department (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2023 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and Owyhee Irrigation District's intent to confiscate any remaining unused water at the end of the 2023 irrigation season. Available options included using the full water right beneficially and transferring off the unused water right. Surveys were completed during 2023 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used (if available) to assist in the review of what may or may not have been accomplished between 2019 - 2023

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:

14375 -

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

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 540.610 (2)(a-n) the District Manager shall attempt to resolve the matter with you. If your objections cannot be resolved by the manager, a hearing shall be held before the Board of Directors who shall make a determination whether to proceed with the petition to the Water Resources Commission. If no written objections are received by Owyhee Irrigation District within 30 days after the mailing of this notice, Owyhee Irrigation District will petition the Water Resources Commission to transfer the water rights off of your property.

If you have any evidence that you have beneficially used all or part of the water right at any time during the last 5 years, or that non-use is excusable under ORS 540.610 (2) please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

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

Sincerely,



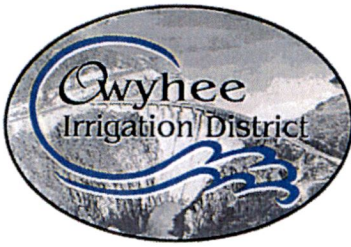
Clancy Flynn  
District Manager

cc: Oregon Water Resources Department (OWRD)  
Oregon Dept of Revenue – PO Box 14725 Salem, OR 97309  
Oregon Department of Justice – 1162 Court St. NE Salem, OR 97301-40966  
JP Morgan Mortgage - 383 Madison Ave, New York, NY 10179  
Discover Bank – PO Box C-90006 Bellevue, WA 98009

Sent by certified mail, return receipt request: 10/27/2023  
Copy sent by first class mail: 10/27/2023

RECEIVED  
JAN 02 2024  
OWRD





October 26, 2023

Discover Bank  
PO Box C-90006  
Bellevue, WA 98009

Case No.: 18CV03327  
Dated: May 14, 2018  
Tax Map #: POR SE1/4SW1/4  
Property Owner: Michael & Rollean McClain  
Property Address: 962 Enterprise Ave Nyssa, OR 97913

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 Owyhee Irrigation District (OID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 541-372-3540 or by email at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org).

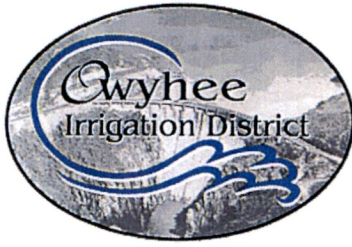
Sincerely,

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

RECEIVED

JAN 02 2024

14375 - OWRD



October 26, 2023

Oregon Department of Justice  
1162 Court St. NE  
Salem, OR 97301-4096

Instrument No: 2018-4682, 2018-4679, 2019-3984, 2019-3987  
Dated: 12/24/2018, 12/24/2018, 10/28/2019, 10/28/2019  
Tax Map #: POR SE1/4SW1/4  
Property Owner: Michael & Rollean McClain  
Property Address: 962 Enterprise Ave Nyssa, OR 97913

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

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Sincerely,

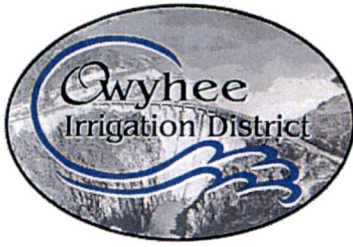
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

RECEIVED

JAN 02 2024

OWRD

14375 -



October 26, 2023

Oregon Department of Revenue  
PO Box 14725  
Salem, OR 97309

Instrument No: 2018-4682, 2018-4679, 2019-3984, 2019-3987  
Dated: 12/24/2018, 12/24/2018, 10/28/2019, 10/28/2019  
Tax Map #: POR SE1/4SW1/4  
Property Owner: Michael & Rollean McClain  
Property Address: 962 Enterprise Ave Nyssa, OR 97913

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

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Sincerely,

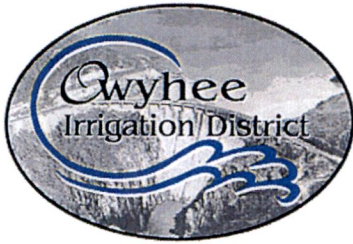
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

RECEIVED

JAN 02 2024

OWRD

14375 -



October 26, 2023

JP Morgan Mortgage  
383 Madison Ave  
New York, NY 10179

Instrument No: 2021-3574  
Dated: July 22, 2021  
Tax Map #: POR SE1/4SW1/4  
Property Owner: Michael & Rollean McClain  
Property Address: 962 Enterprise Ave Nyssa, OR 97913

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 Owyhee Irrigation District (OID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

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Sincerely,

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

RECEIVED

JAN 02 2024

OWRD

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RECEIVED  
 JAN 02 2024  
 OWRD

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New York, NY 10179

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0933
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/30/2023
<b>Total Postage and Fees</b>	<b>\$8.56</b>	
Sent To Michael + Rollean McClain Street and Apt. No., or PO Box No. 962 Enterprise Ave City, State, ZIP+4®		

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

**SENDER: COMPLETE**

- Complete item
- Print your name so that we can
- Attach this card or on the front

1. Article Addressed to

PO Box  
 Salem

9590 94

7021

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

Salem, OR 97300

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0933
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/30/2023
<b>Total Postage and Fees</b>	<b>\$8.56</b>	
Sent To OK Dept. of Rev Street and Apt. No., or PO Box No. PO Box 14725 City, State, ZIP+4®		

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

**REVENUE**

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

Agent  
 Addressee

C. Date of Delivery

11/02/23

2023

PS Form 3811, July 2020 PSN 7530-02-000-9053 See Reverse for Instructions Domestic Return Receipt

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New York, NY 10179

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0933
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/30/2023
<b>Total Postage and Fees</b>	<b>\$8.56</b>	
Sent To JP Morgan Street and Apt. No., or PO Box No. 383 Madison Ave City, State, ZIP+4®		

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

**CONDITION ON DELIVERY**

Agent  
 Addressee

(Name) C. Date of Delivery  
 Day 11/02/23

different from item 1?  Yes  
 address below:  No

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

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

14375 -

**U.S. Postal Service™**  
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Salem, OR 97301

**OFFICIAL USE**

Certified Mail Fee	\$4.35	
	\$3.55	
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage	\$0.66	
Total Postage and Fees	\$8.56	

0933  
02

Postmark  
Here

10/30/2023

Sent To  
 Oregon Department of Justice  
 Street and Apt. No., or PO Box No.  
 1162 Court St. NE  
 City, State, ZIP+4®  
 Salem, OR 97301-40966

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

See Reverse for Instructions

7021 0950 0000 3997 9900

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

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

Bellavue, WA 98009

**OFFICIAL USE**

Certified Mail Fee	\$4.35	
	\$3.55	
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage	\$0.66	
Total Postage and Fees	\$8.56	

0933  
02

Postmark  
Here

10/30/2023

Sent To  
 Discover Bank  
 Street and Apt. No., or PO Box No.  
 PO Box C-90006  
 City, State, ZIP+4®

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

See Reverse for Instructions

SEND  
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ON DELIVERY

Agent  
 Addressee

(the) C. Date of Delivery  
 (1-2-23)

nt from item 1?  Yes  
 dress below:  No

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

PS Form 3800, July 2020 PSN 7530-02-000-9053

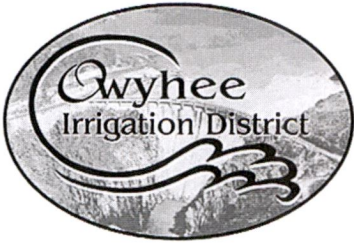
Domestic Return Receipt

RECEIVED

JAN 02 2024

OWRD

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

December 27, 2023

Parcel #: 35400      Account #: 1338

**Michael & Rollean Mc Clain**

962 Enterprise Ave  
Nyssa, OR 97913

RE:    Legal Description: **Twp. 20S, R. 46E., Sec. 04, Tax Lot 800**  
total water rights **1.70 -acre(s)** water rights to be confiscated in 2023

RE: Confiscation of water rights appurtenant to legal description above, 1.70 acres irrigation

Dear Patron,

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

- A. The application does not include 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
  - a. 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 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.

14375 -

RECEIVED

JAN 02 2024

OWRD

Sincerely,

A handwritten signature in black ink, appearing to read "Clancy Flynn". The signature is fluid and cursive, with the first name "Clancy" written in a larger, more prominent script than the last name "Flynn".

Clancy Flynn  
District Manager

cc: Oregon Water Resources Department (OWRD)  
*725 Summer St. NE Salem, OR*  
Mailed via certified mail, December 27<sup>th</sup>, 2023

Sent by certified mail, return receipt request: **12/27/2023**  
Copy sent by first class mail: **12/27/2023**

**RECEIVED**  
**JAN 02 2024**  
**OWRD**



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Nyssa, OR 97913

**OFFICIAL USE**

Certified Mail Fee	\$4.35
\$	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.90
\$	\$0.90
<b>Total Postage and Fees</b>	<b>\$8.80</b>
\$	\$8.80



7021 0950 0000 3997 5155

Sent To  
 Michael + Rollean McClain  
 Street and Apt. No., or PO Box No.  
 962 Enterprise Ave  
 City, State, ZIP+4®  
 Nyssa OR 97913

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

**RECEIVED**  
**JAN 02 2024**  
**OWRD**

14375 -

P-2023-004

540.572 Forfeiture Transfer

Authorized Land

20-46-09 NWSW 200

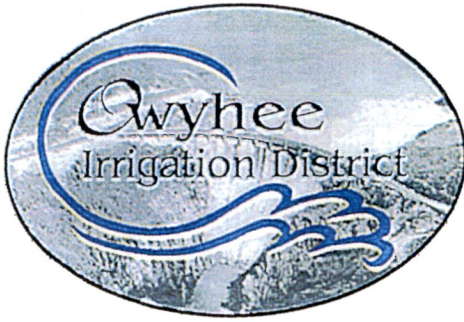
Krista Kinzer

RECEIVED

JAN 02 2024

OWRD

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

November 9, 2022

Parcel #: 34100      Account #: 1328

David Grimaldo  
967 Enterprise Ave.  
Nyssa, OR 97913

RE: Legal Description: Twp. 20 S., R. 46 E, Sec. 9 ALL EAST OF HIGHWAY, NW1/4SW1/4  
Total Acres of Irrigation: 1  
Property address: 967 Enterprise Ave. Nyssa, OR

Dear Patron,

Owyhee Irrigation District or OID reviews water deliveries and maps to track beneficial use of the water rights we deliver. This practice helps OID protect and preserve the water rights that are delivered under our contract with United States Bureau of Reclamation. (1951 Amendatory Contract)

During the 2022 water year review process our records indicate that a portion or all of the water right available to the above-noted property has NOT been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirements of beneficial use.

This letter is a request for you to confirm that the information contained herein is correct or provide evidence of any deficiencies.

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

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

1. You must use the full water right on the ground exactly as it is mapped during the 2023 irrigation season (see enclosed aerial photo for location of mapped water rights)
  - a. Contact the office by phone, email or in person to notify the district of your decision to use the water rights.

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JAN 02 2024

OWRD

14375 -

2. Relinquish your water rights.
  - a. If you choose this option, sign, date, & return the attached Relinquish Form to the District Office.
3. Lease, at minimum, the unused portion of the water right back into the stream for the 2023 season (the District will accept requests for temporary lease applications through February 15, 2023). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet)

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2023 season by filing a petition with Oregon Water Resources Department to transfer the water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-OID water), that water (per ORS 540.510) may be subject to cancellation by Oregon Water Resources Department should OID be forced to file a confiscation transfer.*

By this letter, be advised non-use during the 2023 water season will lead to a determination that the land is no longer irrigated or susceptible to irrigate. (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property (as required by statute). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all or part of your water right at any time since 2018, please present the evidence to our office within 30 days from the date of this letter.

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

**REMINDER:** Whether you choose to use, lease, transfer, or not use your water rights in 2023; your 2023 assessments will still be due and payable to OID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact Krista Kinzer or Katie Wortman at (541) 372-3540 or by email to: [office@owyheeirrigation.org](mailto:office@owyheeirrigation.org) as soon as possible so we can discuss your available options.

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

Sincerely,



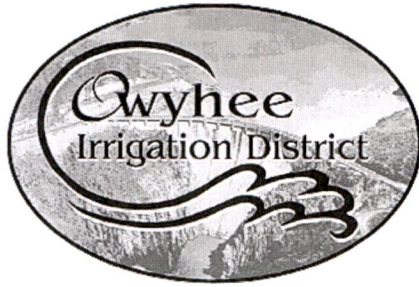
Clancy Flynn  
District Manager

**RECEIVED**

**JAN 02 2024**

**OWRD**

cc: [Broker Solutions, Inc., dba New American Funding \(MERS\) 10915 SE Stark St #200 Portland, OR 97216](#)  
Sent by certified mail (return receipt requested): 11/9/2022  
Copy Sent by First Class Mail: 11/9/2022



**Owyhee Irrigation District**  
**422 Thunderegg Blvd.**  
**Nyssa, OR 97913**  
**Ph: (541) 372-3540**  
**Fax: (541) 372-2437**

November 9, 2022

Broker Solutions, Inc., dba New American Funding (MERS)  
10915 SE Stark St #200  
Portland, OR 97216

Instrument No: 2022-0645  
Dated: January 14<sup>th</sup> 2022  
Recorded: February 14<sup>th</sup>, 2022  
Tax Map #: Twp. **20** S., R. 46 E., Sec 9 TL 200  
Property Owner: David Grimaldo

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 Owyhee Irrigation District (OID) sends to its patrons that fail to beneficially use their water rights for four consecutive years. You will also find a copy of OID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 by phone or email.


Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

**RECEIVED**  
**JAN 02 2024**  
**OWRD**

14375 -

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<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>		<b>A. Signature</b> <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address	
<b>1. Article Addressed to:</b> Broker Solutions Inc. dba New American Funding 10915 SE Stark St #200 Portland, OR 97216		<b>B. Received by (Printed Name)</b> <i>Rick Deigle</i>	
<b>2. Article Number (Transfer from service label)</b> 7020 3160 0001 4429 4926		<b>C. Date of Delivery</b> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9402 7064 1225 7595 63		<b>3. Service Type</b> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restrict Delivery <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"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

7020 3160 0001 4429 4926

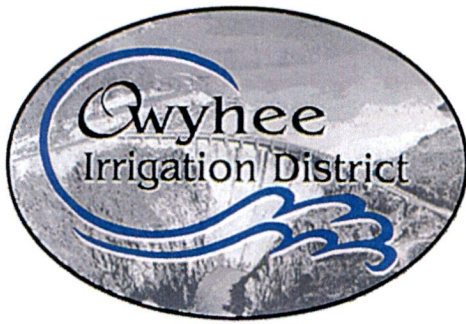
<b>U.S. Postal Service™</b>	
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For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
Portland, OR 97216	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$4.00 Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$0.00 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00 Postage \$0.84 <b>Total Postage and Fees \$8.09</b>	0933 08 Postmark Here 11/10/2022
Sent To <i>Broker Solutions Inc.</i> Street and Apt. No., or PO Box No. City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7020 3160 0001 4429 4919

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NYSO, OR 97913	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$4.00 Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$0.00 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00 Postage \$0.84 <b>Total Postage and Fees \$8.09</b>	0933 08 Postmark Here 11/10/2022
Sent To <i>David Grimaldo</i> Street and Apt. No., or PO Box No. 967 Enterprise Ave City, State, ZIP+4® Nussa OR 97913	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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 JAN 02 2024  
 OWRD

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheeirrigation.org

May 2nd, 2023

Account #: 1328

**David Grimaldo,**

This letter is a courtesy reminder that a balance is owing on your account. Each month your account will incur a Penalty Fee of 1.33% until your balance is paid in full.

Please note that you must pay the account balance in full before we can deliver water to your property.

Please be aware that any property that has not used water in five (5) years is in jeopardy of losing its water rights under ORS 540.610. If you intend to keep your water right, you must bring your account current and exercise these rights at least once in five (5) years, or they may be subject to forfeit.

Please find included a copy of your Account Statement.

We have made it easy to make your payment!

- Mail a check to the address above.
- Call the office & make your payment over the phone! #541-372-3540
- Visit our website [www.owyheeirrigation.org](http://www.owyheeirrigation.org), click on "Customer Portal" set up your account & make a payment with a checking account or credit/debit card!

*If you have already made a payment to bring your account current, then you may disregard this letter.*

Regards,

*Krista Kinzer*

Krista Kinzer

Administrative Assistant

P: (541) 372-3540

E: office@owyheeirrigation.org

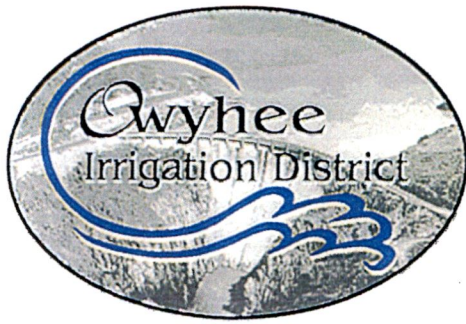
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JAN 02 2024

OWRD

www.owyheeirrigation.org

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheeirrigation.org

March 7<sup>th</sup>, 2023

Parcel #: 34100

Account #: 1328

**David Grimaldo**  
967 Enterprise Ave  
Nyssa, OR 97913

Dear Patron,

In 2022 you received a certified letter from Owyhee Irrigation District (OID) stating that you have not irrigated a portion or all of your water right since 2018. That letter provided you with the option to request a water transfer, instream lease, or pay your account in full & irrigate the land with the water rights on your property.

The deadline to request an instream lease was February 15<sup>th</sup>, 2023. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area & move it to another area of your property so you can beneficially use your water rights during the 2023 water season, then please call me at #541-372-3540 or email me at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org) by July 1<sup>st</sup> 2023.

**Please note that you must pay the account balance in full before we can deliver water to any part of your property.**

Any portion of your water that has not been beneficially used since 2018 is subject to confiscation in October. If you do not request, or are not approved for a water transfer, your ONLY option to keep the unused water on your property is to use the full water right on the ground exactly as it is mapped in the 2023 water season. Please refer to the water rights map sent to you in October 2022.

This letter serves as notice that OID staff will make one visit to your property between July 1<sup>st</sup> – September 1<sup>st</sup> to physically review the area. If that visit determines any portion of the area subject to confiscation is not being beneficially irrigated, OID will send a certified letter after October 1<sup>st</sup> informing you of the pending confiscation.

Regards,

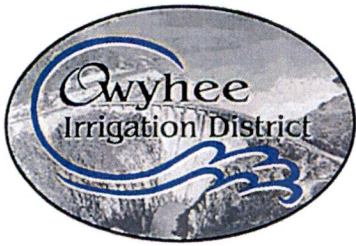
Krista Kinzer  
Administrative Assistant  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

RECEIVED  
JAN 02 2024  
OWRD

[www.owyheeirrigation.org](http://www.owyheeirrigation.org)

14375 -





Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

October 27, 2023

Parcel #: 34100      Account #: 1328

**David Grimaldo**  
967 Enterprise Ave  
Nyssa, OR 97914

RE:    Legal Description: **Twp. 20S, R. 46E., Sec. 9, Tax Lot 200**  
total water rights **1-acre(s)** water rights to be confiscated in 2023

Dear Patron,

The Owyhee Irrigation District has determined your land is no longer susceptible to irrigation water because you have failed to beneficially use the full water right available to your land for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Department (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2023 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and Owyhee Irrigation District's intent to confiscate any remaining unused water at the end of the 2023 irrigation season. Available options included using the full water right beneficially and transferring off the unused water right. Surveys were completed during 2023 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used (if available) to assist in the review of what may or may not have been accomplished between 2019 - 2023

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:

**RECEIVED**

**JAN 02 2024**

**OWRD**

14375 -

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

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 540.610 (2)(a-n) the District Manager shall attempt to resolve the matter with you. If your objections cannot be resolved by the manager, a hearing shall be held before the Board of Directors who shall make a determination whether to proceed with the petition to the Water Resources Commission. If no written objections are received by Owyhee Irrigation District within 30 days after the mailing of this notice, Owyhee Irrigation District will petition the Water Resources Commission to transfer the water rights off of your property.

If you have any evidence that you have beneficially used all or part of the water right at any time during the last 5 years, or that non-use is excusable under ORS 540.610 (2) please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

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

Sincerely,



Clancy Flynn  
District Manager

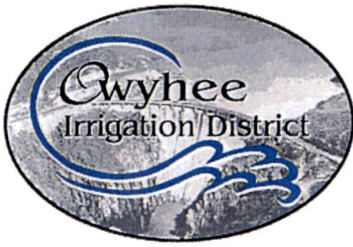
cc: Oregon Water Resources Department (OWRD)  
Broker Solutions, Inc., dba New American Funding (MERS) 10915 SE Stark St #200 Portland, OR 97216

Sent by certified mail, return receipt request: 10/27/2023  
Copy sent by first class mail: 10/27/2023

RECEIVED

JAN 02 2024

OWRD



October 26, 2023

Broker Solutions, Inc., dba New American Funding (MERS)  
10915 SE Stark St #200  
Portland, OR 97216

Instrument No: 2022-0645  
Dated: January 14<sup>th</sup> 2022  
Recorded: February 14<sup>th</sup>, 2022  
Tax Map #: Twp. 20 S., R. 46 E., Sec 9 TL 200  
Property Owner: David Grimaldo

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 Owyhee Irrigation District (OID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 541-372-3540 or by email at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org).

Sincerely,

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

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JAN 02 2024

OWRD

14375 -

7021 0950 0000 3997 9931

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Portland, OR 97216

OFFICIAL USE

Certified Mail Fee	\$4.35
\$	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.66
\$	
<b>Total Postage and Fees</b>	<b>\$8.56</b>
\$	

0933  
02

Postmark  
Here

10/30/2023

Sent To Broker Solutions Inc  
 Street and Apt. No., or PO Box No. 10915 SE Stark St  
 City, State, ZIP+4®

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

7021 0950 0000 3997 9924

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Portland, OR 97216

OFFICIAL USE

Certified Mail Fee	\$4.35
\$	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.66
\$	
<b>Total Postage and Fees</b>	<b>\$0.56</b>
\$	

0933  
02

Postmark  
Here

10/30/2023

Sent To David Grimaldo  
 Street and Apt. No., or PO Box No. 967 Enterprise Ave  
 City, State, ZIP+4®

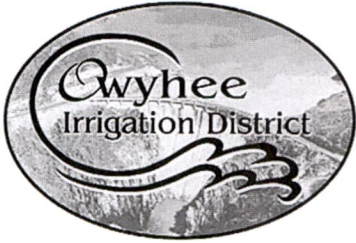
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instruction

RECEIVED

JAN 02 2024

OWRD

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

December 27, 2023

Parcel #: 34100 Account #: 1328

**David Grimaldo**  
967 Enterprise Ave  
Nyssa, OR 97913

RECEIVED  
JAN 02 2024  
OWRD

RE: Legal Description: **Twp. 20S, R. 46E., Sec. 09, Tax Lot 200**  
total water rights **0.44 -acre(s)** water rights to be confiscated in 2023

RE: Confiscation of water rights appurtenant to legal description above, 0.44 acres irrigation

Dear Patron,

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

- A. The application does not include 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
  - a. 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 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.

14375 -

Sincerely,



Clancy Flynn  
District Manager

cc: Oregon Water Resources Department (OWRD)  
725 Summer St. NE Salem, OR  
Mailed via certified mail, December 27<sup>th</sup>, 2023

Sent by certified mail, return receipt request: **12/27/2023**  
Copy sent by first class mail: **12/27/2023**

**RECEIVED**  
**JAN 02 2024**  
**OWRD**

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Nyssa, OR 97913

**OFFICIAL USE**

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$3.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.90

Total Postage and Fees \$8.80



Send To  
 David Grimaldo  
 Street and Apt. No., or PO Box No.  
 967 Enterprise Ave  
 City, State, ZIP+4®  
 Nyssa OR 97913

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

7020 3160 0001 4429 2281

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 JAN 02 2024  
 OWRD

14375 -

P-2023-005

540.572 Forfeiture Transfer

Authorized Land

17-47-20 SWSW 500

Krista Kinzer

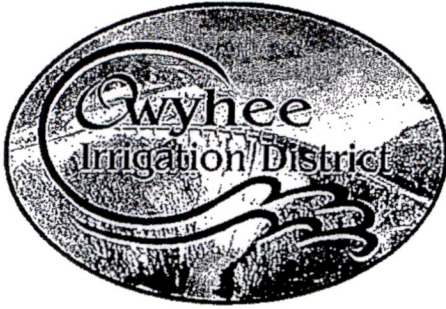
14375 -

RECEIVED

JAN 02 2024

OWRD





Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

October 28<sup>th</sup>, 2022

Parcel #: 62512

Account #: 1726

Robert & Reyna Nungaray  
4428 Bellow Drive  
Ontario, OR 97914

RE: Legal Description: POR SW1/4SW1/4 TAX LOT 500  
Total Acres of Irrigation: 1  
Property address: 4428 Bello Drive, Ontario OR 97914

Dear Patron,

Owyhee Irrigation District or OID reviews water deliveries and maps to track beneficial use of the water rights we deliver. This practice helps OID protect and preserve the water rights that are delivered under our contract with United States Bureau of Reclamation. (1951 Amendatory Contract)

During the 2022 water year review process our records indicate that a portion or all of the water right available to the above-noted property has NOT been beneficially used for 4 consecutive years. Oregon Revised Statute 540.610 clearly states the requirements of beneficial use.

This letter is a request for you to confirm that the information contained herein is correct or provide evidence of any deficiencies.

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

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

1. You must use the full water right on the ground exactly as it is mapped during the 2023 irrigation season (see enclosed aerial photo for location of mapped water rights)
  - a. Contact the office by phone, email or in person to notify the district of your decision to use the water rights.
2. Relinquish your water rights.
  - a. If you choose this option, sign, date, & return the attached Relinquish Form to the District Office.

RECEIVED

14375 -

JAN 02 2024

OWID

3. Lease, at minimum, the unused portion of the water right back into the stream for the 2023 season (the District will accept requests for temporary lease applications through February 15, 2023). The water will go back onto your property at the end of the irrigation season (see enclosed information sheet)

If you choose not to follow any of these options, the District will have no choice but to confiscate the unused water right at the end of the 2023 season by filing a petition with Oregon Water Resources Department to transfer the water rights to other lands in the District.

*As a courtesy, the District is informing you that if this property has any other water rights specifically appurtenant to it that are delivered from another source (non-OID water), that water (per ORS 540.510) may be subject to cancellation by Oregon Water Resources Department should OID be forced to file a confiscation transfer.*

By this letter, be advised non-use during the 2023 water season will lead to a determination that the land is no longer irrigated or susceptible to irrigate. (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property (as required by statute). A copy of the District Confiscation Policy and Procedures is enclosed for your review.

If you have any evidence that you have used all or part of your water right at any time since 2018, please present the evidence to our office within 30 days from the date of this letter.


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

**REMINDER:** Whether you choose to use, lease, transfer, or not use your water rights in 2023; your 2023 assessments will still be due and payable to OID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please contact Krista Kinzer or Katie Wortman at (541) 372-3540 or by email to: [office@owyheeirrigation.org](mailto:office@owyheeirrigation.org) as soon as possible so we can discuss your available options.

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

Sincerely,



Clancy Flynn  
District Manager

cc: [Five Star Carpet Cleaning – 1230 Thrifty Way, Ontario OR 97914](#)  
cc: [Oregon Department of Justice – 1162 Court St. NE Salem, OR 97301-40966](#)  
cc: [Service Link – 3220 El Camino Real, Irvine CA 92602](#)

Sent by certified mail (return receipt requested): 10/28/2022

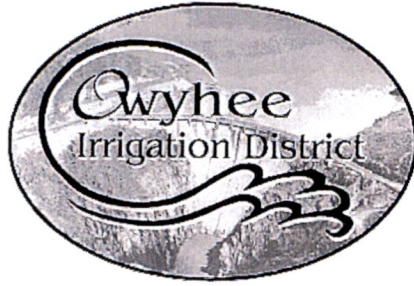
Copy Sent by First Class Mail: 10/28/2022

RECEIVED

14375 -

JAN 02 2024

OWRD



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

October 28, 2022

Five Star Carpet Cleaning  
1230 Thrifty Way  
Ontario, OR 97914

Instrument No: 2015-0790  
Dated: March 16, 2015  
Recorded: March 16, 2015  
Tax Map #: POR SW1/4SW1/4 TAX LOT 500  
Property Owner: Robert & Reyna Nungaray  
Property Address: 4428 Bellows Dr. Ontario, OR 97914

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 Owyhee Irrigation District (OID) sends to its patrons that fail to beneficially use their water rights for four consecutive years. You will also find a copy of OID's confiscation policy, a list of laws applicable to confiscation per Oregon Revised Statutes and Oregon Administrative Rules, and a beneficial use information sheet.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 by phone or email.

Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: krista@owyheeirrigation.org

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JAN 02 2024

OWRD

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

October 28, 2022

Service Link  
Attn: Loan Modification Solutions  
3220 El Camino Real  
Irvine, CA 92602

Instrument No.: 2022-2588  
Dated: 05/23/2022  
Tax Map #: POR SW1/4SW1/4 TAX LOT 500  
Property Owner: Robert & Reyna Nungaray  
Property Address: 4428 Bellows Dr. Ontario, OR 97914

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If you have any questions regarding the letter or beneficial use, please contact me by phone or email.

Sincerely,

*Krista Kinzer*

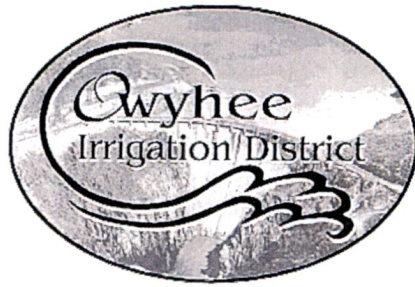
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)

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JAN 02 2024

OWRD

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Fax: (541) 372-2437

October 28, 2022

Oregon Department of Justice  
1162 Court St. NE  
Salem, OR 97301-40966

Case No: 16CR59283, 17CR43792, 18CR33298, 20CR35042  
Dated: 09/25/2017, 09/25/2017, 05/18/2018, 09/23/2020  
Tax Map #: POR SW1/4SW1/4 TAX LOT 500  
Property Owner: Robert & Reyna Nungaray  
Property Address: 4428 Bellows Dr. Ontario, OR 97914

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This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 by phone or email.

Sincerely,

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

14375 -

RECEIVED

JAN 02 2024

OWRD

**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:  
 Service Link  
 Attn: Loan Modification Solution  
 3220 El Camino Real  
 Irvine, CA 92602



9590 9402 2989 7094 8408 02

2. Article Number (Transfer from service label)  
 7017 1070 0000 8815 7424

**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
- 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®

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

Domestic Return Receipt

RECEIVED  
JAN 02 2024  
OWRD

**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:  
 Five Star Carpet Cleaning  
 1230 Thrifty Way  
 Ontario, OR 97914



9590 9402 2989 7094 8407 03

2. Article Number  
 7017 1070 0000 8815 7394

**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
- 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®

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:  
 Oregon Department of Justice  
 1162 Court St. NE  
 Salem, OR 97301-4096



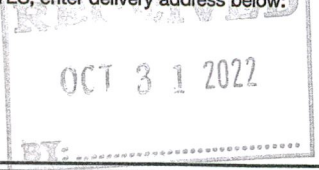
9590 9402 2989 7094 8408 57

2. Article Number (Transfer from service label)  
 7017 1070 0000 8815 7394

**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
- Adult Signature
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  - Signature Confirmation Restricted Delivery
  - Priority Mail Express®

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

Domestic Return Receipt

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Ontario OR 97914 **OFFICIAL USE**

Certified Mail Fee	\$4.00
\$	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.84
\$	\$8.09
<b>Total Postage and Fees</b>	
\$	\$8.09

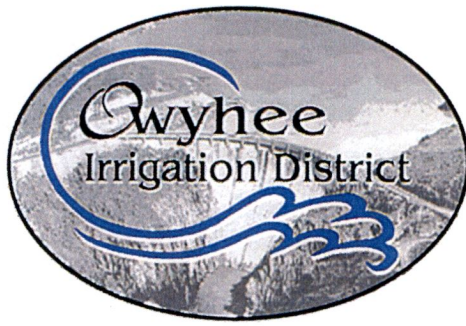
0933  
08  
Postmark  
Here  
10/28/2022

Sent To  
**Robert + Reyna Nungaray**  
 Street and Apt. No., or PO Box No.  
**4429 Bellow Drive**  
 City, State, ZIP+4®  
**Ontario OR 97914**

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

**RECEIVED**  
**JAN 02 2024**  
**OWRD**

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheerirrigation.org

May 2nd, 2023

Account #: 1726

**Robert & Reyna Nungaray,**

This letter is a courtesy reminder that a balance is owing on your account. Each month your account will incur a Penalty Fee of 1.33% until your balance is paid in full.

Please note that you must pay the account balance in full before we can deliver water to your property.

Please be aware that any property that has not used water in five (5) years is in jeopardy of losing its water rights under ORS 540.610. If you intend to keep your water right, you must bring your account current and exercise these rights at least once in five (5) years, or they may be subject to forfeit.

Please find included a copy of your Account Statement.

We have made it easy to make your payment!

- Mail a check to the address above.
- Call the office & make your payment over the phone! #541-372-3540
- Visit our website [www.owyheerirrigation.org](http://www.owyheerirrigation.org), click on "Customer Portal" set up your account & make a payment with a checking account or credit/debit card!

*If you have already made a payment to bring your account current, then you may disregard this letter.*

Regards,

*Krista Kinzer*

Krista Kinzer

Administrative Assistant

P: (541) 372-3540

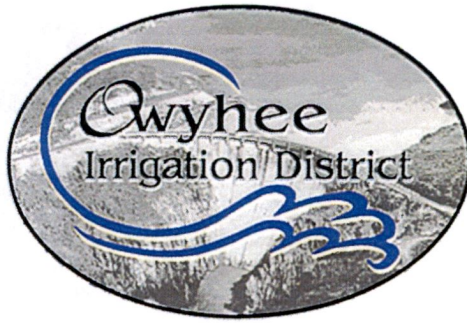
E: office@owyheerirrigation.org

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JAN 02 2024

OWRD





Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Ph: (541) 372-3540  
Office@owyheeirrigation.org

March 7<sup>th</sup>, 2023

Parcel #: 62512 Account #: 1726

**Robert & Reyna Nungaray**  
4428 Bellow Drive  
Ontario, OR 97914

Dear Patron,

In 2022 you received a certified letter from Owyhee Irrigation District (OID) stating that you have not irrigated a portion or all of your water right since 2018. That letter provided you with the option to request a water transfer, instream lease, or pay your account in full & irrigate the land with the water rights on your property.

The deadline to request an instream lease was February 15<sup>th</sup>, 2023. We did not receive a request from you, so this is no longer an option.

If you want to permanently transfer the water off the dry area & move it to another area of your property so you can beneficially use your water rights during the 2023 water season, then please call me at #541-372-3540 or email me at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org) by July 1<sup>st</sup> 2023.

**Please note that you must pay the account balance in full before we can deliver water to any part of your property.**

Any portion of your water that has not been beneficially used since 2018 is subject to confiscation in October. If you do not request, or are not approved for a water transfer, your ONLY option to keep the unused water on your property is to use the full water right on the ground exactly as it is mapped in the 2023 water season. Please refer to the water rights map sent to you in October 2022.

This letter serves as notice that OID staff will make one visit to your property between July 1<sup>st</sup> – September 1<sup>st</sup> to physically review the area. If that visit determines any portion of the area subject to confiscation is not being beneficially irrigated, OID will send a certified letter after October 1<sup>st</sup> informing you of the pending confiscation.

Regards,

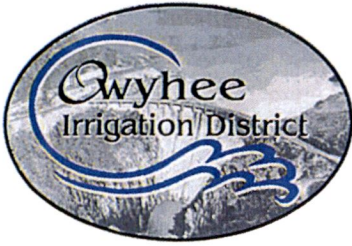
*Krista Kinzer*

Krista Kinzer  
Administrative Assistant  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

[www.owyheeirrigation.org](http://www.owyheeirrigation.org)

RECEIVED  
JAN 02 2024  
OWRD

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

October 27, 2023

Parcel #: 62512      Account #: 1726

**Robert & Reyna Nungaray**  
4428 Bellow Drive  
Ontario, OR 97914

**RECEIVED**

**JAN 02 2024**

**OWRD**

RE:    Legal Description: **Twp. 17S, R. 47E., Sec. 20, Tax Lot 500**  
total water rights 1-acre(s) water rights to be confiscated in 2023

Dear Patron,

The Owyhee Irrigation District has determined your land is no longer susceptible to irrigation water because you have failed to beneficially use the full water right available to your land for the last 5 consecutive years. By this letter, the District is serving you notice of our intent to confiscate the water right referenced above for failure to beneficially use the water for the last 5 consecutive years (See OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed in the county records for your property as well as the Oregon Water Resources Department (OWRD), as required by statute. Enclosed with this letter is a copy of the District Confiscation Policy and a water right map indicating where your water should be used.

Certified letters were sent to you and any known security interest holders following the end of the 2023 irrigation season, informing you of the non-use of the full water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and Owyhee Irrigation District's intent to confiscate any remaining unused water at the end of the 2023 irrigation season. Available options included using the full water right beneficially and transferring off the unused water right. Surveys were completed during 2023 to review any signs of beneficial use of the full water right. In addition, multiple years of aerial photos were also used (if available) to assist in the review of what may or may not have been accomplished between 2019 - 2023

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:

14375 -

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

**If you wish to dispute the confiscation and permanent removal of the unused water right from your property, you have 30 days from the date this letter was mailed (see date below) to notify the District of your objection – in writing.** If you object or wish to demonstrate that non-use is excusable under one of the provisions allowed in ORS 540.610 (2)(a-n) the District Manager shall attempt to resolve the matter with you. If your objections cannot be resolved by the manager, a hearing shall be held before the Board of Directors who shall make a determination whether to proceed with the petition to the Water Resources Commission. If no written objections are received by Owyhee Irrigation District within 30 days after the mailing of this notice, Owyhee Irrigation District will petition the Water Resources Commission to transfer the water rights off of your property.

If you have any evidence that you have beneficially used all or part of the water right at any time during the last 5 years, or that non-use is excusable under ORS 540.610 (2) please have the evidence ready to present at the time of your meeting with the District Manager and, if necessary, at the hearing with the Board of Directors.

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

Sincerely,



Clancy Flynn  
District Manager

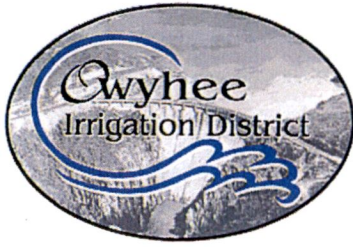
RECEIVED

JAN 02 2024

OWRD

cc: Oregon Water Resources Department (OWRD)  
Five Star Carpet Cleaning – 1230 Thrifty Way, Ontario OR 97914  
Oregon Department of Justice – 1162 Court St. NE Salem, OR 97301-40966  
Service Link – 3220 El Camino Real, Irvine CA 92602

Sent by certified mail, return receipt request: **10/27/2023**  
Copy sent by first class mail: **10/27/2023**



October 26, 2023

Oregon Department of Justice  
1162 Court St. NE  
Salem, OR 97301-40966

Case No: 16CR59283, 17CR43792, 18CR33298, 20CR35042  
Dated: 09/25/2017, 09/25/2017, 05/18/2018, 09/23/2020  
Tax Map #: POR SW1/4SW1/4 TAX LOT 500  
Property Owner: Robert & Reyna Nungaray  
Property Address: 4428 Bellows Dr. Ontario, OR 97914

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 Owyhee Irrigation District (OID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 541-372-3540 or by email at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org).

Sincerely,

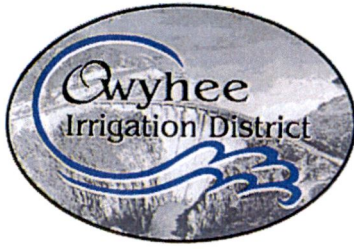
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

RECEIVED

JAN 02 2024

OWRD

14375 -



October 26, 2023

Service Link  
Attn: Loan Modification Solutions  
3220 El Camino Real  
Irvine, CA 92602

Instrument No.: 2022-2588  
Dated: 05/23/2022  
Tax Map #: POR SW1/4SW1/4 TAX LOT 500  
Property Owner: Robert & Reyna Nungaray  
Property Address: 4428 Bellows Dr. Ontario, OR 97914

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 Owyhee Irrigation District (OID) sent to the above noted property owner for failure to beneficially use the water rights for five consecutive years. The unused water will be transferred off of the property prior to the end of this calendar year.

This letter is being sent to you as required by Oregon Water Resources Department (OWRD) 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 541-372-3540 or by email at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org).

Sincerely,

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

RECEIVED  
JAN 02 2024  
OWRD


14375 -

**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:

OR Department Justice  
1162 Court St. NE  
Salem, OR 97301



9590 9402 7670 2122 0797 35

7021 0950 0000 3997 9894

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *Scott White*  Agent  Address

B. Received by (Print Name) *Scott White* C. Date of Delivery

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

NOV 02 2023  
Department of Justice

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

Delivery Restricted Delivery (over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

RECEIVED  
JAN 02 2024  
OWRD

9E22 6244 1000 09TE 0202

**U.S. Postal Service™**  
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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	\$4.35	0933
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/30/2023
<b>Total Postage and Fees</b>	\$8.56	

Sent To  
Robert & Reyna Nungaray  
Street and Apt. No., or PO Box No.  
4428 Bellow Drive  
City, State, ZIP+4®  
Ontario OR 97914

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

0522 6244 1000 09TE 0202

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

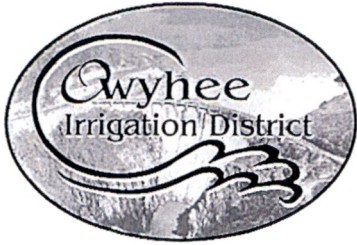
**OFFICIAL USE**

Certified Mail Fee	\$4.35	0933
Extra Services & Fees (check box, add fee as appropriate)	\$3.55	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	10/30/2023
<b>Total Postage and Fees</b>	\$8.56	

Sent To  
Service Link  
Street and Apt. No., or PO Box No.  
3220 El Camino Real  
City, State, ZIP+4®  
Irvine CA 92602

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

14375 -



Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, OR 97913  
Phone: (541) 372-3540

December 27, 2023

Parcel #: 62512 Account #: 1726

**Robert & Reyna Nungaray**  
4428 Bellow Drive  
Ontario, OR 97914

**RECEIVED**  
**JAN 02 2024**  
**OWRD**

RE: Legal Description: **Twp. 17S, R. 47E., Sec. 20, Tax Lot 500**  
total water rights 0.40 -acre(s) water rights to be confiscated in 2023

RE: Confiscation of water rights appurtenant to legal description above, 0.40 acres irrigation

Dear Patron,

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

- A. The application does not include 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
  - a. 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 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.

14375 -

Sincerely,



Clancy Flynn  
District Manager

cc: Oregon Water Resources Department (OWRD)  
725 Summer St. NE Salem, OR  
Mailed via certified mail, December 27<sup>th</sup>, 2023

Sent by certified mail, return receipt request: **12/27/2023**  
Copy sent by first class mail: **12/27/2023**

**RECEIVED**

**JAN 02 2024**

**OWRD**



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

Ontario, OR 97914

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$3.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.90

Total Postage and Fees \$8.80



12/27/2023

Sent to Robert & Reyna Nungaray  
 Street and Apt. No. or PO Box No. 4428 Bellow Drive  
 City, State, ZIP+4® Ontario, OR 97914

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

7021 0950 0000 3997 8163

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 JAN 02 2024  
 OWRD



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1/10/2024  
OWRD

Dec 31st, 2023

Lance King  
3600 Wild Wood Ln  
New Plymouth, ID 83655

RE: Water Right Transfer #P-2023-001 & #P-2023-005

Enclosed is a copy of the water transfer application prepared by Owyhee Irrigation District (OID) and submitted to Oregon Water Resources Department (OWRD) on December 27<sup>th</sup>, 2023.

The user of the lands from which these water rights has been transferred has been noticed of the following:

*“Per OAR 690-385-540(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 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 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 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 OID when/if received.

If you have any questions, please contact me at 541-372-3540 or by email at [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org).

Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)



E-RECEIVED  
1/10/2024  
OWRD

Dec 31st, 2023

Marlow Pounds  
891 Onion Ave  
Ontario, OR 97914

RE: Water Right Transfer #P-2023-004

Enclosed is a copy of the water transfer application prepared by Owyhee Irrigation District (OID) and submitted to Oregon Water Resources Department (OWRD) on December 27<sup>th</sup>, 2023.

The user of the lands from which these water rights has been transferred has been noticed of the following:

*“Per OAR 690-385-540(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 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 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.*

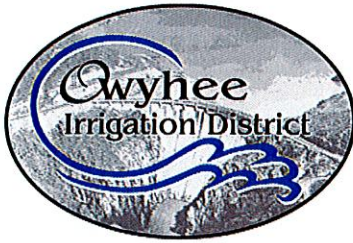
If no protest is filed by the FROM land user within 60 days OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by OID when/if received.

If you have any questions, please contact me at 541-372-3540 or by email at [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org).

Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)



E-RECEIVED  
1/10/2024  
OWRD

Dec 31st, 2023

Kiah Jones  
1052 Enterprise Ave  
Nyssa, OR 97913

RE: Water Right Transfer #P-2023-003

Enclosed is a copy of the water transfer application prepared by Owyhee Irrigation District (OID) and submitted to Oregon Water Resources Department (OWRD) on December 27<sup>th</sup>, 2023.

The user of the lands from which these water rights has been transferred has been noticed of the following:

*"Per OAR 690-385-540(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 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 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.*

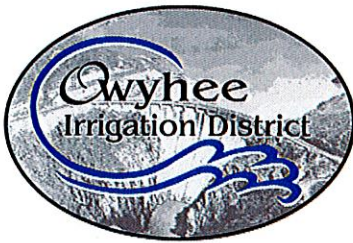
If no protest is filed by the FROM land user within 60 days OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by OID when/if received.

If you have any questions, please contact me at 541-372-3540 or by email at [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org).

Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)



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1/10/2024  
OWRD

Dec 31st, 2023

Alvin & Jeana Hall  
1011 Morgan Ave  
Ontario, OR 97914

RE: Water Right Transfer #P-2023-002

Enclosed is a copy of the water transfer application prepared by Owyhee Irrigation District (OID) and submitted to Oregon Water Resources Department (OWRD) on December 27<sup>th</sup>, 2023.

The user of the lands from which these water rights has been transferred has been noticed of the following:

*"Per OAR 690-385-540(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 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 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 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 OID when/if received.

If you have any questions, please contact me at 541-372-3540 or by email at [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org).

Sincerely,

*Krista Kinzer*

Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
E: [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)

**SUPERSEDED**

Owyhee Irrigation District			2023 Water Rights Transfer					OFF MAP			Remaining/ Total Acres per tax lot per QQ	
POD or POA #	Priority Date	Use	Twp	Rng	Sec	QQ	County Tax Lot	Acres	Status	Name	DINN	
75691	8/19/1924-2/15/1916	IR	16	47	34	NWNW	700	0.60	OFF	Nacy Allen	23-71800	15.80
75691	8/19/1924-2/15/1916	IR	18	46	32	NESE	800	0.09	OFF	Roger Ensz	23-44900	22.41
75691	8/19/1924-2/15/1916	IR	18	46	32	SESE	800	0.15	OFF	Roger Ensz	23-44900	19.59
75691	8/19/1924-2/15/1916	IR	18	46	35	NWNW	300	3.96	OFF	Nick Van Engen	23-41800	5.00
75691	8/19/1924-2/15/1916	IR	18	46	35	SWNW	300	1.62	OFF	Nick Van Engen	23-41800	7.24
75691	8/19/1924-2/15/1916	IR	18	46	35	NWSW	300	6.65	OFF	Nick Van Engen	23-41800	24.18
75691	8/19/1924-2/15/1916	IR	18	46	35	SWSW	300	0.70	OFF	Nick Van Engen	23-41800	0.00
75691	8/19/1924-2/15/1916	IR	18	46	34	SWSW	900	1.63	OFF	Alvin & Jeanna Hall	23-43400	31.33
75691	8/19/1924-2/15/1916	IR	18	46	34	NWSW	900	0.15	OFF	Alvin & Jeanna Hall	23-43400	16.47
75691	8/19/1924-2/15/1916	IR	17	47	31	NENE	1400	0.40	OFF	Charisse Place *	23-59100	0.00
75691	8/19/1924-2/15/1916	IR	20	46	4	SESW	800	1.70	OFF	Michael & Rollean McClain *	23-35400	0.00
75691	8/19/1924-2/15/1916	IR	18	46	33	NWNW	600	1.08	OFF	David Tschida	23-48100	34.30
75691	8/19/1924-2/15/1916	IR	18	46	33	SWNW	700	2.83	OFF	Fred Hussey	23-50000	35.50
75691	8/19/1924-2/15/1916	IR	17	47	20	SWSW	500	0.40	OFF	Robert & Reyna Nungaray *	23-62512	0.00
75691	8/19/1924-2/15/1916	IR	17	47	17	SWNW	700	0.67	OFF	Ezekiel Grove *	23-64505	0.00
75691	8/19/1924-2/15/1916	IR	18	47	8	NENE	1500	2.70	OFF	Brock Clyde	23-141000	0.00
75691	8/19/1924-2/15/1916	IR	20	46	9	NENW	200	0.44	OFF	David Grimaldo *	23-34100	34.86
75691	8/19/1924-2/15/1916	IR	17	47	8	SENE	700	0.44	OFF	Sean Andel	23-72302	0.00
75691	8/19/1924-2/15/1916	IR	17	46	26	SWNE	6300	2.43	OFF	Gary Davis	23-66600	1.07
75691	8/19/1924-2/15/1916	IR	17	46	26	SENE	6300	3.57	OFF	Gary Davis	23-66600	25.83
							Total	32.21				
											left behind	Canceled
							Total	32.21				
											* indicates transferred due to non-use	

14375 -

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JAN 02 2024  
OWRD



**SUPERSEDED**

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2/5/2024  
OWRD

Owyhee Irrigation District		2023 Water Rights Transfer							OFF MAP			Remaining/ Total Acres per tax lot per QQ
POD or POA #	Priority Date	Use	Twp	Rng	Sec	QQ	County Tax Lot	Acres	Status	Name	DINN	
75691	8/19/1924-2/15/1916	IR	16	47	34	NWNW	700	0.60	OFF	Nacy Allen	23-71800	15.80
75691	8/19/1924-2/15/1916	IR	18	46	32	NESE	800	0.09	OFF	Roger Ensz	23-44900	22.41
75691	8/19/1924-2/15/1916	IR	18	46	32	SESE	800	0.15	OFF	Roger Ensz	23-44900	19.59
75691	8/19/1924-2/15/1916	IR	18	46	35	NWNW	300	3.96	OFF	Nick Van Engen	23-41800	5.00
75691	8/19/1924-2/15/1916	IR	18	46	35	SWNW	300	1.62	OFF	Nick Van Engen	23-41800	7.24
75691	8/19/1924-2/15/1916	IR	18	46	35	NWSW	300	6.65	OFF	Nick Van Engen	23-41800	24.18
75691	8/19/1924-2/15/1916	IR	18	46	35	SWSW	300	0.70	OFF	Nick Van Engen	23-41800	0.00
75691	8/19/1924-2/15/1916	IR	18	46	34	SWSW	900	1.63	OFF	Alvin & Jeanna Hall	23-43400	30.88
75691	8/19/1924-2/15/1916	IR	18	46	34	NWSW	900	0.15	OFF	Alvin & Jeanna Hall	23-43400	18.82
75691	8/19/1924-2/15/1916	IR	17	47	31	NENE	1400	0.40	OFF	Charisse Place *	23-59100	0.00
75691	8/19/1924-2/15/1916	IR	20	46	4	SESW	800	1.70	OFF	Michael & Rollean McClain *	23-35400	0.00
75691	8/19/1924-2/15/1916	IR	18	46	33	NWNW	600	1.08	OFF	David Tschida	23-48100	34.30
75691	8/19/1924-2/15/1916	IR	18	46	33	SWNW	700	2.83	OFF	Fred Hussey	23-50000	35.50
75691	8/19/1924-2/15/1916	IR	17	47	20	SWSW	500	0.40	OFF	Robert & Reyna Nungaray *	23-62512	0.20
75691	8/19/1924-2/15/1916	IR	17	47	17	SWNW	700	0.67	OFF	Ezekiel Grove *	23-64505	0.00
75691	8/19/1924-2/15/1916	IR	20	46	9	NENW	200	0.44	OFF	David Grimaldo *	23-34100	35.01
75691	8/19/1924-2/15/1916	IR	17	47	8	SENE	700	0.50	OFF	Sean Andel	23-72302	0.00
75691	8/19/1924-2/15/1916	IR	17	46	26	SWNE	6300	2.43	OFF	Gary Davis	23-66600	1.07
75691	8/19/1924-2/15/1916	IR	17	46	26	SENE	6300	3.57	OFF	Gary Davis	23-66600	25.83
							<b>Total</b>	<b>29.57</b>				
										left behind		Canceled
							<b>Total</b>	<b>29.57</b>				
										* indicates transferred due to non-use		



**SUPERSEDED**

E-RECEIVED  
2/5/2024  
OWRD

Owyhee Irrigation District			2023 Water Rights Transfer					ON MAP			Remaining/ Total Acres per tax lot per QQ	
POD or POA #	Priority Date	Use	Twp	Rng	Sec	County QQ	Tax Lot	Acres	Status	Name	DINN	
75691	8/19/1924-2/15/1916	IR	16	47	34	NWNW	700	0.60	ON MAP	Nancy Allen	23-71800	15.80
75691	8/19/1924-2/15/1916	IR	18	46	32	SESE	800	0.24	ON MAP	Roger Ensz	23-44900	19.59
75691	8/19/1924-2/15/1916	IR	18	46	35	NWNW	300	1.56	ON MAP	Nick Van Engen	23-41800	5.00
75691	8/19/1924-2/15/1916	IR	18	46	35	SWNW	300	1.69	ON MAP	Nick Van Engen	23-41800	7.24
75691	8/19/1924-2/15/1916	IR	18	46	35	NWSW	300	6.63	ON MAP	Nick Van Engen	23-41800	24.18
75691	8/19/1924-2/15/1916	IR	18	46	35	NESW	300	3.05	ON MAP	Nick Van Engen	23-41800	4.35
75691	8/19/1924-2/15/1916	IR	18	46	34	NWSW	900	1.27	ON MAP	Alvin & Jeanna Hall	23-43400	18.82
75691	8/19/1924-2/15/1916	IR	18	46	34	SWSW	900	0.91	ON MAP	Alvin & Jeanna Hall	23-43400	30.88
75691	8/19/1924-2/15/1916	IR	20	46	5	SESW	801	1.70	ON MAP	Kiah Jones	23-23003	13.13
75691	8/19/1924-2/15/1916	IR	18	46	33	NWNW	600	1.08	ON MAP	David Tschida	23-48100	34.30
75691	8/19/1924-2/15/1916	IR	18	46	33	SWNW	700	2.83	ON MAP	Fred Hussey	23-50000	35.50
75691	8/19/1924-2/15/1916	IR	17	47	29	NENW	1107	1.07	ON MAP	Lance King	23-58201	1.07
75691	8/19/1924-2/15/1916	IR	18	46	27	NWNW	400	0.94	ON MAP	Marlow Pounds	23-41500	21.44
75691	8/19/1924-2/15/1916	IR	17	46	26	NESE	6500	6.00	ON MAP	Joseph Davis	23-62900	18.80
							<b>Total</b>	<b>29.57</b>				