

Received

DEC 24 2024

OWRD



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

P-2024-003

Transfer

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

Change in Place of Use Only

1A. APPLICANT INFORMATION

Form with fields: IRRIGATION DISTRICT (CENTRAL OREGON IRRIGATION DISTRICT), PHONE NO. (541-548-6047), ADDRESS (1055 SW LAKE CT), CITY (REDMOND), STATE (OR), ZIP (97756), E-MAIL (mwatson@cold.org), ADDITIONAL CONTACT NO. (MIKAELA WATSON), COUNTY (DESCHUTES). Includes consent statement: BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY...

1B. AGENT INFORMATION

Form with fields: AGENT/BUSINESS NAME, ADDRESS, CITY, STATE, ZIP, E-MAIL, PHONE NO., FAX NO., ADDITIONAL CONTACT NO. Includes consent statement: BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY...

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.)

Table with 4 columns: Certificate, Permit / Previous Transfer, Decree, and an unlabeled column. Rows 1-6 show data for certificates 94956 and 76714 with decrees PRIMARY and SUPPLEMENTAL.

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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></p> <p><b>Description of Proposed Change(s) to a Water Right</b></p> <p><input type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p><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>1970.00</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 <u>not</u> required if water is to be diverted, conveyed and/or used only on federal lands or if <u>ALL</u> of the following apply: a) a change in place of use only, b) a change that does not involve the placement or modification of structures, c) the use of water is for irrigation only and d) the use is located within an irrigation district or an exclusive farm use zone.</p>
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### 4. SIGNATURES

The district certifies the following:

- (1) The water rights proposed for transfer are water rights subject to transfer and are not subject to forfeiture for nonuse under ORS 540.610;
- (2) Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district;
- (3) For lands which are no longer irrigated or susceptible of irrigation that are included in this transfer under the authority of ORS 540.572 and OAR 690-385-5000, notices as required under ORS.572 and OAR 690-385-5100 have been given to the user and any security interest holder of record of intent to transfer the right and the user was provided an opportunity to resolve the matter in the manner described by ORS 540.572 and OAR 690-385-5400 and 690-385-5600.
- (4) On behalf of the district, I affirm to the best of my knowledge the information contained in this application is true and accurate.

  
District Manager signature

Craig Horrell  
name (print)

12/10/24  
date

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

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

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# District Permanent Water Right Transfer Application Supplemental Form A

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

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

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

### 1. CURRENT WATER RIGHT INFORMATION

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

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

- Name on Permit, Certificate, or Decree: CENTRAL OREGON IRRIGATION DISTRICT
- Priority Date(s): OCTOBER 31, 1900 & DECEMBER 2, 1907

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

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

Tributary to: COLUMBIA RIVER

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?  
 Yes     No

If "Yes", what are the Permit, Registration or Certificate Numbers? 76714

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

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▪ Certificate Number or other identifying number: 94956

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

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

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

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

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
1	18 S	11 E	13	SW			CENTRAL OREGON CANAL: 1520' SOUTH AND 1535' WEST FROM THE NE CORNER OF SECTION 13
11	17 S	12 E	29	SE NE			NORTH CANAL: 850' NORTH AND 630' WEST FROM THE E 1/4 CORNER OF SECTION 29

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

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

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

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

**1. CURRENT WATER RIGHT INFORMATION**

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

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

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

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

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

Tributary to: DESCHUTES RIVER

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?  
 Yes     No

If "Yes", what are the Permit, Registration or Certificate Numbers? 94956

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

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

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

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

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

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
	21 S	8 E	17	NE NE			CRANE PRAIRIE RESERVOIR DAM

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**OWRD**



TABLE 1. - AUTHORIZED PLACE OF USE											
		LEGAL DESCRIPTION									
WATER RIGHT	PRIORITY	USE									
Cert/Decree	DATE		POD #	TWP	RNG	SEC	QQ	TAX LOT	ACRES	USER NAME	
94956/76714	10/31/1900	IR	1	17	12	23	SENE	116	0.2	Oregon Conference Adventist Churches	ORS 540.572
94956/76714	10/31/1900	IR	1	18	13	4	SWSE	700	0.03	Stabler, Mackenzie Gervais	ORS 540.572
94956/76714	10/31/1900	IR	11	15	13	30	NWNW	300	0.42	Tuma, Jayson	ORS 540.572
Total Forfeiture Acres:									0.65		
94956/76714	10/31/1900	IR	1	16	14	9	SWSW	700	0.47	Anderson, Michael	ORS 540.580
94956/76714	10/31/1900	IR	1	18	13	12	SWSE	703	1.05	King, Robert/Brenda	ORS 540.580
94956/76714	10/31/1900	IR	1	15	14	15	SWSE	701	1.64	Posey, Scott/Russell, Valerie	ORS 540.580
94956/76714	10/31/1900	IR	1	17	12	28	SENE	9200	1.50	The Church of Jesus Christ of Latter-Day Saints	ORS 540.580
94956/76714	10/31/1900	IR	1	17	14	3	SESE	200	1.00	McMichael, David	ORS 540.580
94956/76714	10/31/1900	IR	1	17	14	3	NESE	200	0.79	McMichael, David	ORS 540.580
94956/76714	10/31/1900	IR	1	17	14	3	SENE	200	1.32	McMichael, David	ORS 540.580
94956/76714	10/31/1900	IR	1	17	12	26	NWSE	2800	3.00	Larraneta, Michael/Jean	ORS 540.580
94956/76714	10/31/1900	IR	11	16	12	12	SWSW	505	0.34	Hayden, Richard/Lori	ORS 540.580
94956/76714	10/31/1900	IR	11	14	13	27	SWSW	801	1.16	COID - Quitclaim account	ORS 540.580
94956/76714	10/31/1900	IR	11	14	13	27	NWSW	801	0.49	COID - Quitclaim account	ORS 540.580
94956/76714	10/31/1900	IR	11	16	12	11	NENE	1100	0.67	Delance, Joseph/Rachel	ORS 540.580
94956/76714	10/31/1900	IR	11	14	13	27	NWSW	801	0.53	COID - Quitclaim account	ORS 540.580
Total Regular District Transfer Acres:									13.96		
Grand Total:									14.61		

TABLE 1. - PROPOSED PLACE OF USE											
		LEGAL DESCRIPTION									
WATER RIGHT	PRIORITY	USE									
Cert/Decree	DATE		POD #	TWP	RNG	SEC	QQ	TAX LOT	ACRES	USER NAME	
94956/76714	10/31/1900	IR	1	18	13	02	NESW	100	0.23	Dynes, Luke	ORS 540.572
94956/76714	10/31/1900	IR	11	15	12	25	SWSE	1600	0.42	Morton, Mark	ORS 540.572
Total Forfeiture Acres:									0.65		
94956/76714	10/31/1900	IR	1	15	14	14	SENE	102	0.47	Walker Living Trust	ORS 540.580
94956/76714	10/31/1900	IR	1	18	13	12	SWSE	703	1.05	King, Robert/Brenda	ORS 540.580
94956/76714	10/31/1900	IR	1	15	14	15	SWSE	701	1.64	Posey, Scott/Russell, Valerie	ORS 540.580
94956/76714	10/31/1900	IR	1	18	13	4	NENE	300	1.5	Obradovich, Nicholas/Migliorini, Robyn	ORS 540.580
94956/76714	10/31/1900	IR	1	17	14	3	SESE	200	3.11	McMichael, David	ORS 540.580
94956/76714	10/31/1900	IR	1	16	14	3	SWNW	505	3	Hinton, Brian/Kati	ORS 540.580
94956/76714	10/31/1900	IR	11	16	12	12	SWSW	505	0.34	Hayden, Richard/Lori	ORS 540.580
94956/76714	10/31/1900	IR	11	14	13	5	SWNW	2300	1.65	Peters, Michael/Aldrich, Stephanie	ORS 540.580
94956/76714	10/31/1900	IR	11	16	12	11	NENE	1100	0.67	Delance, Joseph/Rachel	ORS 540.580
94956/76714	10/31/1900	IR	11	14	13	31	SWNE	2200	0.53	Piland, Marden	ORS 540.580
Total Regular District Transfer Acres:									13.96		
Grand Total:									14.61		

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CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

December 20, 2024

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DEC 24 2024  
OWRD

Oregon Conference Adventist Churches  
19800 Oatfield Rd.  
Gladstone, OR 97027

RE: Forfeiture of water rights appurtenant to tax map #: 1712230000116, 0.20 acres Irrigation

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

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

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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2024  
Encl.

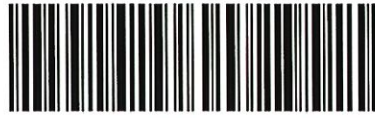
Central Oregon Irrigation District  
Gina Brooksbank  
1055 SW LAKE CT  
REDMOND OR 97756-1469

**\$7.18 US POSTAGE**  
FIRST-CLASS  
Nov 21 2023  
Mailed from ZIP 97756  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



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**USPS CERTIFIED MAIL**



9414 8118 9876 5498 1360 82

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Oregon Conference Adventist Churches  
PO BOX 6389  
BEND OR 97708-6389



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DEC 24 2024  
OWRD

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November 28, 2023

Patron ID: 931

Oregon Conference Adventist Churches  
PO Box 6389  
Bend, OR 97708

RE: Tax Map #:1712230000116  
1.00 acres total Irrigated Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2023 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a portion of, or all, the water right on the above-noted property has not been beneficially used for four consecutive years. Enclosed is an aerial photo taken in June 2023 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2019 are noted in purple crosshatch.

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

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

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

1. You must use the full water right on the ground exactly as it is mapped during the 2024 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2024 season (the District will accept requests for instream lease applications through February 15, 2024). The water will go back onto your property at the end of the irrigation season for you to use in 2025, or,

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3. Request to remove the unused water through a water transfer. Requests should be made by March 15, 2024.

If you choose not to follow any of these options, the District will have no choice but to remove the unused water right at the end of the 2024 season by filing a petition with Oregon Water Resources Department (OWRD) to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to remove the unused water right in 2024 (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).

If you have any evidence that you fully irrigated the entire mapped area at any time since 2019, please present the evidence to our office within 30 days from the date of this letter.

**REMINDER:** Whether you choose to use, lease, transfer, or not use the water rights in 2024, your 2024 assessments are due and payable to COID by the due date.

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

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

Sincerely,  
Gina Brooksbank



Water Rights Manager

Encl.

cc: OWRD, 725 Summer St NE Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
Lenders, if any:

Sent by certified mail and standard mail November 28, 2023.

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# 2024 FORFEITURE MAP

DEC 24 2024  
OWPD

### Legend

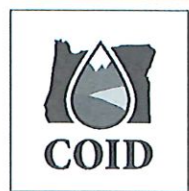
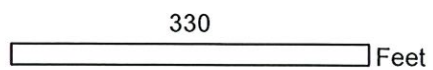
-  PATRON'S TRSQTL
-  PAST 5
-  2019(URGENT)
-  STREETS
-  ACRES
-  IRRIGATED LANDS
-  TAXLOTS



NAME: Oregon Conference Adventist Churches

TRSQTL: 171223SENE00116

APPROXIMATE TRSQTL SIZE: 9.71 ac



Electronic Delivery Confirmation™



Central Oregon Irrigation District  
Gina Brooksbank  
1055 SW LAKE CT  
REDMOND OR 97756-1469

**\$7.18 US POSTAGE**  
FIRST-CLASS  
Nov 21 2023  
Mailed from ZIP 97756  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



USPS CERTIFIED MAIL



9414 8118 9876 5498 1360 82

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Oregon Conference Adventist Churches  
PO BOX 6389  
BEND OR 97708-6389



Reference	
USPS #	9414811898765498136082
USPS Mail Class	Certified with Return Receipt (Signature)
USPS Status	Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.
USPS History	<p>In Transit to Next Facility, 12/24/2023</p> <p>In Transit to Next Facility, 12/23/2023</p> <p>In Transit to Next Facility, 12/22/2023</p> <p>Arrived at USPS Regional Facility, December 21, 2023, 8:53 pm, EUGENE OR DISTRIBUTION CENTER</p> <p>Arrived at USPS Facility, December 21, 2023, 10:21 am, PORTLAND, OR 97215</p> <p>Unclaimed/Being Returned to Sender, December 17, 2023, 1:33 pm, BEND, OR 97701</p> <p>Reminder to pick up your item before December 15, 2023</p> <p>Available for Pickup, 12/01/2023, 2:51 am, BEND, OR 97708</p> <p>Arrived at USPS Regional Facility, November 30, 2023, 1:18 pm, EUGENE OR DISTRIBUTION CENTER</p> <p>Arrived at USPS Facility, November 29, 2023, 6:16 pm, PORTLAND, OR 97215</p> <p>Accepted at USPS Origin Facility, November 29, 2023, 5:01 pm, REDMOND, OR 97756</p> <p>Shipping Label Created, USPS Awaiting Item, 11/21/2023, 1:17 pm, REDMOND, OR 97756</p>



CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

October 1, 2024

Received  
DEC 24 2024  
OWRD

Patron #: 931

Oregon Conference Adventist Churches  
21610 Butler Market Rd.  
Bend, OR 97701

RE: Tax Map #: 1712230000116, 1.00 acres total mapped water rights  
0.20 acres water rights to be forfeited in 2024

Dear Patron,

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

Certified letters were sent to you and any known security interest holders, following the end of the 2023 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2024 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2023 and 2024 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been irrigated between 2019 and 2024.

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

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

1055 SW Lake Ct. Redmond, OR 97756

541-548-6047

[coid.org](http://coid.org)

14583 -



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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*Directors Mortgage Inc 4550 SW Kruse Wa, #275 Lake Oswego, OR 97035*

Sent by certified mail and standard mail October 1, 2024

Received  
DEC 24 2024  
OWRD

1055 SW Lake Ct. Redmond, OR 97756

541-548-6047

[coid.org](http://coid.org)

14583 - -

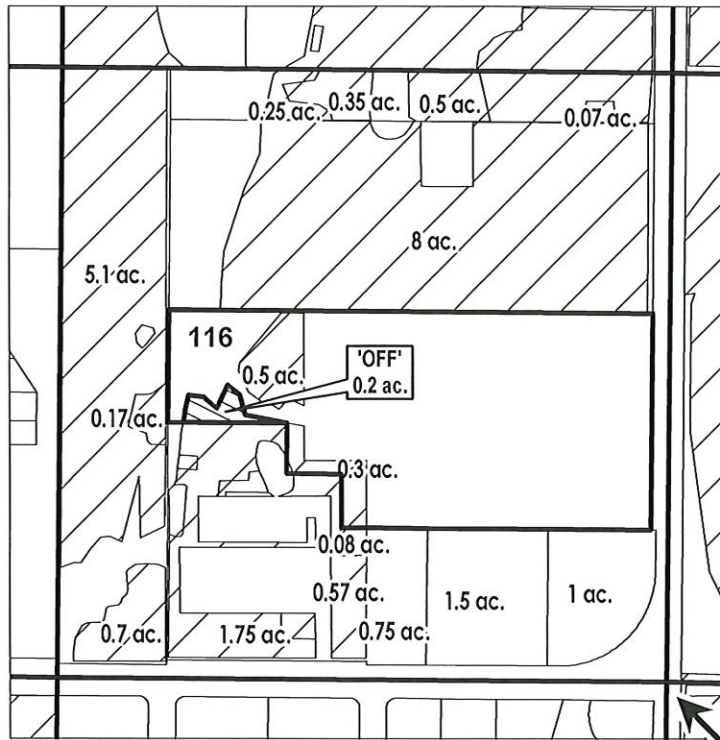
# DESCHUTES COUNTY SEC.23 T17S R12E

Received  
DEC 24 2024  
OWRD

SCALE - 1" = 400'



SE 1/4 OF THE NE 1/4



E 1/4 COR

"OFF" MAP

# ac.	PARCELS W/ WATER RIGHTS
	EXISTING WATER RIGHTS
	OFF LANDS



## WATER RIGHTS PENDING FORFEITURE MAP

ORS 540.572

NAME: Oregon Conference Adventist Churches

TAXLOT #: 116

0.2 ACRES

Date: 9/19/2024

14583 - 11



October 1, 2024

Received  
DEC 24 2024

OWRD

Dear Reference USPS Certified Mail:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9414 8118 9876 5487 4297 75.**

**Item Details**

**Status:** Delivered, Front Desk/Reception/Mail Room  
**Status Date / Time:** September 30, 2024, 9:52 am  
**Location:** GLADSTONE, OR 97027  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
Return Receipt Electronic  
**Recipient Name:** Oregon Conference Adventist Churches

**Recipient Signature**

Signature of Recipient:	<i>Thomas</i>
Address of Recipient:	<i>17260 Orrville</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004



CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

December 20, 2024

Received  
DEC 24 2024

OWRD

Mackenzie Gervais Stabler  
61695 Gribbling Rd.  
Bend, OR 97702

RE: Forfeiture of water rights appurtenant to tax map #: 181304D000700, 0.03 acres Irrigation

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

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

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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2024  
Encl.

Central Oregon Irrigation District  
Gina Brooksbank  
1055 SW LAKE CT  
REDMOND OR 97756-1469

USPS CERTIFIED MAIL



9414 8118 9876 5498 7013 41

Stabler, Mackenzie Gervais  
61695 GRIBBLING RD  
BEND OR 97702-8816



\$7.42 US POSTAGE  
FIRST-CLASS  
Nov 28 2023  
Mailed from ZIP 97756  
2 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



stamps  
endicia

062S0001442154

Received

DEC 24 2024

OWRD

14583 -



Received  
DEC 24 2024  
OWRD

November 28, 2023

Patron ID: 4971

Stabler, Mackenzie Gervais  
61695 Gribbling Road  
Bend, OR 97702

RE: Tax Map #: 181304D000700  
4.35 acres total Irrigated Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2023 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a portion of, or all, the water right on the above-noted property has not been beneficially used for four consecutive years. Enclosed is an aerial photo taken in June 2023 with the quantity of appurtenant water rights noted next to a point (there may be multiple points). Over the last four years, the total area being irrigated is less than the amount of the water right.

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

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

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

1. You must use the full water right on the ground during the 2024 irrigation season,
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2024 season (the District will accept requests for instream lease

Received  
DEC 24 2024

applications through February 15, 2024). The water will go back onto your property at the end of the irrigation season for you to use in 2025, or,

3. Request to remove the unused water through a water transfer. Requests should be made by March 15, 2024.

If you choose not to follow any of these options, the District will have no choice but to remove the unused water right at the end of the 2024 season by filing a petition with Oregon Water Resources Department (OWRD) to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to remove the unused water right in 2024 (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).

If you have any evidence that you fully irrigated the required area at any time since 2019, please present the evidence to our office within 30 days from the date of this letter.

**REMINDER:** Whether you choose to use, lease, transfer, or not use your water rights in 2024, your 2024 assessments are due and payable to COID by the due date.

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

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

Sincerely,  
Gina Brooksbank



Water Rights Manager

Encl.

cc: OWRD, 725 Summer St NE Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
Lender(s) if any:  
United Wholesale Mortgage, LLC, 585 South Boulevard E, Pontiac, MI 48341  
First Interstate Bank, Loan Operations, PO Box 31193, Billings, MT 59107

Sent by certified mail and standard mail November 28, 2023

14583 -

Received

# 2024 FORFEITURE MAP

DEC 4 2024

COURT

### Legend

-  PATRON'S TRSQTL
-  PAST 5
-  2019(URGENT)
-  2020
-  2021
-  ACRES
-  IRRIGATED LANDS
-  TAXLOTS

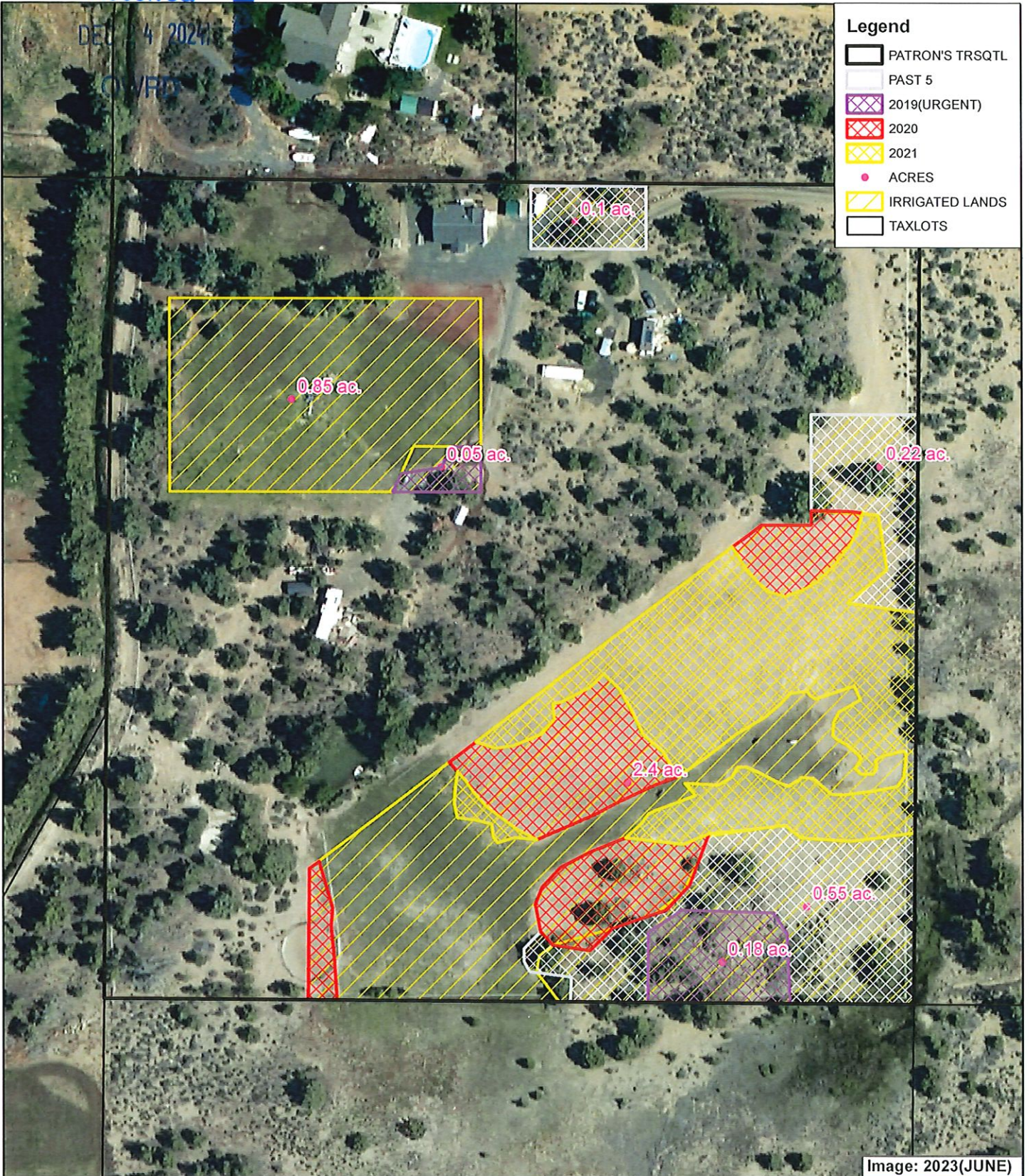
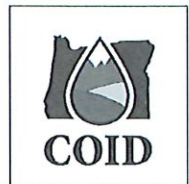
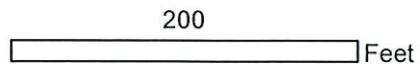


Image: 2023(JUNE)

NAME: Stabler, Mackenzie Gervais

TRSQTL: 181304SWSE00700

APPROXIMATE TRSQTL SIZE: 9.94 ac







Received  
DEC 24 2024  
OWRD

November 28, 2023

United Wholesale Mortgage, LLC  
585 South Boulevard E  
Pontiac, MI 48341

Borrower: Stabler, Mackenzie Gervais  
Patron: 4971  
Tax Map #: 181304D000700

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

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

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

If you have any questions regarding the letter or beneficial use, please contact the Water Rights Team at 541-548-6047 or by emailing [edu@coid.org](mailto:edu@coid.org).

Sincerely,

Gina Brooksbank

A handwritten signature in black ink, appearing to read "Gina Brooksbank".

Water Rights Manager

Encl.



Received  
DEC 24 2024  
OWRD

November 28, 2023

First Interstate Bank, Loan Operations  
PO Box 31193  
Billings, MT, 59107

Borrower: Stabler, Mackenzie Gervais  
Patron: 4971  
Tax Map #: 181304D000700

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

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

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

If you have any questions regarding the letter or beneficial use, please contact the Water Rights Team at 541-548-6047 or by emailing [edu@coid.org](mailto:edu@coid.org).

Sincerely,

Gina Brooksbank

A handwritten signature in cursive script, appearing to read "Gina Brooksbank".

Water Rights Manager

Encl.

Electronic Delivery Confirmation™



Central Oregon Irrigation District  
Gina Brooksbank  
1055 SW LAKE CT  
REDMOND OR 97756-1469

\$7.42 US POSTAGE  
FIRST-CLASS  
Nov 28 2023  
Mailed from ZIP 97756  
2 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



USPS CERTIFIED MAIL



9414 8118 9876 5498 7013 41

Stabler, Mackenzie Gervais  
61695 GRIBBLING RD  
BEND OR 97702-8816



Received  
DEC 24 2024  
OWRD

Reference	
USPS #	9414811898765498701341
USPS Mail Class	Certified with Return Receipt (Signature)
USPS Status	Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.
USPS History	<p>In Transit to Next Facility, 12/27/2023</p> <p>In Transit to Next Facility, 12/26/2023</p> <p>In Transit to Next Facility, 12/25/2023</p> <p>Arrived at USPS Regional Facility, December 24, 2023, 5:36 pm, EUGENE OR DISTRIBUTION CENTER</p> <p>Arrived at USPS Facility, December 23, 2023, 7:37 am, PORTLAND, OR 97215</p> <p>Unclaimed/Being Returned to Sender, December 18, 2023, 1:20 pm, BEND, OR 97702</p> <p>Reminder to Schedule Redelivery of your item</p> <p>Notice Left (No Authorized Recipient Available), 12/01/2023, 10:30 am, BEND, OR 97702</p> <p>Arrived at USPS Regional Facility, November 30, 2023, 1:10 pm, EUGENE OR DISTRIBUTION CENTER</p> <p>Arrived at USPS Facility, November 29, 2023, 6:12 pm, PORTLAND, OR 97215</p> <p>Accepted at USPS Origin Facility, November 29, 2023, 4:57 pm, REDMOND, OR 97756</p> <p>Shipping Label Created, USPS Awaiting Item, 11/21/2023, 12:37 pm, REDMOND, OR 97756</p>

COID  
1055 SW LAKE CT  
REDMOND OR 97756-1469

**\$8.16 US POSTAGE**  
FIRST-CLASS  
Sep 24 2024  
Mailed from ZIP 97756  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275

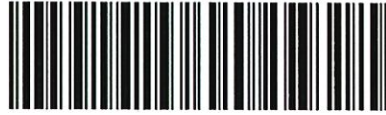


stamps  
endicia

062S0010937440

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**USPS CERTIFIED MAIL**



9414 8118 9876 5487 4299 66

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Gervais Stabler, Mackenzie  
61695 GRIBBLING RD  
BEND OR 97702-8816



Received  
DEC 24 2024  
OWRD

14583 -



CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

Received  
DEC 24 2024  
OWRD

October 1, 2024

Patron #: 4971

Mackenzie Gervais Stabler  
61695 Gribbling Rd.  
Bend, OR 97702

RE: Tax Map #: 181304D000700, 4.35 acres total mapped water rights  
0.03 acres water rights to be forfeited in 2024

Dear Patron,

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

Certified letters were sent to you and any known security interest holders, following the end of the 2023 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2024 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2023 and 2024 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been irrigated between 2019 and 2024.

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

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

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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*Directors Mortgage Inc 4550 SW Kruse Wa, #275 Lake Oswego, OR 97035*

Sent by certified mail and standard mail October 1, 2024

Received  
DEC 24 2024  
OWRD

1055 SW Lake Ct. Redmond, OR 97756

541-548-6047

[coid.org](http://coid.org)

14583 -



CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

Received  
DEC 24 2024  
OWRD

October 1, 2024

United Wholesale Mortgage, LLC  
Attn: Post Closing Manager  
585 South Boulevard E  
Pontiac, MI 48341

Borrower: Mackenzie Gervais Stabler: 4971  
Tax Map #: 181304D000700  
Property Address: 61695 Gribbling Rd. Bend, OR 97702

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

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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

Encl.



CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

Received  
DEC 24 2024  
OWRD

October 1, 2024

First Interstate Bank  
Loan Operations  
PO Box 31193  
Billings, MT 59107

Borrower: Mackenzie Gervais Stabler: 4971  
Tax Map #: 181304D000700  
Property Address: 61695 Gribbling Rd. Bend, OR 97702

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

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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

Encl.



Received  
DEC 24 2024

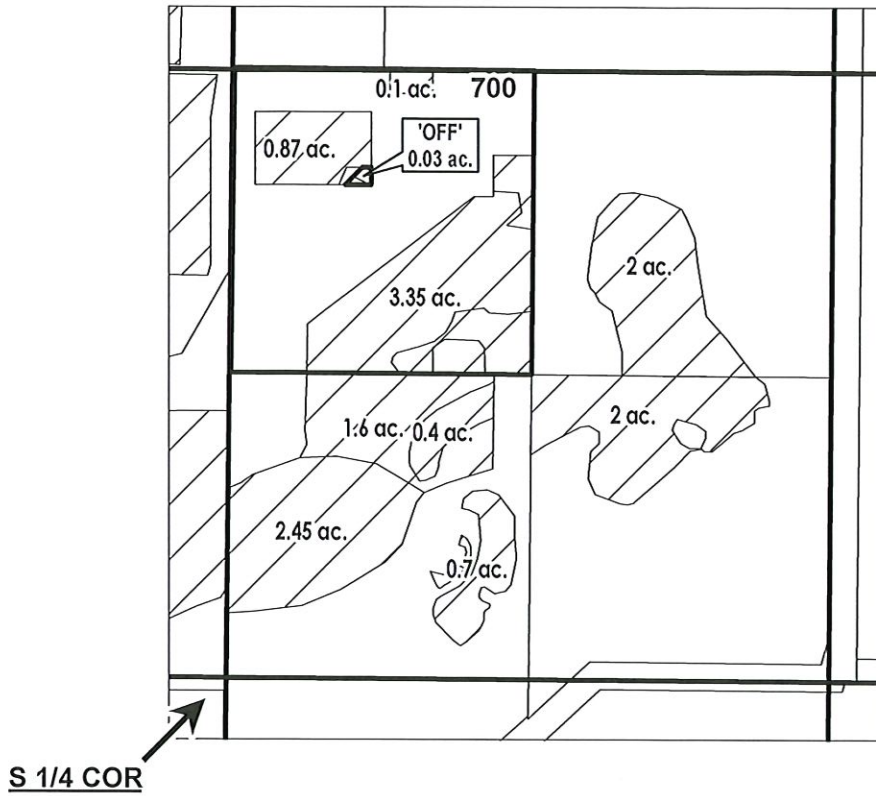
OWRD

# DESCHUTES COUNTY SEC.04 T18S R13E

SCALE - 1" = 400'



SW 1/4 OF THE SE 1/4



"OFF" MAP

	EXISTING WATER RIGHTS
	OFF LANDS



## WATER RIGHTS PENDING FORFEITURE MAP ORS 540.572

NAME: Stabler, Mackenzie Gervais

TAXLOT #: 700

0.03 ACRES

Date: 9/19/2024

Electronic Delivery Confirmation™



COID  
1055 SW LAKE CT  
REDMOND OR 97756-1469

**\$8.16 US POSTAGE**  
FIRST-CLASS  
Sep 24 2024  
Mailed from ZIP 97756  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



USPS CERTIFIED MAIL



9414 8118 9876 5487 4299 66

Received  
DEC 24 2024  
OWRD

Gervais Stabler, Mackenzie  
61695 GRIBBLING RD  
BEND OR 97702-8816



Reference	
USPS #	9414811898765487429966
USPS Mail Class	Certified with Return Receipt (Signature)
USPS Status	Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.
USPS History	<p>In Transit to Next Facility, 11/06/2024</p> <p>In Transit to Next Facility, 11/05/2024</p> <p>In Transit to Next Facility, 11/04/2024</p> <p>Arrived at USPS Regional Facility, November 3, 2024, 2:52 pm, EUGENE OR DISTRIBUTION CENTER</p> <p>Arrived at USPS Facility, November 3, 2024, 9:56 am, PORTLAND, OR 97215</p> <p>Unclaimed/Being Returned to Sender, October 30, 2024, 1:08 pm, BEND, OR 97702</p> <p>Reminder to Schedule Redelivery of your item</p> <p>Notice Left (No Authorized Recipient Available), 09/30/2024, 1:54 pm, BEND, OR 97702</p> <p>Arrived at USPS Regional Facility, September 28, 2024, 6:07 pm, EUGENE OR DISTRIBUTION CENTER</p> <p>Arrived at USPS Facility, September 28, 2024, 12:27 am, PORTLAND, OR 97215</p> <p>Accepted at USPS Origin Facility, September 27, 2024, 11:12 pm, REDMOND, OR 97756</p> <p>Shipping Label Created, USPS Awaiting Item, 09/24/2024, 4:43 pm, REDMOND, OR 97756</p>



CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

Received  
DEC 24 2024  
OWRD

December 20, 2024

Jayson Tuma  
PO Box 6536  
Bend, OR 97708

RE: Forfeiture of water rights appurtenant to tax map #: 1513300000900, 0.42 acres Irrigation

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

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

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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

cc: OWRD, 725 Summer St N.E., Salem, OR  
Mailed via certified mail December 20, 2024  
Encl.

Central Oregon Irrigation District  
Gina Brooksbank  
1055 SW LAKE CT  
REDMOND OR 97756-1469

**\$7.18 US POSTAGE**  
FIRST-CLASS  
Nov 21 2023  
Mailed from ZIP 97756  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923276



stamps  
endicia

062S0001442141

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**USPS CERTIFIED MAIL**



9414 8118 9876 5498 1366 62

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Tuma, Jayson  
PO BOX 6536  
BEND OR 97708-6536



Received  
DEC 24 2024  
OWRD



Received  
DEC 24 2024  
OWRD

November 28, 2023

Patron ID: 5310

Tuma, Jayson  
PO Box 6536  
Bend, OR 97708

RE: Tax Map #:1513300000900  
10.00 acres total Irrigated Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2023 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a portion of, or all, the water right on the above-noted property has not been beneficially used for four consecutive years. Enclosed is an aerial photo taken in June 2023 showing where the water rights are mapped in yellow hatch. The mapped areas that have not been irrigated since 2019 are noted in purple crosshatch.

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

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

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

1. You must use the full water right on the ground exactly as it is mapped during the 2024 irrigation season (see enclosed aerial photo for location of mapped water rights);
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2024 season (the District will accept requests for instream lease applications through February 15, 2024). The water will go back onto your property at the end of the irrigation season for you to use in 2025, or,

3. Request to remove the unused water through a water transfer. Requests should be made by March 15, 2024.

If you choose not to follow any of these options, the District will have no choice but to remove the unused water right at the end of the 2024 season by filing a petition with Oregon Water Resources Department (OWRD) to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to remove the unused water right in 2024 (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).

If you have any evidence that you fully irrigated the entire mapped area at any time since 2019, please present the evidence to our office within 30 days from the date of this letter.

**REMINDER:** Whether you choose to use, lease, transfer, or not use the water rights in 2024, your 2024 assessments are due and payable to COID by the due date.

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

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

Sincerely,  
Gina Brooksbank



Water Rights Manager

Encl.

cc: OWRD, 725 Summer St NE Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
Lenders, if any:  
Umpqua Bank, 6610 SW Cardinal Lane, Suite 300, Tigard, OR 97224

Sent by certified mail and standard mail November 28, 2023.

Received  
DEC 24 2024  
OWRD

14583 -



Received  
DEC 24 2024  
OWRD

November 28, 2023

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

Borrower: Tuma, Jayson  
Patron: 5310  
Tax Map #: 1513300000900

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

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

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

If you have any questions regarding the letter or beneficial use, please contact the Water Rights Team at 541-548-6047 or by emailing [edu@coid.org](mailto:edu@coid.org).

Sincerely,

Gina Brooksbank

A handwritten signature in black ink, appearing to read "Gina Brooksbank".

Water Rights Manager

Encl.

Received

# 2024 FORFEITURE MAP

DEC 24 2024

OWRD

WICKIUP

### Legend

-  PATRON'S TRSQTL
-  PAST 5
-  2019(URGENT)
-  2022
-  STREETS
-  ACRES
-  IRRIGATED LANDS
-  TAXLOTS



XERO

10 ac.

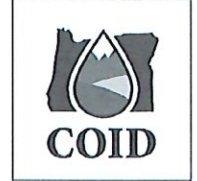
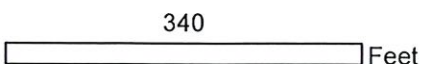
HELMHOLTZ

Image: 2023(JUNE)

NAME: Tuma, Jayson

TRSQTL: 151330NWNW00900

APPROXIMATE TRSQTL SIZE: 11.16 ac



14583 -



Electronic Delivery Confirmation™



Central Oregon Irrigation District  
Gina Brooksbank  
1055 SW LAKE CT  
REDMOND OR 97756-1469

**\$7.18 US POSTAGE**  
FIRST-CLASS  
Nov 21 2023  
Mailed from ZIP 97756  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



USPS CERTIFIED MAIL



9414 8118 9876 5498 1366 62

Tuma, Jayson  
PO BOX 6536  
BEND OR 97708-6536



Received  
DEC 24 2024  
OWRD

Reference	
USPS #	9414811898765498136662
USPS Mail Class	Certified with Return Receipt (Signature)
USPS Status	Your item was picked up at the post office at 9:48 am on December 6, 2023 in BEND, OR 97701.
USPS History	Reminder to pick up your item before December 15, 2023 Available for Pickup, 12/01/2023, 2:51 am, BEND, OR 97708 Arrived at USPS Regional Facility, November 30, 2023, 1:18 pm, EUGENE OR DISTRIBUTION CENTER Arrived at USPS Facility, November 29, 2023, 6:16 pm, PORTLAND, OR 97215 Accepted at USPS Origin Facility, November 29, 2023, 5:01 pm, REDMOND, OR 97756 Shipping Label Created, USPS Awaiting Item, 11/21/2023, 1:16 pm, REDMOND, OR 97756



CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

Received  
DEC 24 2024  
OWRD

October 1, 2024

Patron #: 5310

Jayson Tuma  
3342 SW Helmholtz Way  
Redmond, OR 97756

RE: Tax Map #: 151330BB00300, 10.00 acres total mapped water rights  
0.42 acres water rights to be forfeited in 2024

Dear Patron,

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

Certified letters were sent to you and any known security interest holders, following the end of the 2023 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2024 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2023 and 2024 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been irrigated between 2019 and 2024.

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

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

1055 SW Lake Ct. Redmond, OR 97756

541-548-6047

[coid.org](http://coid.org)

14583 -

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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301  
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701  
*Directors Mortgage Inc 4550 SW Kruse Wa, #275 Lake Oswego, OR 97035*

Sent by certified mail and standard mail October 1, 2024

Received  
OFC 24 2024  
OWRD



CENTRAL OREGON  
**Irrigation**  
DISTRICT  
Since 1918

Received  
DEC 24 2024  
OWRD

October 1, 2024

Umpqua Bank  
6021 244<sup>th</sup> Street SW  
Mountlake Terrace, WA 98043

Borrower: Jayson Tuma: 5310  
Tax Map #: 151330BB00300  
Property Address: 3342 SW Helmholtz Way Redmond, OR 97756

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

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

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

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

Sincerely,

Mikaela Watson  
Water Rights Project Assistant

Encl.

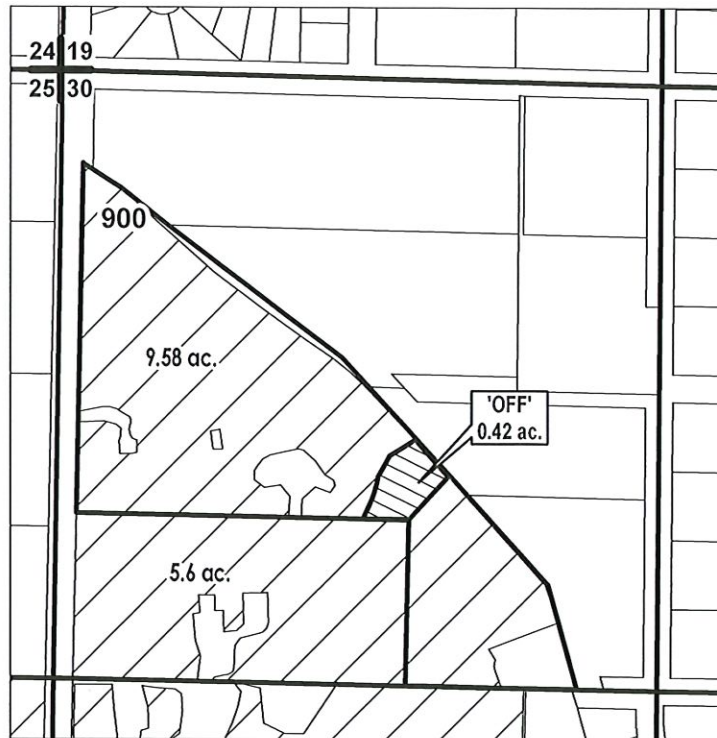
Received  
DFC 24 2024  
OWRD

# DESCHUTES COUNTY SEC.30 T15S R13E

SCALE - 1" = 400'



NW 1/4 OF THE NW 1/4



"OFF" MAP

-  EXISTING WATER RIGHTS
-  OFF LANDS



## WATER RIGHTS PENDING FORFEITURE MAP

ORS 540.572

NAME: Tuma, Jayson

TAXLOT #: 900

0.42 ACRES

Date: 9/19/2024

14583 -

Electronic Delivery Confirmation™



COID  
1055 SW LAKE CT  
REDMOND OR 97756-1469

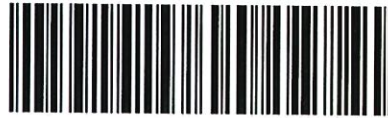
**\$8.16 US POSTAGE**  
FIRST-CLASS  
Sep 24 2024  
Mailed from ZIP 97756  
1 OZ FIRST-CLASS MAIL LETTER  
RATE  
11923275



stamps  
endicia

062S0010282493

USPS CERTIFIED MAIL



9414 8118 9876 5487 4299 11

Tuma, Jayson  
PO BOX 6536  
BEND OR 97708-6536



Received  
DEC 24 2024  
OWRD

Reference	
USPS #	9414811898765487429911
USPS Mail Class	Certified with Return Receipt (Signature)
USPS Status	Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.
USPS History	<p>In Transit to Next Facility, 10/02/2024</p> <p>In Transit to Next Facility, 10/01/2024</p> <p>In Transit to Next Facility, 09/30/2024</p> <p>Arrived at USPS Regional Facility, September 28, 2024, 11:52 am, EUGENE OR DISTRIBUTION CENTER</p> <p>Arrived at USPS Facility, September 28, 2024, 12:47 am, PORTLAND, OR 97215</p> <p>Accepted at USPS Origin Facility, September 27, 2024, 11:32 pm, REDMOND, OR 97756</p> <p>Shipping Label Created, USPS Awaiting Item, 09/24/2024, 4:43 pm, REDMOND, OR 97756</p>