

District

Name Owyhee Irrigation DistrictAddress 422 Thunderegg BlvdNyssa, OR 97913Krista@owyheeirrigation.orgChange in POUDate Filed 1/2/2024Initial notice date 1/9/2024

DPD issued date

PD issued date

PD notice date

Date of FO 4/19/2024 Vol 129 Page 1194-1199

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Owyhee River, Owyhee ReservoirTrib. of Snake RiverUse IrrigationCounty Malheur

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 511709Per # 58171Cert # 75691

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

## FEES PAID

Date

Amount

Receipt #

1-2-2024\$1,360.00142191

## FEES REFUNDED

Date

Amount

Receipt #

Assignments:

Irrigation District Owyhee

Agent

CWRE

CC's list BOR





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

April 19, 2024

Owyhee Irrigation District  
422 Thunderegg Blvd  
Nyssa, OR 97913

REFERENCE: District Transfer T-14375

Enclosed is a copy of the final order approving your District Transfer.

The time allowed to complete the transfer is specified in the final order. You are required to submit a claim of beneficial use to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized final order whichever comes first. If necessary, you may request more time by filing for transfer extension. All extensions are subject to approval.

To file a claim please include:

1. **A CLAIM OF BENEFICIAL USE form**
2. **A CLAIM OF BENEFICIAL USE SITE REPORT**
3. **A Claim of Beneficial Use Map** (this map does not need to be prepared by a Certified Water Rights Examiner (CWRE))

All forms needed to file a claim for a district transfer are available at

<https://www.oregon.gov/OWRD/programs/WaterRights/Transfers/DistTransfer/Pages/Forms.aspx>

If you have any questions related to the approval of this transfer, you may contact your caseworker Ann Reece by telephone at (503) 979-3214 or by e-mail at [Ann.L.Reece@water.oregon.gov](mailto:Ann.L.Reece@water.oregon.gov).

Sincerely,

Elyse D. Richman  
Water Right Services Support  
Transfers and Conservation Section

cc: Jered L. Hoshaw, Watermaster Dist. # 9 (via email)  
U.S. Bureau of Reclamation

Enclosure



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

|                                       |   |                                      |
|---------------------------------------|---|--------------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING A DISTRICT     |
| T-14375, Malheur County               | ) | PERMANENT TRANSFER FOR CHANGES IN    |
|                                       | ) | PLACE OF USE AND PLACE OF USE CHANGE |
|                                       | ) | DUE TO NON-USE                       |

**Authority**

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Oregon Revised Statutes (ORS) 540.572 to 540.580 establish the process in which a district may submit a request to permanently transfer a water right within district boundaries whenever land within the legal boundaries of a district is no longer irrigated or susceptible of irrigation. Oregon Administrative Rules (OAR) 690-385-5000 to 690-385-5900 implement the statutes and provide the Department's procedures and criteria for evaluating district permanent transfer applications for non-use.

**Applicant**

OWYHEE IRRIGATION DISTRICT  
422 THUNDEREGG BLVD  
NYSSA, OR 97913

**Findings of Fact**

1. On October 28, 2022, and November 10 & 17, 2022, Owyhee Irrigation District (OID) sent by certified mail, notices advising five (5) water users that OID's records show that a portion or all of the user's water right had not been beneficially used for the previous four consecutive years, and furthermore, if the user does not use the water for a fifth consecutive year, the district may petition the Department for a transfer of water right due to non-use. All persons holding a recorded security interest in the appurtenant lands were also notified. The contents of the notices meet the requirements of ORS 540.572(2) and OAR 690-385-5100.

This final order is in a contested case and is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075(2) and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).



2. On October 30, 2023, OID sent by certified mail, notices to the same five (5) water users stating OID's intent to confiscate the water right appurtenant to their lands due to five consecutive years of non-use and file a petition with the Department to transfer the unused portions of the water right to other lands in the district. The notice also advised the water users of their opportunity to object in writing within a 30-day period that began October 30, 2023. All persons holding a recorded security interest in the affected lands were also notified. The contents of the notices meet the requirements of ORS 540.572(3)-(4) and OAR 690-385-5100.
3. OID did not submit to OWRD any written objections received by the district from any water user within 30 days of the notice described in Finding of Fact #2.
4. On December 27, 2023, OID sent by certified mail, notices to the water users of the district whose right of record is to be transferred and to those who are to receive the transferred right. The notice informed them that OID filed a petition with the Department to remove water rights due to five consecutive years of non-use. Copies of the permanent transfer application (petition) and maps submitted to the Department were included in the notice. The notice also informed the water users of their opportunity to submit to the Department, a protest consistent with OAR 690-385-5700 against approval of the permanent transfer. The contents of the notice meet the requirements of ORS 540.576 and OAR 690-385-5400. No protests were received within the 60-day protest period that began December 27, 2023.
5. OID sent the district transfer application to the Department by certified mail on December 27, 2023, and it was date-stamped by the Department on January 2, 2024. The district filed the transfer application to permanently change the place of use under Certificate 75691. The application includes lands to be evaluated under ORS 540.572 (3.61 acres) for non-use, and lands not involved in a non-use process (28.87 acres) to be evaluated under ORS 540.580. The Department assigned the application number T-14375.
6. Notice of the District Permanent Transfer Application for Non-Use for 3.61 acres was published on January 9, 2024, pursuant to ORS 540.580 and OAR 690-385-5500 with a 30-day comment period. No comments were filed in response to the notice.
7. Notice of the District Permanent Transfer Application for 25.87 acres not involved in a non-use process was published on January 9, 2024, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
8. The U.S. Bureau of Reclamation was notified of the transfer application on January 9, 2024, no comments were received within 90 days of the notification.
9. On January 10 & 15, 2024, and February 5, & 27, 2024, OID submitted revised place of use tables and a map to reflect the withdrawal of 2.7 acres from the transfer and to correct scrivener's errors on maps.
10. The portion of the first right to be transferred is as follows:  
**Certificate:** 75691 in the name of the UNITED STATES OF AMERICA; BUREAU OF RECLAMATION (perfected under Permit S-8171)  
**Use:** IRRIGATION of 29.48 acres



**Priority Date:** FEBRUARY 15, 1916, for stored water and AUGUST 19, 1924, for direct flow

**Rate / Duty:** The amount of water from direct flow of the Owyhee River used for irrigation shall be limited to 1/60<sup>th</sup> of one cubic foot per second (cfs) per acre, or its equivalent for each acre irrigated and shall be further limited to 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The amount of water from direct flow of the Owyhee River together with water stored in Owyhee Reservoir and with the amount secured under any other water right existing for the same lands, shall be limited to a diversion of not to exceed 6.7 acre-feet for each acre irrigated during the irrigation season of each year and shall conform to any reasonable rotation system as may be ordered by the proper state officer.

**Sources:** The OWYHEE RIVER and water stored in OWYHEE RESERVOIR, constructed under Permit R-599, tributaries of the SNAKE RIVER

**Authorized Points of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances   |
|------|------|-----|-----|-------|--|
| 22 S | 45 E | WM  | 20  | NW SE | OWYHEE DAM: 200 FEET SOUTH AND 2010 FEET WEST FROM THE COMMON CORNER CORNER OF SECTIONS 20 AND 21          |
| 22 S | 45 E | WM  | 20  | NW SE | GLORY HOLE SPILLWAY: 200 FEET SOUTH AND 1680 FEET WEST FROM THE COMMON CORNER CORNER TO SECTIONS 20 AND 21 |
| 22 S | 45 E | WM  | 21  | NW SW | TUNNEL 1: 495 FEET EAST AND 264 FEET SOUTH FROM THE COMMON CORNER CORNER TO SECTIONS 20 AND 21             |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |      |            |          |
|------------|------|-----|-----|-------|-------|------|------------|----------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres | Tax  | Water User | Notice   |
| 16 S       | 47 E | WM  | 34  | NW NW | 0.51  | 700  | ALLEN      | 23-71800 |
| 17 S       | 46 E | WM  | 26  | SW NE | 2.43  | 6300 | DAVIS      | 23-66600 |
| 17 S       | 46 E | WM  | 26  | SE NE | 3.57  | 6300 | DAVIS      | 23-66600 |
| 17 S       | 47 E | WM  | 8   | SE NE | 0.50  | 700  | ANDEL      | 23-72302 |
| * 17 S     | 47 E | WM  | 17  | SW NW | 0.67  | 700  | GROVE      | 23-64505 |
| * 17 S     | 47 E | WM  | 20  | SW SW | 0.40  | 500  | NUNGARAY   | 23-62512 |
| * 17 S     | 47 E | WM  | 31  | NE NE | 0.40  | 1400 | PLACE      | 23-59100 |
| 18 S       | 46 E | WM  | 32  | NE SE | 0.09  | 800  | ENSZ       | 23-44900 |
| 18 S       | 46 E | WM  | 32  | SE SE | 0.15  | 800  | ENSZ       | 23-44900 |
| 18 S       | 46 E | WM  | 33  | NW NW | 1.08  | 600  | TSCHIDA    | 23-48100 |
| 18 S       | 46 E | WM  | 33  | SW NW | 2.83  | 700  | HUSSEY     | 23-50000 |
| 18 S       | 46 E | WM  | 34  | NW SW | 0.15  | 900  | HALL       | 23-43400 |
| 18 S       | 46 E | WM  | 34  | SW SW | 1.63  | 900  | HALL       | 23-43400 |
| 18 S       | 46 E | WM  | 35  | NW NW | 3.96  | 300  | VAN ENGEN  | 23-41800 |
| 18 S       | 46 E | WM  | 35  | SW NW | 1.62  | 300  | VAN ENGEN  | 23-41800 |
| 18 S       | 46 E | WM  | 35  | NW SW | 6.65  | 300  | VAN ENGEN  | 23-41800 |
| 18 S       | 46 E | WM  | 35  | SW SW | 0.70  | 300  | VAN ENGEN  | 23-41800 |
| * 20 S     | 46 E | WM  | 4   | SE SW | 1.70  | 800  | MCCLAIN    | 23-35400 |
| * 20 S     | 46 E | WM  | 9   | NE NW | 0.44  | 200  | GRIMALDO   | 23-34100 |
| Total      |      |     |     |       | 29.48 |      |            |          |

\* Lands totaling 3.61 acres involved in transfer due to non-use



11. Transfer Application T-14375 proposes to change the place of use to:

**Proposed Place of Use:**

| IRRIGATION |      |     |     |       |       |         |            |          |
|------------|------|-----|-----|-------|-------|---------|------------|----------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres | Tax Lot | Water User | Notice   |
| 16 S       | 47 E | WM  | 34  | NW NW | 0.51  | 700     | ALLEN      | 23-71800 |
| 17 S       | 46 E | WM  | 26  | NE SE | 6.00  | 6500    | DAVIS      | 23-62900 |
| * 17 S     | 47 E | WM  | 29  | NE NW | 1.07  | 1107    | KING       | 23-58201 |
| * 18 S     | 46 E | WM  | 27  | NW NW | 0.94  | 400     | POUNDS     | 23-41500 |
| 18 S       | 46 E | WM  | 32  | SE SE | 0.24  | 800     | ENSZ       | 23-44900 |
| 18 S       | 46 E | WM  | 33  | NW NW | 1.08  | 600     | TSCHIDA    | 23-48100 |
| 18 S       | 46 E | WM  | 33  | SW NW | 2.83  | 700     | HUSSEY     | 23-50000 |
| 18 S       | 46 E | WM  | 34  | NW SW | 1.27  | 900     | HALL       | 23-41800 |
| * 18 S     | 46 E | WM  | 34  | SW SW | 0.91  | 900     | HALL       | 23-43400 |
| 18 S       | 46 E | WM  | 35  | NW NW | 1.56  | 300     | VAN ENGEN  | 23-41800 |
| 18 S       | 46 E | WM  | 35  | SW NW | 1.69  | 300     | VAN ENGEN  | 23-41800 |
| 18 S       | 46 E | WM  | 35  | NE SW | 3.05  | 300     | VAN ENGEN  | 23-41800 |
| 18 S       | 46 E | WM  | 35  | NW SW | 6.63  | 300     | VAN ENGEN  | 23-41800 |
| * 20 S     | 46 E | WM  | 5   | SE SW | 1.70  | 801     | JONES      | 23-23003 |
| Total      |      |     |     |       | 29.48 |         |            |          |

Portions of these Lands totaling 3.61 acres are involved in transfer due to non-use

**Transfer Review Criteria for Lands Subject to Non-Use (3.61 acres) Transferred under ORS 540.572-540.580; OAR 690-358-5000 through 690-385-5800**

12. OID is managed by a full-time manager. ORS 540.572(1)(a) and OAR 690-385-5000(1).
13. OID is implementing an approved water conservation plan. ORS 540.572(1)(b) and OAR 690-385-5000(2).
14. Transfer T-14375 involves the use of water on lands located within the boundaries of OID. ORS 540.572(1) and OAR 690-385-5000(3).
15. OID determined the users had not made beneficial use of water for four successive years as shown in Findings of Fact #1. OAR 690-385-5000(4).
16. Based on the evidence contained in the letters and required notices, water was not put to beneficial use during the 2019, 2020, 2021, 2022, and 2023 irrigation seasons on the authorized lands designated in Finding of Fact # 10, above, as lands involved in the transfer due to non-use. OAR 690-385-5000(4). These authorized places of use are "no longer irrigated" as defined in ORS 540.572(7).
17. The district provided notice to the users of their intent to transfer and provided opportunity to resolve the matter in the manner described by ORS 540.272 and OAR 690-385-5400 and 690-385-5600. OAR 690-385-5000(5). [See Findings of Facts 1-4.]
18. OID filed Transfer Application T-14375 prior to the end of the fifth year of non-use as required by OAR 690-385-5600(5).
19. Transfer application T-14375 meets the application standards of ORS 540.574 and OAR 690-385-5200.
20. The maps meet the standards of ORS 540.574(1) and OAR 690-385-5300.

21. The water rights are subject to transfer as defined in OAR 690-385-0100(17). *OAR 690-385-5600(1).*
22. The proposed changes in place of use will not result in enlargement of the rights as defined in OAR 690-385-0100(4). *OAR 690-385-5600(2).*
23. The proposed changes in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6). *OAR 690-385-5600(3).*

***Transfer Review Criteria for Lands (25.87 acres) Transferred under ORS 540.580 and OAR 690-385-4000.***

24. The Department finds that the portion of the district permanent transfer application submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OAR 690-385-4200 and OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-4300 and OAR 690-385-2200.
25. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
26. The water right is subject to transfer as defined in OAR 690-385-0100(17).
27. The proposed change in place of use will not result in enlargement of the rights as defined in OAR 690-385-0100(4).
28. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
29. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

**Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-14375 satisfy the requirements of ORS 540.572 to 540.580, OAR 690-385-4500, OAR 693-385-5000, and 690-385-5600.


**Now, therefore, it is ORDERED:**

1. The proposed change in place of use to the water right evidenced by Certificate 75691 is approved.
2. The place of use from which the water right is transferred off by Transfer T-14375 shall no longer be irrigated and is cancelled from Certificate 75691.
3. The right to the use of the water at the place of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificate 75691, and any related decree.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use shall be submitted by OID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.



6. Water right Certificate 75691 is modified. After satisfactory proof of completion has been determined by the Department, a superseding water right certificate will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on APR 19 2024

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

Mailing Date: APR 22 2024

## Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department  
725 Summer St NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

Transfer Application: T-14375

Review Due Date:

Applicant Name: Owyhee Irrigation District

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Jered Hoshaw

Date of Review: 02/20/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☐ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☒ Yes ☐ No If "Yes", explain:

See attached Watermaster Notes

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a totalizing flow meter\*, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*b. The water user shall maintain the meters or measuring devices in good working order.*

*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install staff gages\*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

*b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: \_\_\_\_

**Oregon Water Resources Department**  
**Measurement Condition Information for the Applicant**  
*(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ will  
 be required to be installed prior to diversion of water, as a condition of this transfer:

☐ at each point of diversion/appropriation (new and existing) **OR**

☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

**Approval of an Alternate Measurement Device**      **T-**  
*(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 Watermaster signature

\_\_\_\_\_  
 District

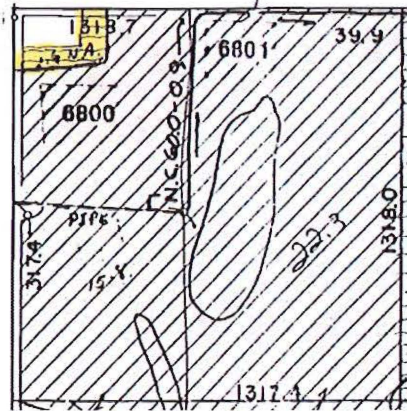
\_\_\_\_\_  
 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

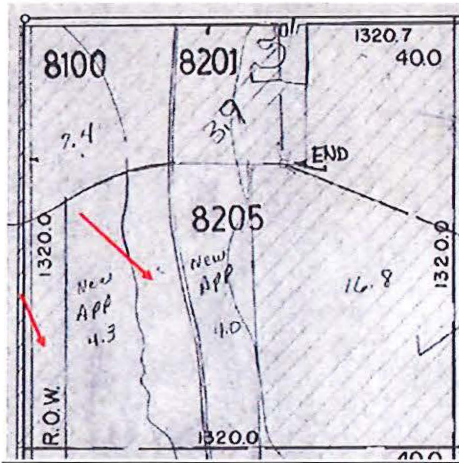
Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, OR 97301-1266



16 South, 47 East, Section 34 (NW, NW):



- The 1.74 acres (OFF) do not exist in this area (see below)
- The 1.56 acres (ON) are already covered by Cert. 75691 and are part of the original 7.4 acres (see below)

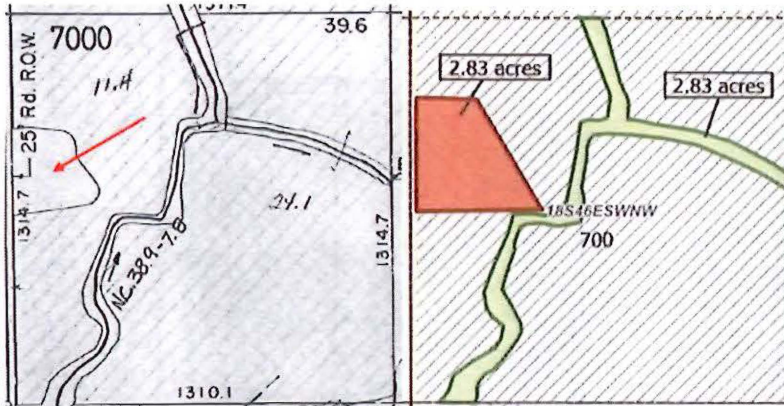


Remaining/Total Acres per tax lot per QQ in the tables shows 7.24 acres and it should show 7.27 acres.

## T-14375 Watermaster Notes

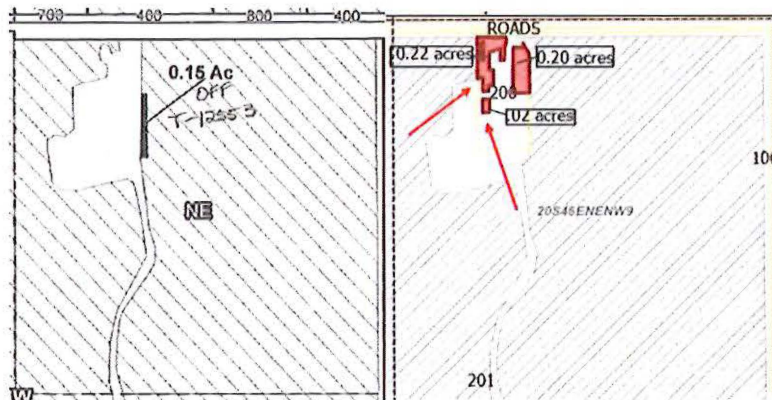
### 18 South, 46 East, Section 33 (SW, NW):

A good portion of the 2.83 "OFF" acres do not exist in this area (see below)



### 20 South, 46 East, Section 9 (NE, NW):

A portion of the "OFF" acres do not exist in this area (see below)



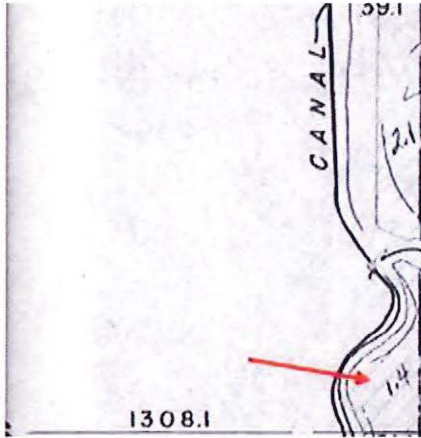
### 17 South, 47 East, Section 8 (SE, NE):

Transfer map "OFF" acres do not add up to the same as listed in table.

## T-14375 Watermaster Notes

### 17 South, 46 East, Section 26 (SW, NE):

According to the transfer map it is proposed to transfer 1.51 acres "OFF" in the SE corner. There is only 1.4 acres available to transfer in this area (see below)



### 18 South, 46 East, Section 27 (NW, NW):

Transfer "ON" map acres do not add up to the same listed in table.



# **WATER RIGHT TRANSFER COVER SHEET**

Transfer: T-14375

Transfer Specialist:

Transfer Type: District Permanent Transfer

Reimbursement Authority? ☐

|   |                               |                             |
|---|-------------------------------|-----------------------------|
| <b>Applicant:</b><br>Owyhee Irrigation District<br>422 Thunderegg Blvd<br>Nyssa, OR 97913 | <b>Agent:</b>                 | <b>Receiving Landowner:</b> |
| <b>Current Landowner if other than Applicant:</b>   | <b>CWRE:</b>                  | <b>Irrigation District:</b> |
| <b>Affected Local Gov'ts:</b>   | <b>Affected Tribal Gov't:</b> | <b>BOR Notified (date):</b> |

## **Water Rights Affected**

| File Marked              | App. File # or Decree Name | Permit | Certificate | RR/CR Needed   | RR/CR Nos. |
|--------------------------|----------------------------|--------|-------------|--|------------|
| <input type="checkbox"/> |                            |        |             | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/> |                            |        |             | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/> |                            |        |             | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |

## **Key Dates & Initial Actions (Support Staff)**

|                                 |   |                            |
|---------------------------------|---|----------------------------|
| Rec'd: January 2, 2024          | Proposed Action(s): PLACE OF USE                                |                            |
| Fees Pd: 1360.00                | Acknowledgement Letter Sent <input checked="" type="checkbox"/> | Basin: 11 Owyhee           |
| Initial Public Notice: 1/9/2024 | County sent cc: of Ack Letter <input type="checkbox"/>          | County: MALHEUR            |
| WM District: 9 Jered L. Hoshaw  | WM Review request sent:   | WM Review date received:   |
| ODFW District:                  | ODFW Review sent:   | ODFW Review date received: |
| Groundwater                     | GW Review sent:   | GW Review date received:   |

## **Caseworker Actions: Newspaper & PD Notice:**

|   |  |
|---|--|
| Newspaper notice needed: <input type="checkbox"/> | Name of Newspaper:                       |
| Newspaper notice sent to coordinator:             | Newspaper notice quote requested (NRS1): |
| Request for news \$ sent:                         | News \$ received:                        |
| Affidavit of publication received:                | Last day of publication:                 |

## **Peer Review:**

| Document | Drafted                        | Peer Review                    | Coordinator                    | Changes Made  | Signature Bin   | Signature Date |
|----------|--------------------------------|--------------------------------|--------------------------------|---|---|----------------|
| DPD      | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____                            | CW Sent: _____<br>WM Sheet <input type="checkbox"/><br>ODFW Sheet: <input type="checkbox"/> | N/A            |
| PD       | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____<br>Data Review Date: _____ | Date: _____   | Date: _____    |
| FO       | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____                            | Date: _____<br>No. of docs for sig: _____   | Date: _____    |

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

January 5, 2024

Owyhee Irrigation District  
422 Thunderegg Blvd  
Nyssa, OR 97913

Reference: District Permanent Transfer T-14375

On January 2, 2024, we received your district transfer application requesting PLACE OF USE changes. The application was accompanied by \$1360.00. Your receipt number 142191 is enclosed.

By copy of this letter, we are asking the Watermaster for their report regarding the potential for injury to existing water rights which may be caused by the change.

This application will be published on the Department's weekly notice dated January 9, 2024, viewable at [http://apps.wrd.state.or.us/apps/misc/wrd\\_notice\\_view/?notice\\_id=21](http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21). A copy of the application can be assessed through this public notice link. Pursuant to Oregon administrative rules, the Department is requesting public comments on the recently filed district transfer application listed above. Comments may be submitted by any interested persons within 30 days of the weekly notice publication date. Comments must be received by the Department on or before February 8, 2024. For details on how to file comments please refer to the Department's weekly notice. Details for filing protests, if applicable, are also noted on the weekly notice.

If you have any questions, please call the Transfer Section, (503) 986-0935.

cc: Watermaster # 9, Jered L. Hoshaw (*via email*)  
Bureau of Reclamation, Interested Party

Enclosure

## REECE Ann L \* WRD

---

**From:** Krista Kinzer <Krista@owyheeirrigation.org>  
**Sent:** Wednesday, January 10, 2024 10:10 AM  
**To:** REECE Ann L \* WRD  
**Subject:** RE: Non-Use letter to mailed to "ON" land users T-14375  
**Attachments:** Owyhee Irrigation Dist. Water Rights Transfers 2023 ON.pdf; Owyhee Irrigation Dist. Water Rights Transfers 2023 OFF.pdf; 5yr Non-Use Notices to Water User receiving confiscated water.pdf; King ON Map!.pdf

Hi Ann,

- I removed the 2.7 from the On & Off List & adjusted the map for Lance King where 1 acre of the 2.7 was going. The On transfer for Wayne Stepleton should be removed from the application as that is where the remaining 1.7 was going.
  - Attached are the new ON/OFF lists & the new map for King
- I attached the letters for the 4 water users receiving water from the Non-Use transfers
- What is the best way to indicate where the Non-Use acres are going? I have outlined the details below but moving forward I would like to know how you prefer this is indicated in the packet?
  - 0.40 OFF Charisse Place \* transfer to: Alvin & Jeanna Hall
  - 1.70 OFF Michael & Rollean McClain \* transferred to: Kiah Jones
  - 0.40 OFF Robert & Reyna Nungaray \* transferred to: Lance King
  - 0.67 OFF Ezekiel Grove \* transferred to: Lance King
  - 0.44 OFF David Grimaldo \* transferred to: Marlow Pounds

Let me know if I need to make any adjustments to the other maps to fit the image criteria or if you find any other corrections I need to make.

Thank you

**Krista Kinzer**  
Owyhee Irrigation District  
422 Thunderegg Blvd.  
Nyssa, Oregon 97913  
Phone: (541) 372-3540  
Fax: (541) 372-2437



Office Hours: Monday - Friday 7:00 AM - 3:30 PM (MST)  
(Closed for lunch from 12:00pm – 12:30pm)

---

**From:** REECE Ann L \* WRD <Ann.L.REECE@water.oregon.gov>  
**Sent:** Tuesday, January 9, 2024 3:34 PM  
**To:** Krista Kinzer <Krista@owyheeirrigation.org>  
**Subject:** Non-Use letter to mailed to "ON" land users T-14375

Hi Krista,

I am looking at the "ON" lands portion of the transfer, and I don't see the certified letters that went out to the water



RE: Water Right Transfer #P-2022-004

Enclosed is a copy of the transfer application prepared by Central Oregon Irrigation District (COID) and submitted to Oregon Water Resources Department (OWRD) on December 28, 2022. Also enclosed is a copy of the recorded Irrigation Contract between you and COID.

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

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

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

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

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

If you have any questions please do not hesitate to contact me. You can reach me on my direct line: 541-504-7586 or by email:

Best Regards,



**Ann Reece**

District Transfer Program Advisor  
Oregon Water Resources Department  
725 Summer St NE Suite A | Salem OR 97301  
Phone: (503) 979-3214

[ann.l.reece@water.oregon.gov](mailto:ann.l.reece@water.oregon.gov)

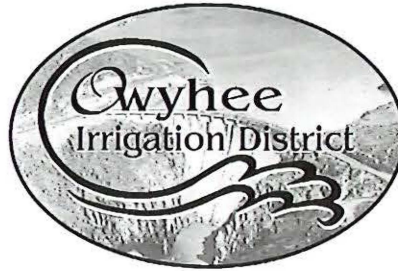
<https://www.oregon.gov/OWRD/programs/WaterRights/Transfers/DistTransfer>

**Integrity | Service | Technical Excellence | Teamwork | Forward-Looking**

\*\*\*\*Teleworking \*\*\* Mon, Tu, Wed, Thurs 7:00 to 4:45; Fri 7:00 to 11AM\*\*\*\*

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.





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 Ensز  
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

RECEIVED

JAN 02 2024

OWRD

14375 -

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 142191

INVOICE # \_\_\_\_\_

RECEIVED FROM: Owyhee Irrigation District APPLICATION 7  
BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
CASH: \_\_\_\_\_ CHECK: # 12346896 OTHER: (IDENTIFY) \_\_\_\_\_ TRANSFER T-14375  
☐ ☒ ☐

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_  
WATER RIGHTS: EXAM FEE RECORD FEE  
0201 SURFACE WATER \$ 0202 \$ \_\_\_\_\_  
0203 GROUND WATER \$ 0204 \$ \_\_\_\_\_  
0205 TRANSFER \$ 1,360.00  
WELL CONSTRUCTION EXAM FEE LICENSE FEE  
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$ \_\_\_\_\_  
LANDOWNER'S PERMIT 0220 \$ \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: 142191

DATED: 1-2-2024 BY: [Signature]





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<br>Owyhee Irrigation District   |             | PHONE NO.<br>541-372-3540 | ADDITIONAL CONTACT NO.                |
| ADDRESS<br>422 Thunderegg Blvd  |             | COUNTY<br>Malheur County  |                                       |
| CITY<br>Nyssa   | STATE<br>OR | ZIP<br>97913              | E-MAIL<br>krista@owyheeirrigation.org |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |             |                           |                                       |

#### 1B. AGENT INFORMATION

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

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

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

|    | Certificate | Permit / Previous Transfer | Decree |
|----|-------------|----------------------------|--------|
| 1. | 75691       | -                          |        |
| 2. |             | -                          |        |
| 3. |             | -                          |        |
| 4. |             | -                          |        |
| 5. |             | -                          |        |
| 6. |             | -                          |        |

### 3. ATTACHMENTS

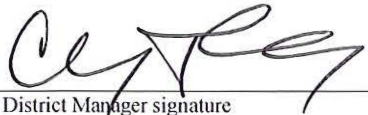
Check each of the following *attachments* included with this application. The application will be returned if all required attachments are not included.

|  |  |
|--|--|
| <b>Supplemental Form A –</b><br><b>Description of Proposed Change(s) to a Water Right</b><br><input type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.<br><b>Map</b><br><input checked="" type="checkbox"/> Permanent Transfer<br>A map meeting the requirements of OAR 690-385-3300 must be included but need not be prepared by a Certified Water Right Examiner (CWRE). | <b>Fees:</b><br><input checked="" type="checkbox"/> Amount enclosed: \$ <u>1350</u><br>See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900.<br><b>Land Use Compatibility Statement</b><br><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 <u>only</u> and d) the use is located within an irrigation district or an exclusive farm use zone. |
|--|--|

### 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 540.572 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.

RECEIVED

JAN 02 2024

OWRD





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

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.**

RECEIVED

JAN 02 2024

OWRD

▪ 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#<br>or<br>POA#  | TWP<br>(N or S) | RNG<br>(E or W) | SEC | Q-Q  | DLC | GOV'T<br>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/<br>Total Acres<br>per tax lot<br>per QQ |          |
|----------------------------|---------------------|-----|------|-----|-----------------------|------|---------|---------|--------|--|----------|
| POD or<br>POA #            | Priority<br>Date    | Use | Twsp | Rng | Sec                   | QQ   | 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 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 32                    | NESE | 800     | 0.09    | OFF    | Roger Enszt  | 23-44900 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 32                    | SESE | 800     | 0.15    | OFF    | Roger Enszt  | 23-44900 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 35                    | NWNW | 300     | 3.96    | OFF    | Nick Van Engen                                     | 23-41800 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 35                    | SWNW | 300     | 1.62    | OFF    | Nick Van Engen                                     | 23-41800 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 35                    | NWSW | 300     | 6.65    | OFF    | Nick Van Engen                                     | 23-41800 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 35                    | SWSW | 300     | 0.70    | OFF    | Nick Van Engen                                     | 23-41800 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 34                    | SWSW | 900     | 1.63    | OFF    | Alvin & Jeanna Hall                                | 23-43400 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 34                    | NWSW | 900     | 0.15    | OFF    | Alvin & Jeanna Hall                                | 23-43400 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 17   | 47  | 31                    | NENE | 1400    | 0.40    | OFF    | Charisse Place *                                   | 23-59100 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 20   | 46  | 4                     | SESW | 800     | 1.70    | OFF    | Michael & Rollean McClain *                        | 23-35400 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 33                    | NWNW | 600     | 1.08    | OFF    | David Tschida                                      | 23-48100 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18   | 46  | 33                    | SWNW | 700     | 2.83    | OFF    | Fred Hussey  | 23-50000 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 17   | 47  | 20                    | SWSW | 500     | 0.40    | OFF    | Robert & Reyna Nungaray *                          | 23-62512 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 17   | 47  | 17                    | SWNW | 700     | 0.67    | OFF    | Ezekiel Grove *                                    | 23-64505 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 20   | 46  | 9                     | NENW | 200     | 0.44    | OFF    | David Grimaldo *                                   | 23-34100 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 17   | 47  | 8                     | SENE | 700     | 0.50    | OFF    | Sean Anel  | 23-72302 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 17   | 46  | 26                    | SWNE | 6300    | 2.43    | OFF    | Gary Davis   | 23-66600 |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 17   | 46  | 26                    | SENE | 6300    | 3.57    | OFF    | Gary Davis   | 23-66600 |
|                            |                     |     |      |     |                       |      | Total   | 29.48   |        |  |          |
|                            |                     |     |      |     |                       |      |         |         |        | left behind  | Canceled |
|                            |                     |     |      |     |                       |      | Total   | 29.48   |        |  |          |
|                            |                     |     |      |     |                       |      |         |         |        |  |          |
|                            |                     |     |      |     |                       |      |         |         |        |  |          |
|                            |                     |     |      |     |                       |      |         |         |        | * indicates transferred due to non-use             |          |

[illegible]

| Owyhee Irrigation District |                     |     |     |     | 2023 | Water Rights Transfer |         |       | OFF MAP |  |          | Remaining/  |
|----------------------------|---------------------|-----|-----|-----|------|-----------------------|---------|-------|---------|--|----------|-------------|
|                            |                     |     |     |     |      |                       |         |       |         |  |          | Total Acres |
| POD or                     | Priority            |     |     |     |      | County                |         |       |         |  |          | per tax lot |
| POA #                      | Date                | Use | Twp | Rng | Sec  | QQ                    | Tax Lot | Acres | Status  | Name                                   | DINN     | per QQ      |
| 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 Enszt                            | 23-44900 | 22.41       |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18  | 46  | 32   | SESE                  | 800     | 0.15  | OFF     | Roger Enszt                            | 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 Anadel                            | 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   | 29.48 |         |  |          |             |
|                            |                     |     |     |     |      |                       |         |       |         | left behind                            |          | Canceled    |
|                            |                     |     |     |     |      |                       | Total   | 29.48 |         |  |          |             |
|                            |                     |     |     |     |      |                       |         |       |         |  |          |             |
|                            |                     |     |     |     |      |                       |         |       |         | * indicates transferred due to non-use |          |             |



# Owyhee Irrigation District

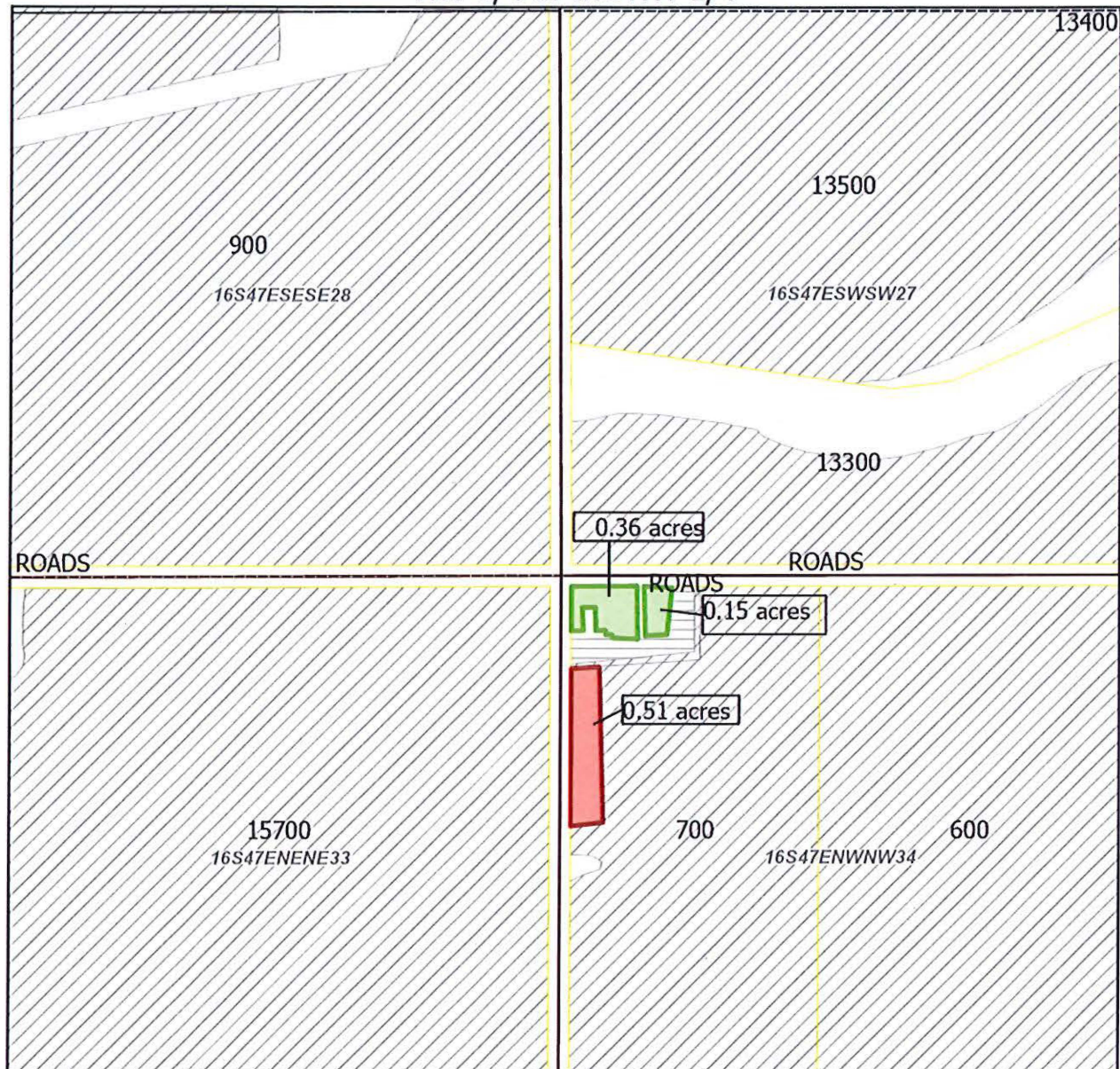
E-RECEIVED  
2/27/2024  
OWRD

SEC. 34 T16S R47E

Scale - 1" = 400'



NW 1/4 of the NW 1/4



-  On
-  Off
-  75691
-  75712
-  All Other Certificates

## "ON/OFF" Map

### 2023 District Transfer Application

NAME: Nancy Allen

TAXLOT - 700, 16S47E34 NW/NW: 0.51 Acres OFF, 15.8 Acres Remaining (Cert 75691 IR)

TAXLOT - 700, 16S47E34 NW/NW: 0.51 Acres ON, 15.8 Acres Remaining (Cert 75691 IR)



Date: 2/27/2024



14375 -



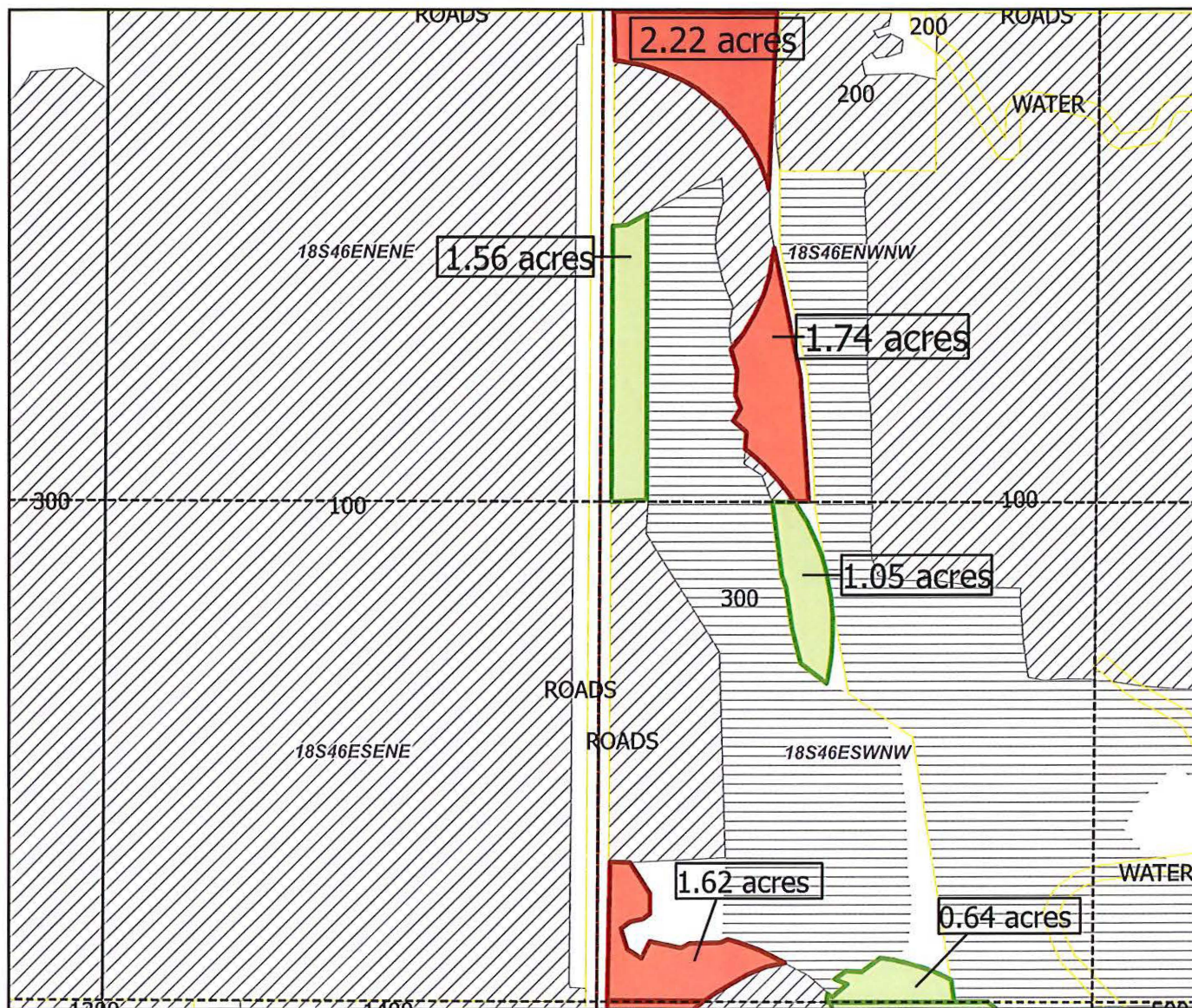
# Owyhee Irrigation District

SEC. 35 T18S R46E

Scale - 1" = 400'

NW 1/4 of the NW 1/4

SW 1/4 of the NW 1/4



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JAN 02 2024

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"ON/OFF" Map

2023 District Transfer Application

NAME: Nick Van Engen

TAXLOT - 300, 18S46E35 NW/NW: 3.96 Acres OFF, 5 Acres Remaining (Cert 75691 IR)

TAXLOT - 300, 18S46E35 SW/NW: 1.62 Acres OFF, 7.24 Acres Remaining (Cert 75691 IR)

TAXLOT - 300, 18S46E35 NW/NW: 1.56 Acres ON, 5 Acres Remaining (Cert 75691 IR)

TAXLOT - 300, 18S46E35 SW/NW: 1.69 Acres ON, 7.24 Acres Remaining (Cert 75691 IR)



Date: 11/21/2023

14375 -



# Owyhee Irrigation District

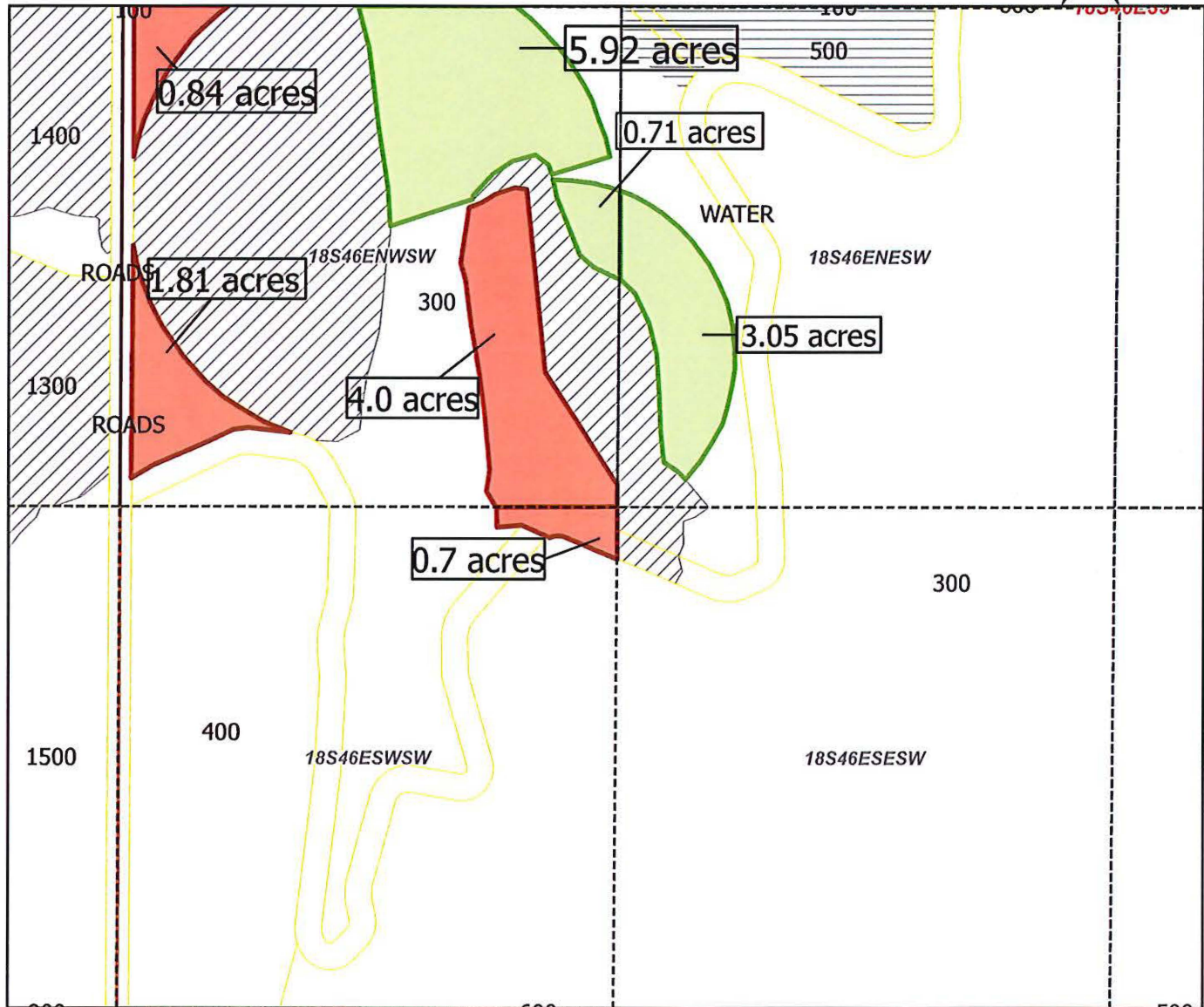
SEC. 35 T18S R46E

Scale - 1" = 400'

NW 1/4 of the SW 1/4

NE 1/4 of the SW 1/4

SW 1/4 of the SW 1/4



"ON/OFF" Map

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2023 District Transfer Application

NAME: Nick Van Engen

TAXLOT - 300, 18S46E35 NW/SW: 6.65 Acres OFF, 24.18 Acres Remaining (Cert 75691 IR)

TAXLOT - 300, 18S46E35 SW/SW: 0.7 Acres OFF, 0 Acres Remaining (Cert 75691 IR)

TAXLOT - 300, 18S46E35 NW/SW: 6.63 Acres ON, 24.18 Acres Remaining (Cert 75691 IR)

TAXLOT - 300, 18S46E35 NE/SW: 3.05 Acres ON, 4.35 Acres Remaining (Cert 75691 IR)



Date: 11/21/2023

14375 -

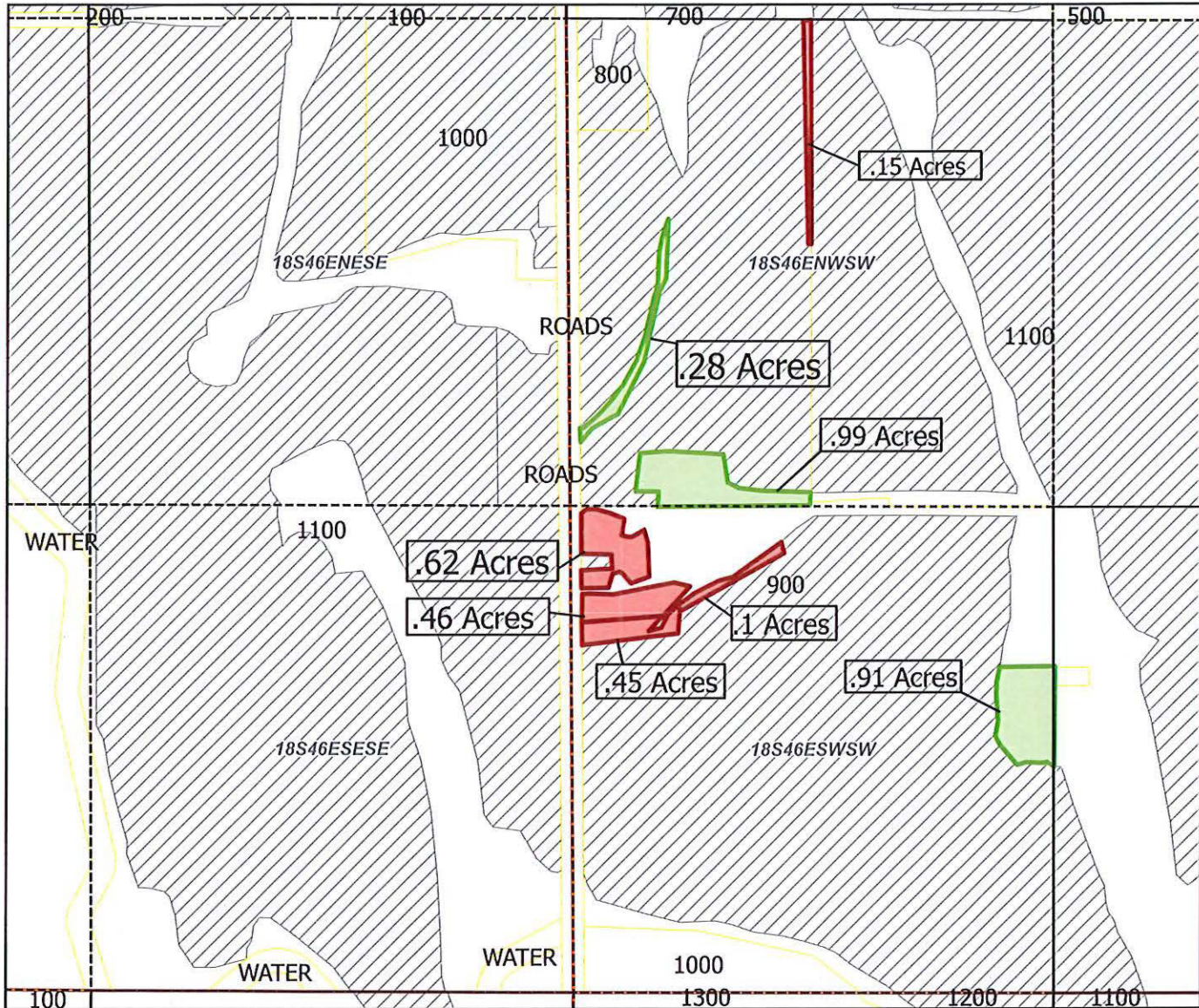


# Owyhee Irrigation District

E-RECEIVED  
01/15/2024  
OWRD

SEC. 34 T18S R46E

Scale - 1" = 400'  
NW 1/4 of the SW 1/4  
SW 1/4 of the SW 1/4



## "OFF/ON" Map

### 2023 District Transfer Application

NAME: Alvin & Jeanna Hall

TAXLOT - 900, 18S46E34 NW/SW: .15 Acres OFF, 18.82 Acres Remaining (Cert 75691 IR)  
TAXLOT - 900, 18S46E34 NW/SW: 1.27 Acres ON, 18.82 Acres Remaining (Cert 75691 IR)  
TAXLOT - 900, 18S46E34 SW/SW: 1.63 Acres OFF, 30.88 Acres Remaining (Cert 75691 IR)  
TAXLOT - 900, 18S46E34 SW/SW: .91 Acres ON, 30.88 Acres Remaining (Cert 75691 IR)



Date: 12/19/2023

Rev. 01/15/2024\_OID

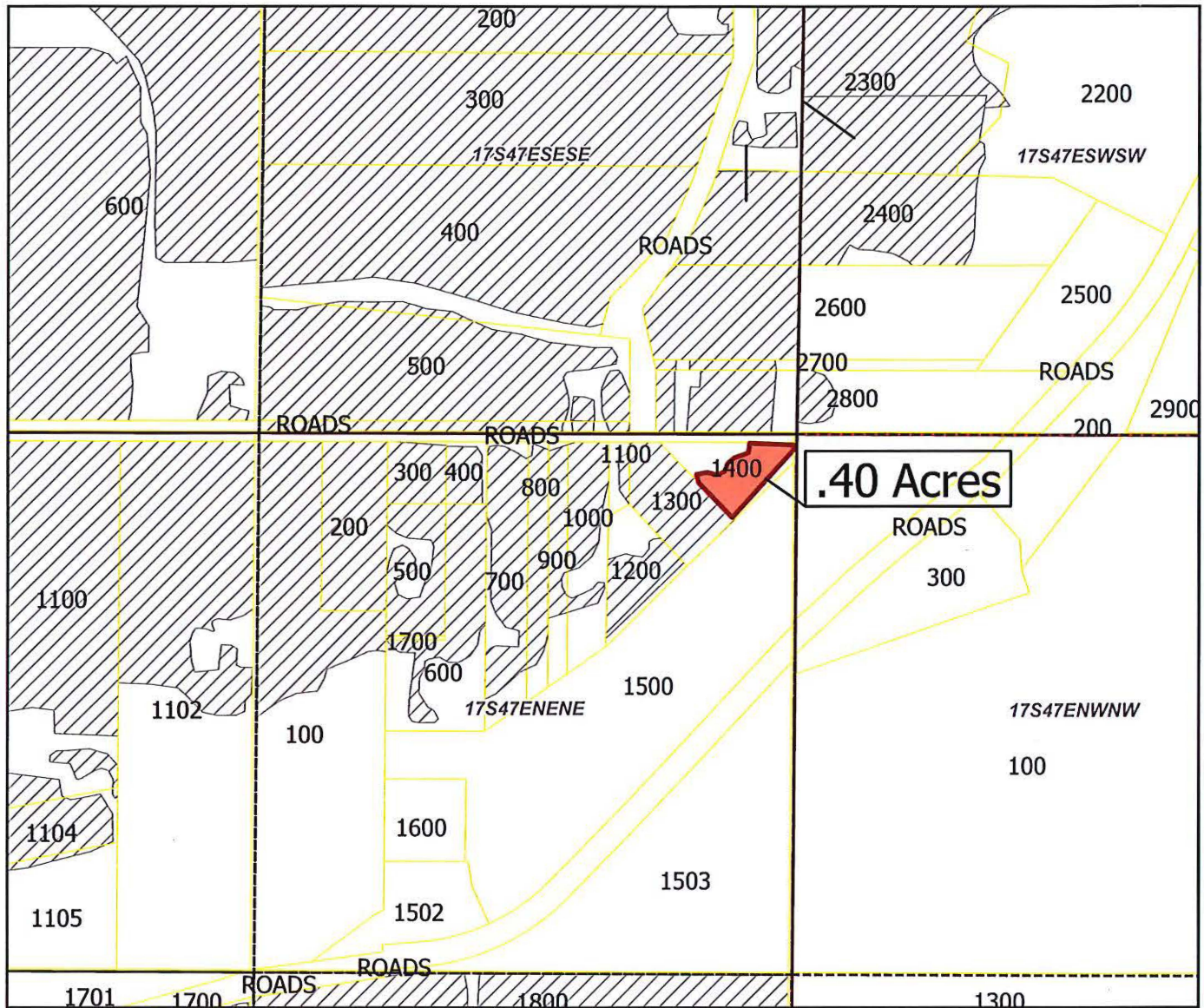


# Owyhee Irrigation District

SEC. 31 T17S R47E

Scale - 1" = 400'

NE 1/4 of the NE 1/4



"OFF" Map

- On
- Off
- 75691
- 75712
- All Other Certificates

2023 District Transfer Application

NAME: Charisse Place

TAXLOT - 1400, 17S47E31 NE/NE: .40 Acres OFF, 0 Acres Remaining (Cert 75691 IR)

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OWRD



Date: 12/12/2023

14375 -

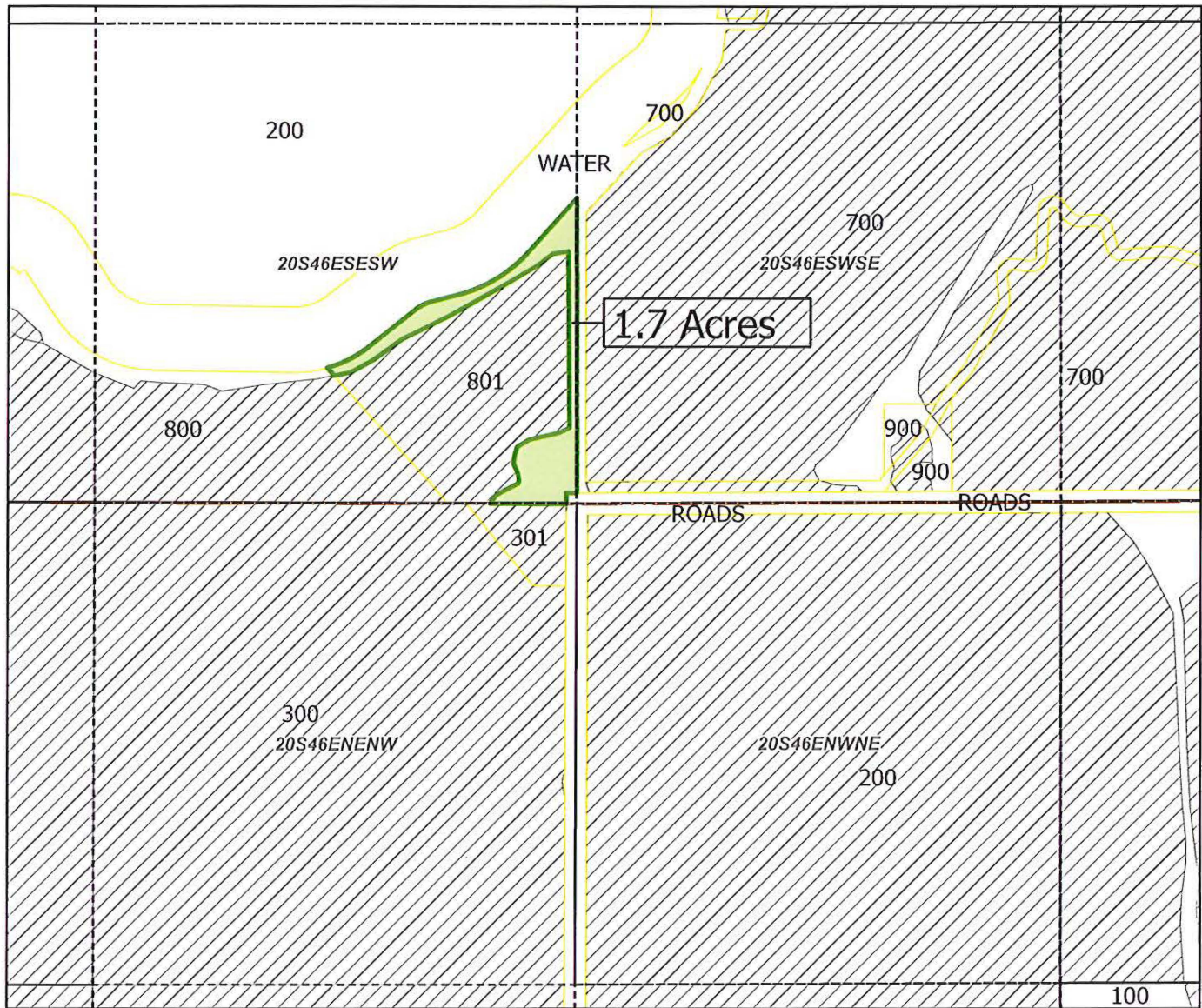


# Owyhee Irrigation District

SEC. 5 T20S R46E

Scale - 1" = 400'

SE 1/4 of the SW 1/4



"ON" Map

-  On
-  Off
-  75691
-  75712
-  All Other Certificates

2023 District Transfer Application

NAME: Kiah Jones

TAXLOT - 801, 20S46E5 SE/SW: 1.7 Acres ON, 13.13 Acres Remaining (Cert 75691 IR)

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JAN 02 2024

OWRD



Date: 12/12/2023

14375 -

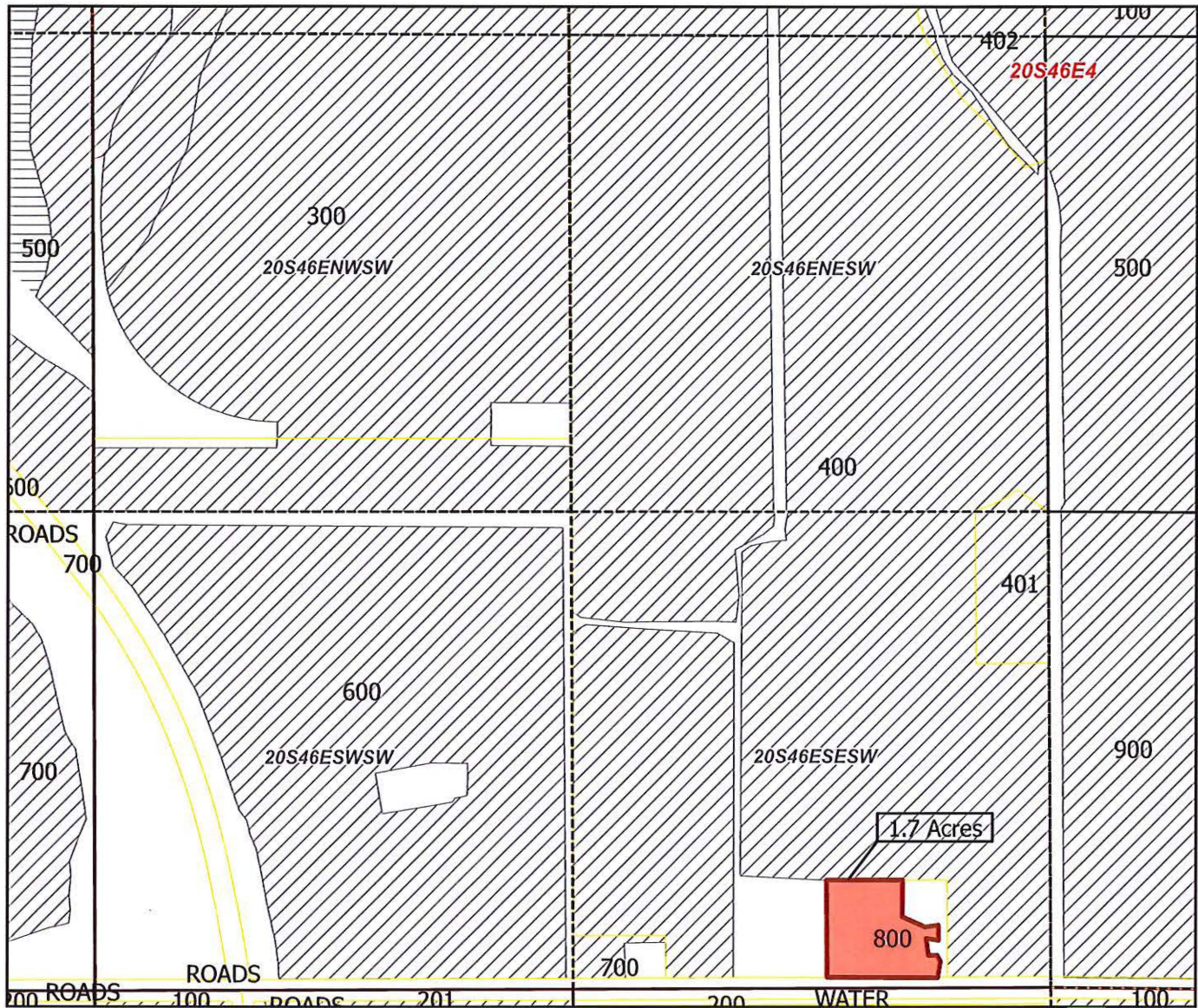


# Owyhee Irrigation District

SEC. 4 T20S R46E

Scale - 1" = 400'

SE 1/4 of the SW 1/4



"OFF" Map

- On
- Off
- 75691
- 75712
- All Other Certificates

2023 District Transfer Application

NAME: Michael & Rollean McClain

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JAN 02 2024

OWRD

TAXLOT - 800, 20S46E4 SE/SW: 1.7 Acres OFF, 0 Acres Remaining (Cert 75691 IR)



Date: 12/12/2023

14375 -

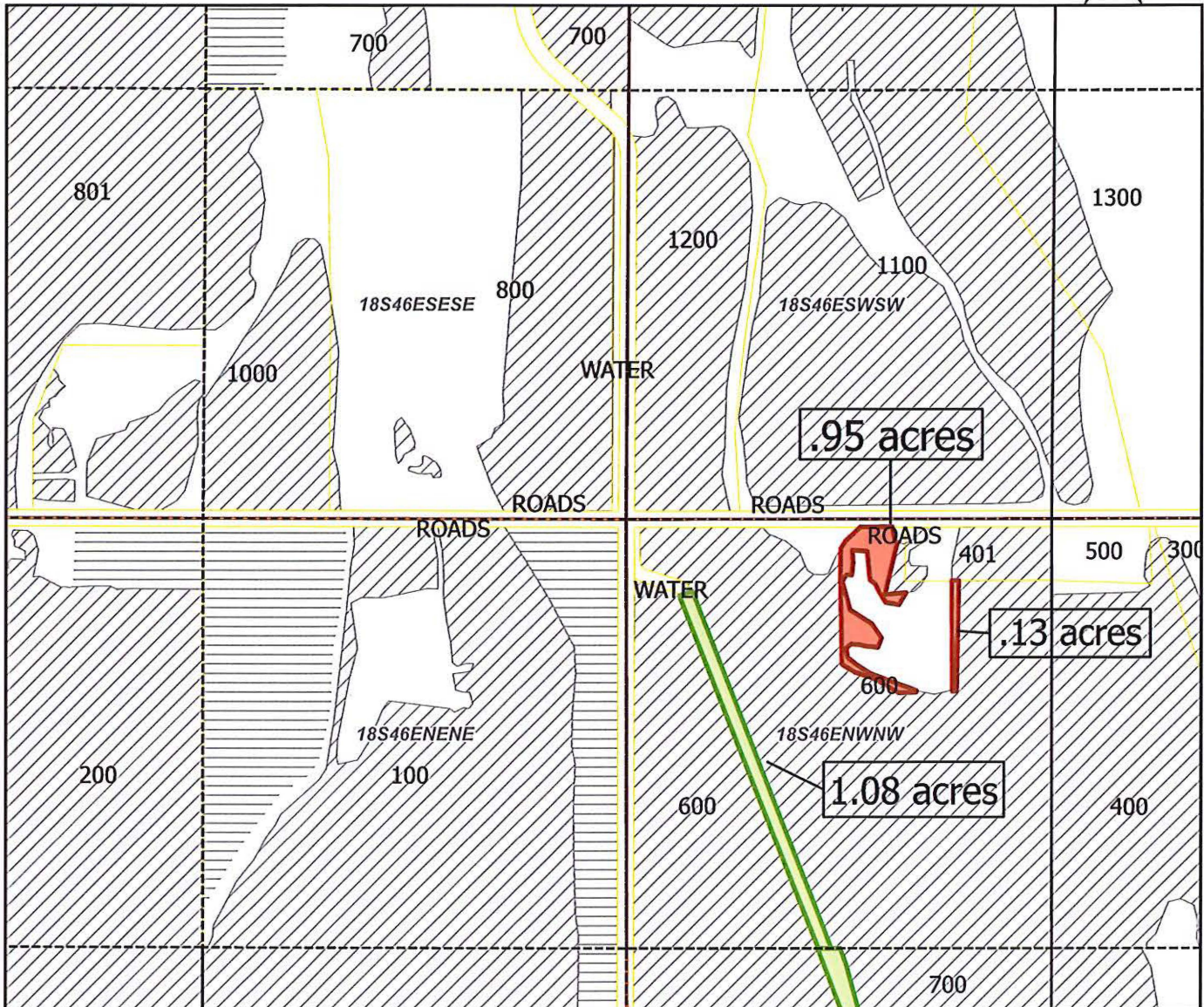


# Owyhee Irrigation District

SEC. 33 T18S R46E

Scale - 1" = 400'

NW 1/4 of the NW 1/4



"ON/OFF" Map

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JAN 02 2024

OWRD

- On
- Off
- 75691
- 75712
- All Other Certificates

2023 District Transfer Application

NAME: David Tschida

TAXLOT - 600, 18S46E33 NW/NW: 1.08 Acres OFF, 34.3 Acres Remaining (Cert 75691 IR)

TAXLOT - 600, 18S46E33 NW/NW: 1.08 Acres ON, 34.3 Acres Remaining (Cert 75691 IR)



Date: 12/7/2023

14375 -



# Owyhee Irrigation District

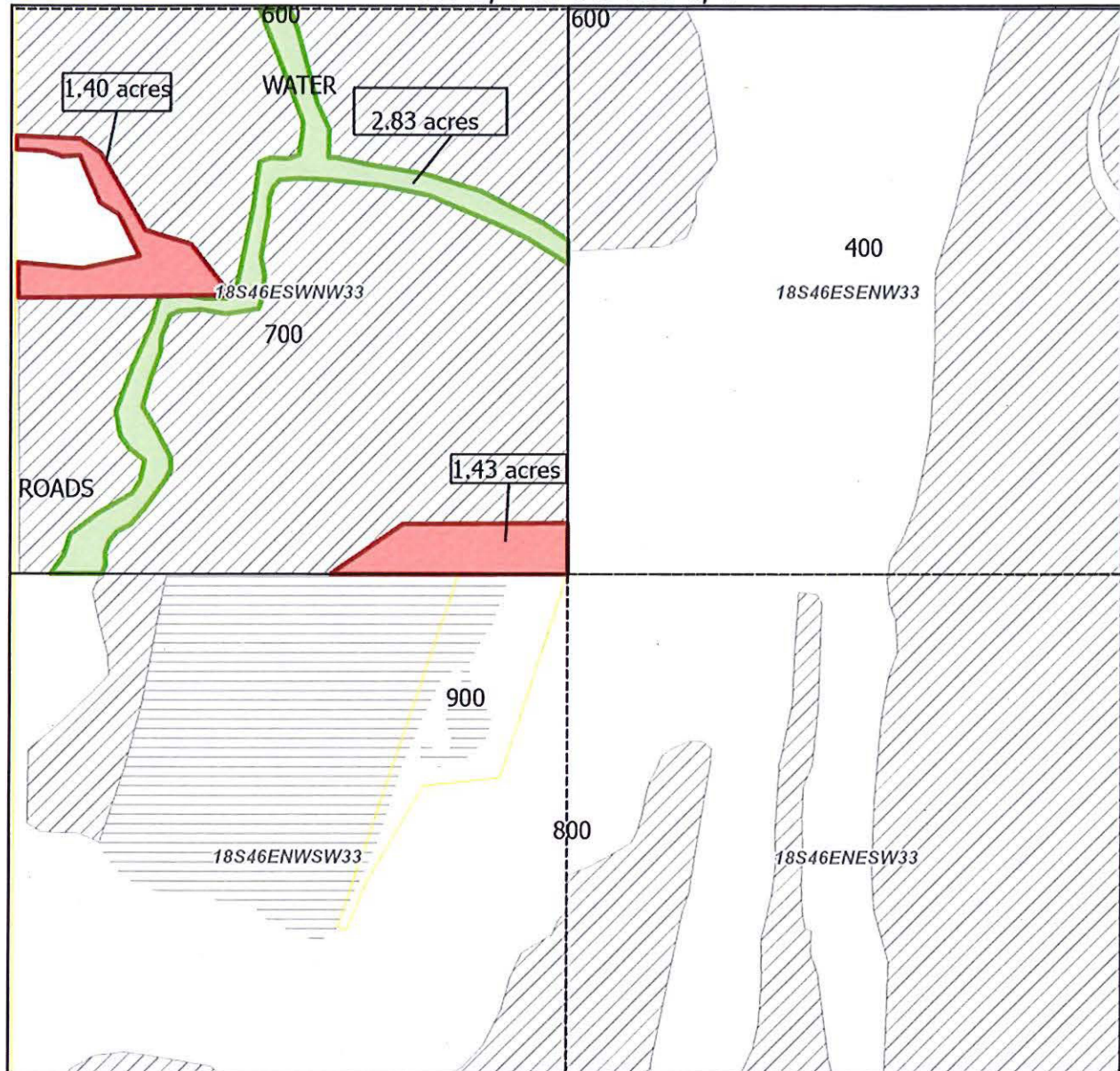
E-RECEIVED  
2/27/2024  
OWRD

SEC. 33 T18S R46E

Scale - 1" = 400'



SW 1/4 of the NW 1/4



On  
Off  
75691  
75712  
All Other Certificates

"ON/OFF" Map

2023 District Transfer Application

NAME: Fred Hussey

TAXLOT - 700, 18S46E33 SW/NW: 2.83 Acres OFF, 35.5 Acres Remaining (Cert 75691 IR)

TAXLOT - 700, 18S46E33 SW/NW: 2.83 Acres ON, 35.5 Acres Remaining (Cert 75691 IR)



Date: 2/27/2024

# Owyhee Irrigation District

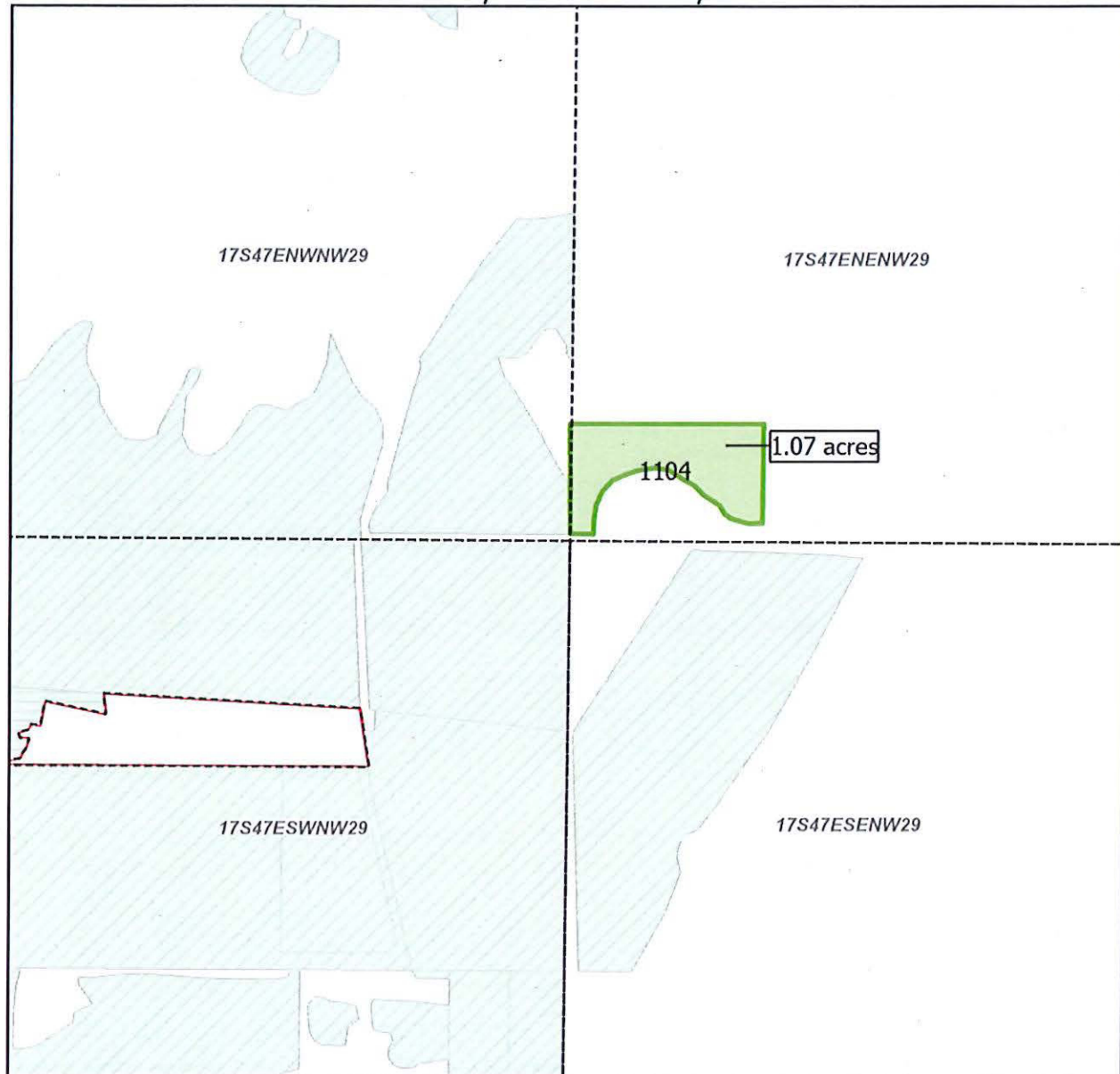
E-RECEIVED  
2/5/2025  
OWRD

SEC. 29 T17S R47E

Scale - 1" = 400'



NE 1/4 of the NW 1/4



"ON" Map

-  On
-  Off
-  Current Cert. 75691
-  75712
-  All Other Certificates

2023 District Transfer Application

NAME: King, Lance

TAXLOT - 1104, 17S47E29 NE/NW: 1.07 Acres ON, 1.07 Acres Remaining (Cert 75691 IR)



Date: 2/2/2024



# Owyhee Irrigation District

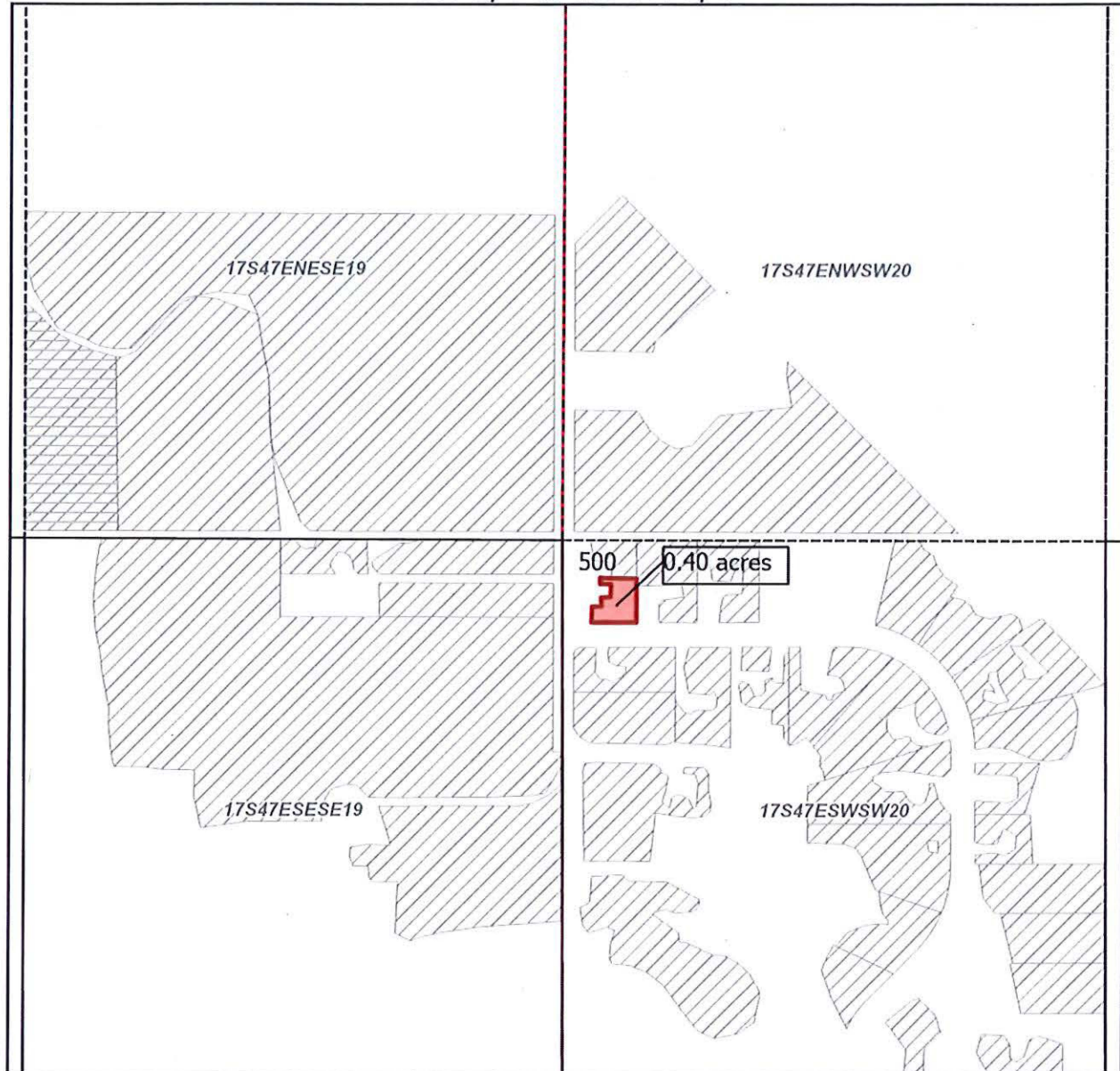
SEC. 20 T17S R47E

Scale - 1" = 400'

E-RECEIVED  
2/5/2024  
OWRD



SW 1/4 of the SW 1/4



-  On
-  Off
-  75691
-  75712
-  All Other Certificates

"OFF" Map

2023 District Transfer Application

NAME: Nungaray, Robert & Reyna

TAXLOT - 500, 17S47E20 SW/SW: 0.40 Acres OFF, 0.20 Acres Remaining (Cert 75691 IR)



Date: 2/2/2024



E-RECEIVED  
02/05/2024  
OWRD

Scale - 1" = 400'



 On  
 Off  
 75691  
 75712  
 All Other Certificates

## "OFF" Map

NAME: Grove, Ezekiel



TAXLOT - 700, 17S47E17 SW/NW: 0.67 Acres OFF, 0 Acres Remaining (Cert 75691 IR)

Date: 2/2/2024

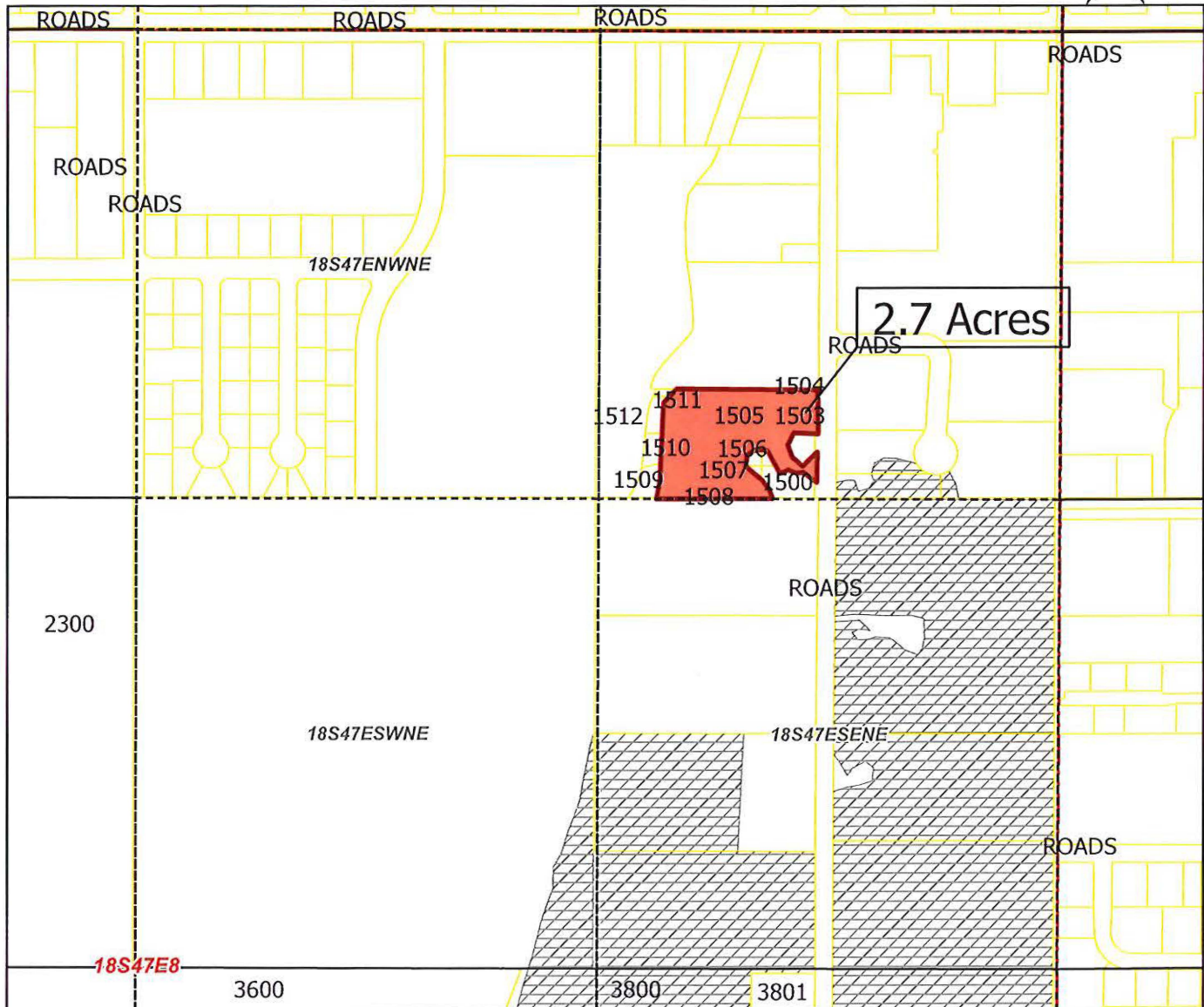


# Owyhee Irrigation District

SEC. 08 T18S R47E

Scale - 1" = 400'

NE 1/4 of the NE 1/4



"OFF" Map

- On
- Off
- 75691
- 75712
- All Other Certificates

2023 District Transfer Application

NAME: Brock Clyde

TAXLOTS - 1509, 1508, 1507, 1506, 1500, 1502, 1503, 1504, 1505, 1511, 1512, 1510,  
18S47E08 NE/NE: 2.7 Acres OFF, 0 Acres Remaining (Cert 75691 IR)

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Date: 12/8/2023

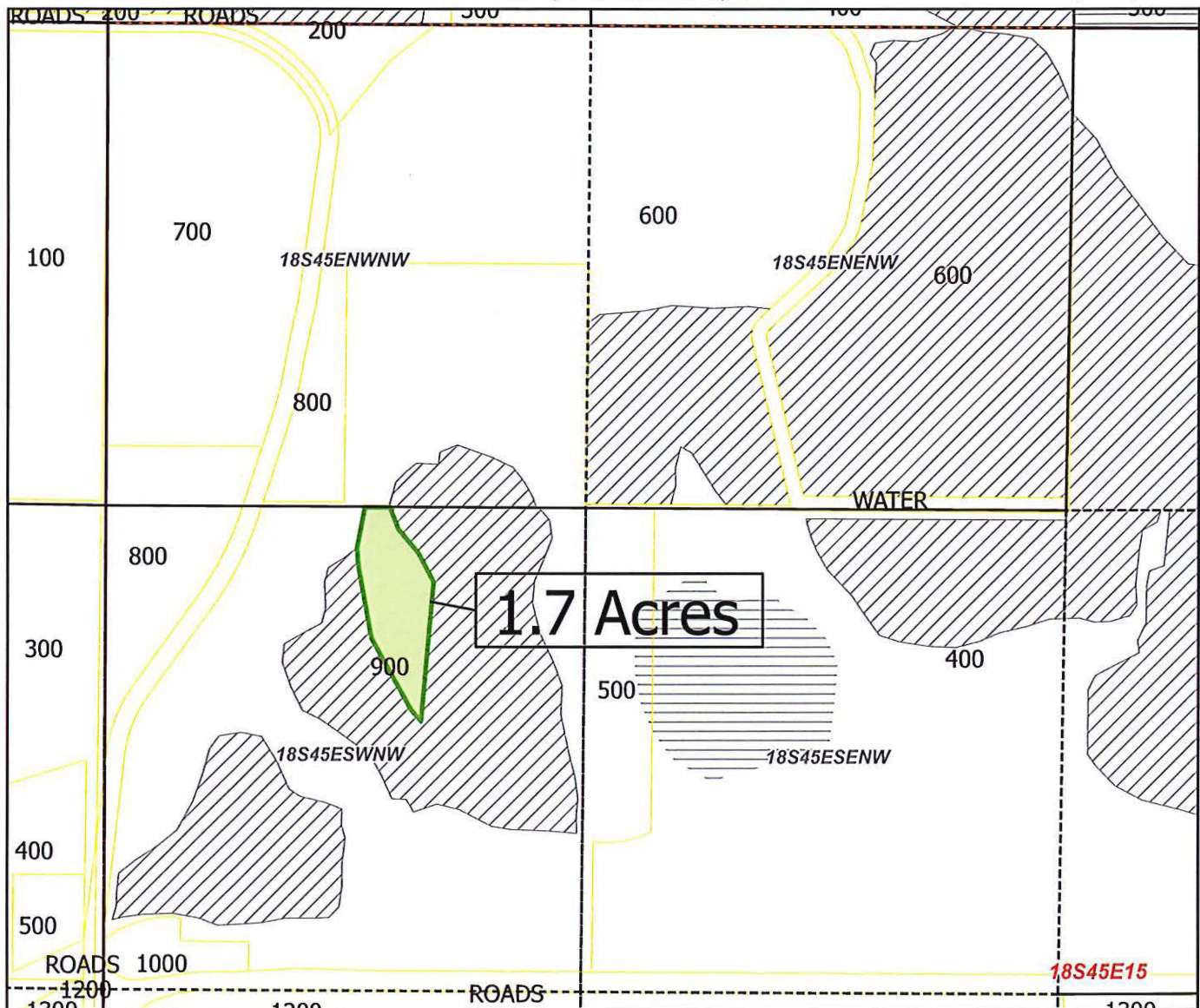
14375 -

# Owyhee Irrigation District

SEC. 15 T18S R45E

Scale - 1" = 400'

SW 1/4 of the NW 1/4



"ON" Map

-  On
-  Off
-  75691
-  75712
-  All Other Certificates

RECEIVED

JAN 02 2024

OWRD

2023 District Transfer Application

NAME: Stepleton, Wayne

TAXLOT - 900, 18S45E15 SW/NW: 1.7 Acres ON, 16.6 Acres Remaining (Cert 75691 IR)



Date: 12/12/2023

14375 -

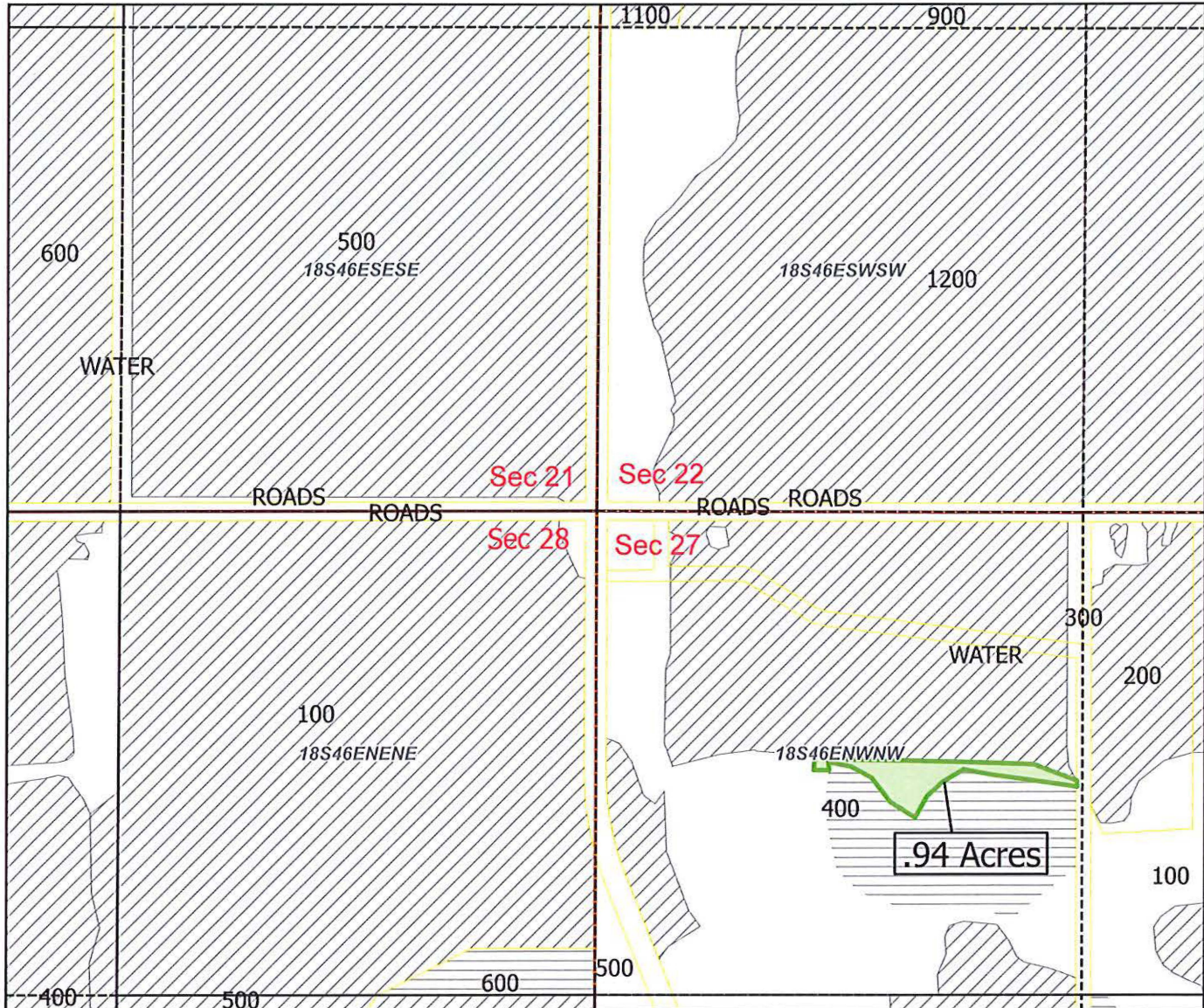


# Owyhee Irrigation District

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01/15/2024  
OWRD

SEC. 27 T18S R46E

Scale - 1" = 400'  
NW 1/4 of the NW 1/4



"ON" Map

-  On
-  Off
-  75691
-  75712
-  All Other Certificates

## 2023 District Transfer Application

NAME: Pounds, Marlow

TAXLOT - 400, 18S46E27 NW/NW: .94 Acres ON, 21.44 Acres Remaining (Cert 75691 IR)



Date: 12/19/2023

Rev. 01/15/2024\_OID



# Owyhee Irrigation District

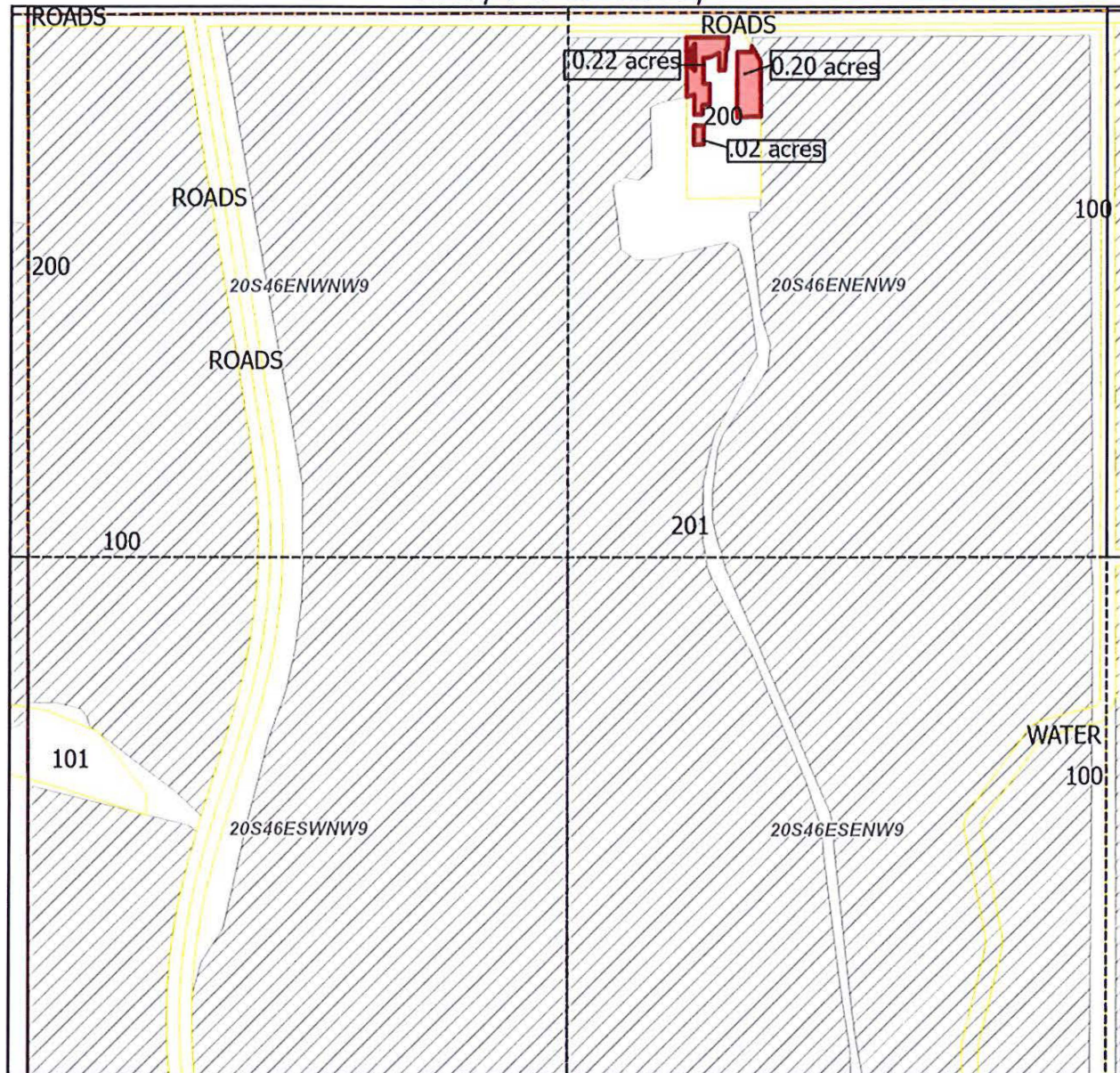
E-RECEIVED  
02/05/2024  
OWRD

SEC. 09 T20S R46E

Scale - 1" = 400'



NE 1/4 of the NW 1/4



"ON" Map

- On
- Off
- 75691
- 75712
- All Other Certificates

2023 District Transfer Application

NAME: Grimaldo, David

TAXLOT - 200, 20S46E09 NE/NW: 0.44 Acres OFF, 35.01 Acres Remaining (Cert 75691 IR)



Date: 2/2/2024



# Owyhee Irrigation District

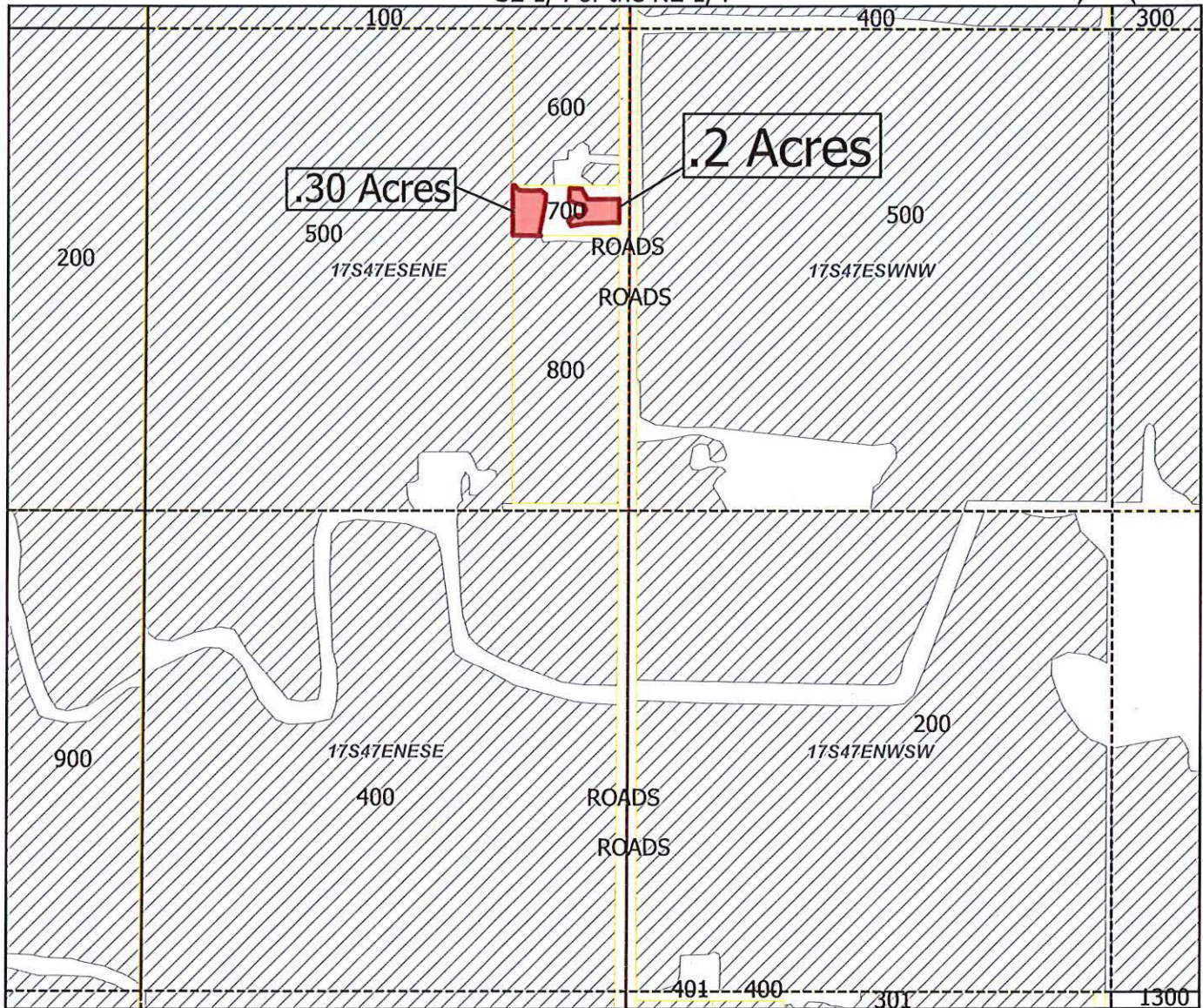
E-RECEIVED  
01/15/2024  
OWRD

SEC. 8 T17S R47E

Scale - 1" = 400'



SE 1/4 of the NE 1/4



-  On
-  Off
-  75691
-  75712
-  All Other Certificates

"OFF" Map

2023 District Transfer Application

NAME: Andel, Sean



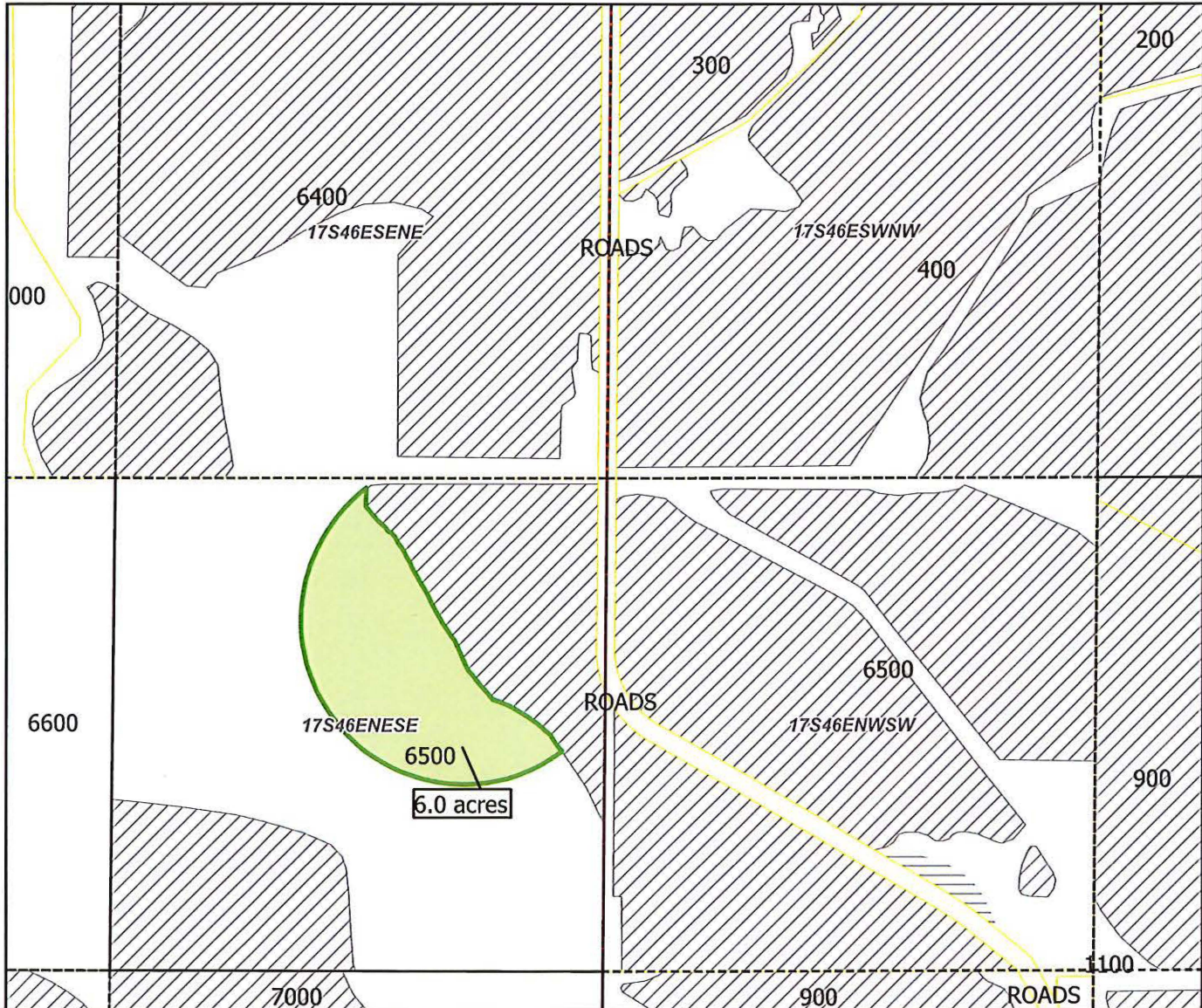
TAXLOT - 700, 17S47E8 SE/NE: 0.50 Acres OFF, 0 Acres Remaining (Cert 75691 IR)



# Owyhee Irrigation District

SEC. 26 T17S R46E

Scale - 1" = 400'  
NE 1/4 of the SE 1/4



"ON" Map

-  On
-  Off
-  75691
-  75712
-  All Other Certificates

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JAN 02 2024

OWRD

2023 District Transfer Application

NAME: Davis, Joseph

TAXLOT - 6500, 17S46E26 NE/SE: 6.0 Acres ON, 18.8 Acres Remaining (Cert 75691 IR)



Date: 12/20/2023

14375 -



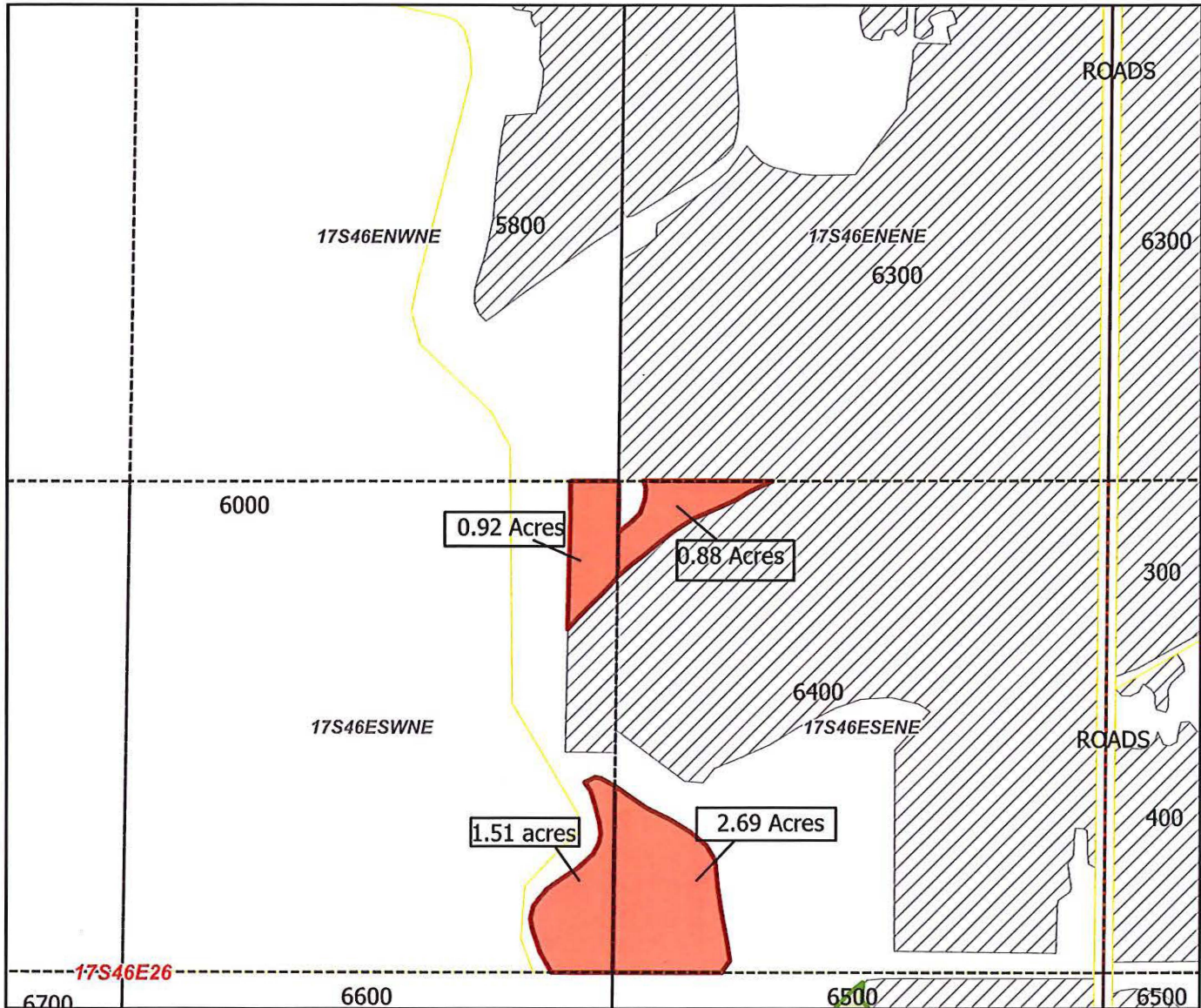
# Owyhee Irrigation District

SEC. 26 T17S R46E

Scale - 1" = 400'

SW 1/4 of the NE 1/4

SE 1/4 of the NE 1/4



"OFF" Map

RECEIVED

JAN 02 2024

OWRD

2023 District Transfer Application

NAME: Davis, Gary

TAXLOT - 6300, 17S46E26 SW/NE: 2.43 Acres OFF, 1.07 Acres Remaining (Cert 75691 IR)

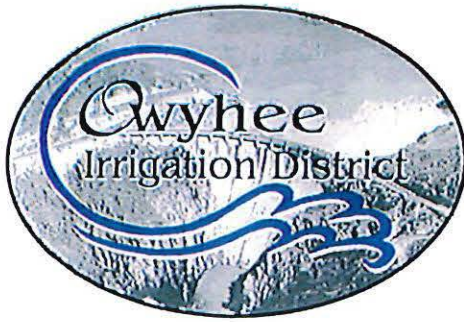
TAXLOT - 6300, 17S46E26 SE/NE: 3.57 Acres OFF, 25.83 Acres Remaining (Cert 75691 IR)



Date: 12/20/2023

14375 -





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.

14375 -

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JAN 02 2024  
OWRD

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

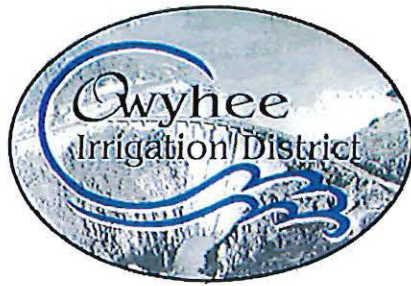
RECEIVED

JAN 02 2024

OWRD

14375 -





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*

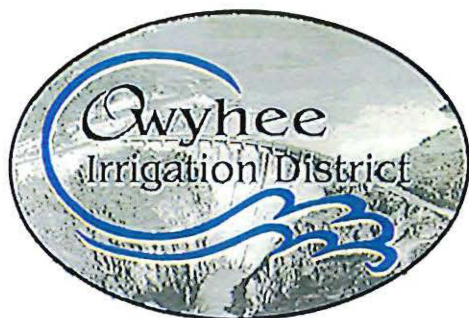
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: krista@owyheeirrigation.org

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JAN 02 2024

OWRD

14375 -



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*

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

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

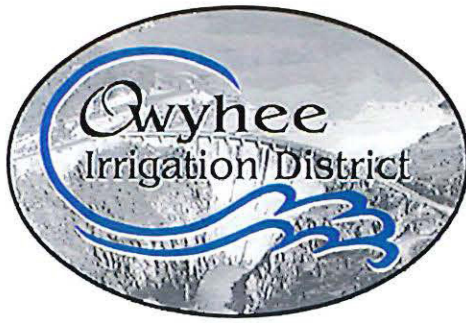
14375 -

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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 #: 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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[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 #: 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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**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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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 "Kinzer", is written over a horizontal line.

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





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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JAN 02 2024

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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

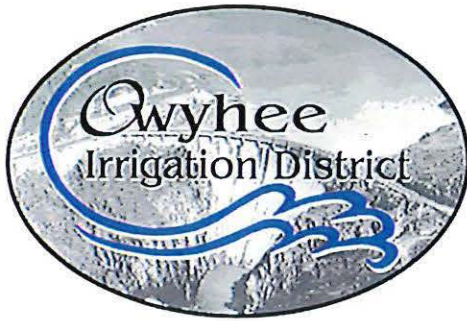
Sent by certified mail, return receipt request: **12/27/2023**  
Copy sent by first class mail: **12/27/2023**

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JAN 02 2024

OWRD





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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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

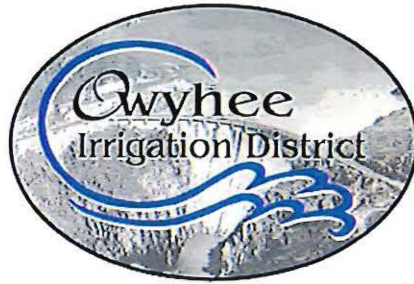
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JAN 02 2024

OWRD





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>~~16~~ 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@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

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

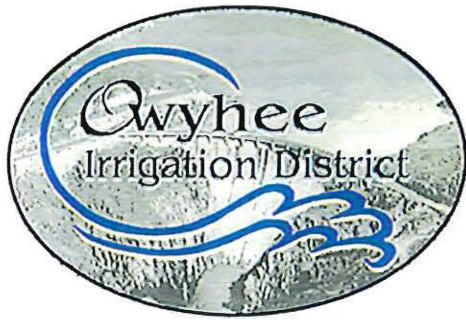
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JAN 02 2024

OWRD





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

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

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

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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

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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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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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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".

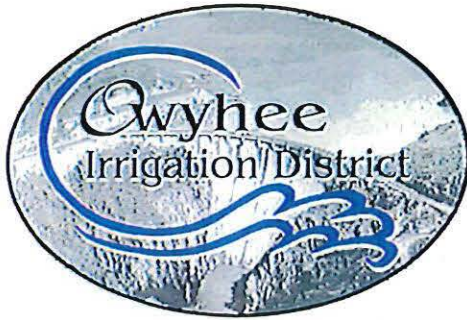
Clancy Flynn  
District Manager

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





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@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)

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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

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@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)

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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 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

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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*

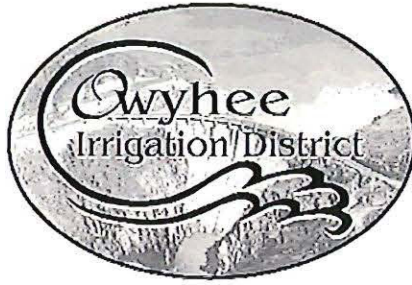
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheeirrigation.org](mailto:krista@owyheeirrigation.org)

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JAN 02 2024

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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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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@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)

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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

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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)

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

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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

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

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JAN 02 2024  
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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

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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)

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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

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Sincerely,

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

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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

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 -



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.

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)

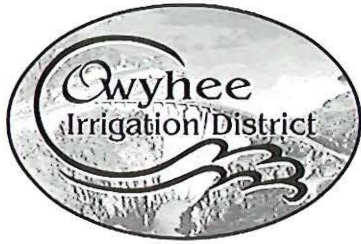
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JAN 02 2024

OWRD

14375 -





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.

1 4 3 7 5 -

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JAN 02 2024

OWRD

Sincerely,

A handwritten signature in black ink, appearing to read 'Clancy Flynn', with a stylized, cursive script.

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**





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

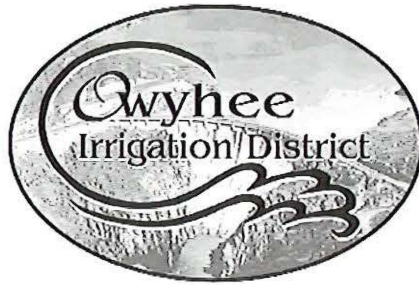
RECEIVED

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.

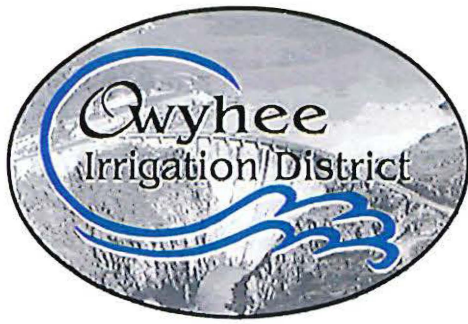
Sincerely,

*Krista Kinzer*

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

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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

RECEIVED

JAN 02 2024

OWRD

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

14375 -





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

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JAN 02 2024

OWRD

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

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**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

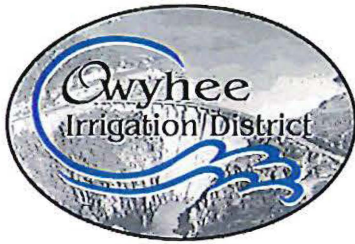
cc: Oregon Water Resources Department (OWRD)  
Broker Solutions, Inc., dba New American Funding (MERS) 10915 SE Stark St #200 Portland, OR 97216

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

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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)

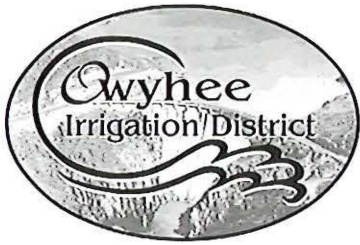
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JAN 02 2024

OWRD

14375 -





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

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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,

A handwritten signature in black ink, appearing to read 'Clancy Flynn', with a stylized, cursive script.

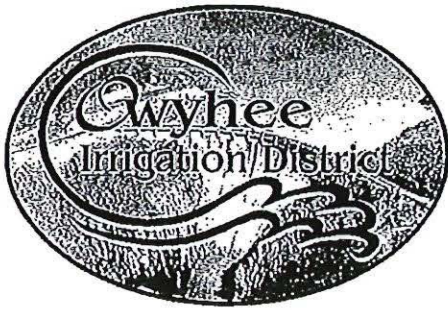
Clancy Flynn  
District Manager

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





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.

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14375 -

JAN 02 2024

OWRD

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.

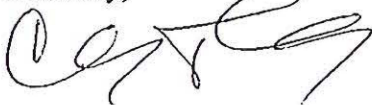
I have enclosed an aerial photo showing where your mapped water rights are located. If your water rights are unmapped, the aerial photo will indicate the number of acres of water right and the number of acres of land to assist you in determining how much area should be irrigated. Please note that the 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

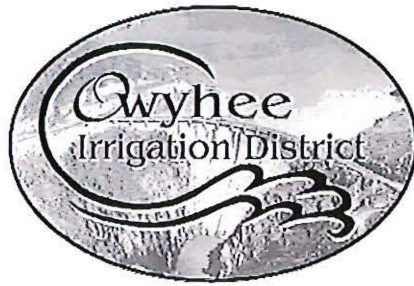
RECEIVED

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*

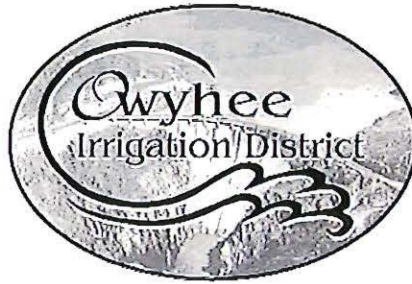
Krista Kinzer  
422 Thunderegg Blvd  
Nyssa, Oregon 97913  
P: (541) 372-3540  
F: (541) 372-2437  
E: [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org)

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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

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 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.

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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)

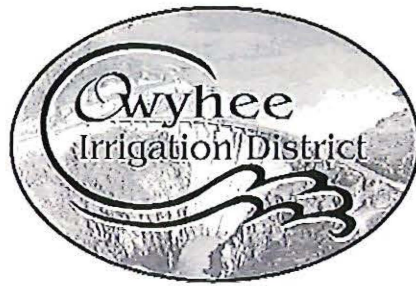
RECEIVED

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

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@owyheerirrigation.org](mailto:krista@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 #: 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.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

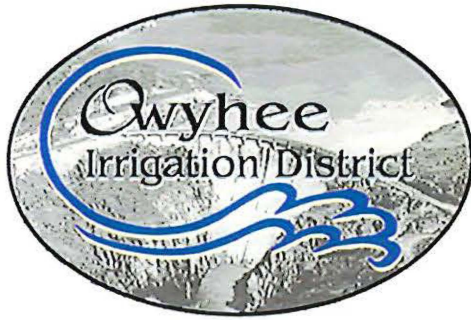
Administrative Assistant

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

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

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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

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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

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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.

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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 -



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,

A handwritten signature in black ink, appearing to read 'Clancy Flynn', with a stylized, cursive script.

Clancy Flynn  
District Manager

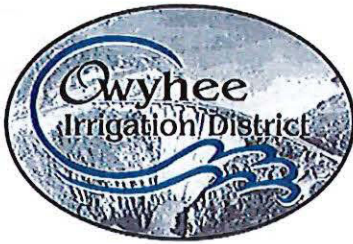
cc: Oregon Water Resources Department (OWRD)  
*725 Summer St. NE Salem, OR*  
Mailed via certified mail, December 27<sup>th</sup>, 2023

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

RECEIVED

JAN 02 2024

OWRD



E-RECEIVED  
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.

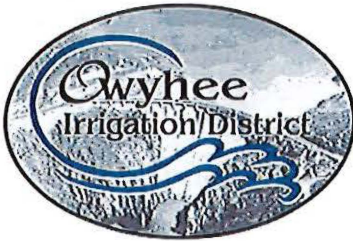
If you have any questions, please contact me at 541-372-3540 or by email at [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org).

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.*

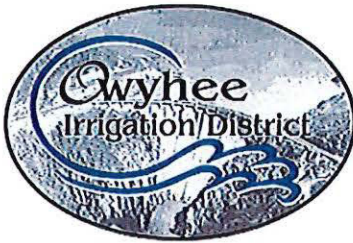
If no protest is filed by the FROM land user within 60 days OWRD finds this application to be complete, a Final Order will be issued by OWRD placing this water onto your property. A copy of the Final Order will be mailed to you by OID when/if received.

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.

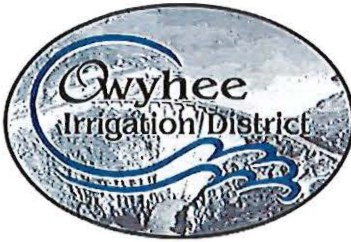
If you have any questions, please contact me at 541-372-3540 or by email at [krista@owyheerirrigation.org](mailto:krista@owyheerirrigation.org).

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

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)

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| Owyhee Irrigation District |                     |     |     | 2023 | Water Rights Transfer |      |         |       | OFF MAP |  |           | Remaining/  |
|----------------------------|---------------------|-----|-----|------|-----------------------|------|---------|-------|---------|--|-----------|-------------|
|                            |                     |     |     |      |                       |      |         |       |         |  |           | Total Acres |
| POD or                     | Priority            |     |     |      |                       |      | County  |       |         |  |           | per tax lot |
| POA #                      | Date                | Use | Twp | Rng  | Sec                   | QQ   | Tax Lot | Acres | Status  | Name                                   | DINN      | per QQ      |
| 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 Enszt                            | 23-44900  | 22.41       |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18  | 46   | 32                    | SESE | 800     | 0.15  | OFF     | Roger Enszt                            | 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 Anel                              | 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 |           |             |

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1/10/2024  
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| Owyhee Irrigation District |                     |     | 2023 Water Rights Transfer |     |     |      |         | OFF MAP |        |  |          | Remaining/<br>Total Acres<br>per tax lot |
|----------------------------|---------------------|-----|----------------------------|-----|-----|------|---------|---------|--------|--|----------|--|
| POD or<br>POA #            | Priority<br>Date    | Use | Twp                        | Rng | Sec | QQ   | Tax Lot | Acres   | Status | Name                                   | DINN     | per QQ                                   |
| 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 Enszt                            | 23-44900 | 22.41                                    |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18                         | 46  | 32  | SESE | 800     | 0.15    | OFF    | Roger Enszt                            | 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  | 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   | 29.51   |        |  |          |  |
|                            |                     |     |                            |     |     |      |         |         |        | left behind                            |          | Canceled                                 |
|                            |                     |     |                            |     |     |      | Total   | 29.51   |        |  |          |  |
|                            |                     |     |                            |     |     |      |         |         |        |  |          |  |
|                            |                     |     |                            |     |     |      |         |         |        | * indicates transferred due to non-use |          |  |



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02/05/2024  
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| Owyhee Irrigation District |                     |     | 2023 Water Rights Transfer |     |     |        |         | OFF MAP |        |  |          | Remaining/  |
|----------------------------|---------------------|-----|----------------------------|-----|-----|--------|---------|---------|--------|--|----------|-------------|
|                            |                     |     |                            |     |     |        |         |         |        |  |          | Total Acres |
| POD or                     | Priority            |     |                            |     |     | County |         |         |        |  |          | per tax lot |
| POA #                      | Date                | Use | Twp                        | Rng | Sec | QQ     | Tax Lot | Acres   | Status | Name                                   | DINN     | per QQ      |
| 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 Enszt                            | 23-44900 | 22.41       |
| 75691                      | 8/19/1924-2/15/1916 | IR  | 18                         | 46  | 32  | SESE   | 800     | 0.15    | OFF    | Roger Enszt                            | 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       |
|                            |                     |     |                            |     |     |        | Total   | 29.57   |        |  |          |             |
|                            |                     |     |                            |     |     |        |         |         |        | left behind                            |          | Canceled    |
|                            |                     |     |                            |     |     |        | Total   | 29.57   |        |  |          |             |
|                            |                     |     |                            |     |     |        |         |         |        |  |          |             |
|                            |                     |     |                            |     |     |        |         |         |        | * indicates transferred due to non-use |          |             |



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2/5/2024  
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| Owyhee Irrigation District |                     |     |     |     | 2023 | Water Rights Transfer |         |       | ON MAP |                     |          | Remaining/<br>Total Acres<br>per tax lot |
|----------------------------|---------------------|-----|-----|-----|------|-----------------------|---------|-------|--------|---------------------|----------|--|
| POD or                     | Priority            |     |     |     |      |                       | County  |       |        |                     |          | per QQ                                   |
| POA #                      | Date                | Use | Twp | Rng | Sec  | QQ                    | Tax Lot | Acres | Status | Name                | DINN     | per QQ                                   |
| 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 Ensasz        | 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                                    |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       |         |       |        |                     |          |  |
|                            |                     |     |     |     |      |                       | Total   | 29.57 |        |                     |          |  |



# Owyhee Irrigation District

SEC. 34T16S R47E

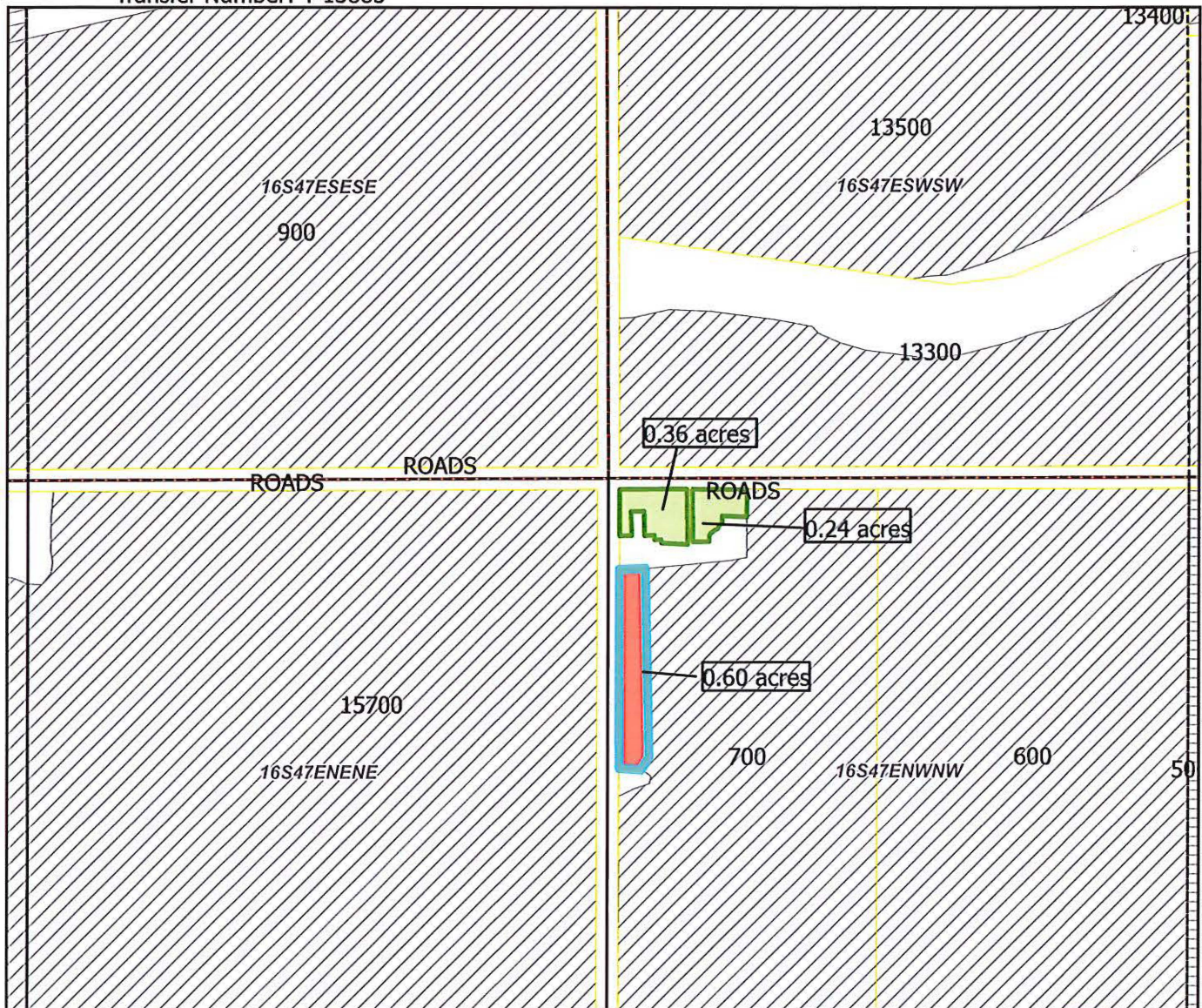
Scale - 1" = 400'

NW 1/4 of the NW 1/4

**SUPERSEDED**



Transfer Number: T-13885



"ON/OFF" Map

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OWRD

-  On
-  Off
-  75691
-  75712
-  All Other Certificates

2023 District Transfer Application

NAME: Nancy Allen

TAXLOT - 700, 16S47E34 NW/NW: 0.60 Acres ON, 15.8 Acres Remaining (Cert 75691 IR)

TAXLOT - 700, 16S47E34 NW/NW: 0.60 Acres OFF, 15.8 Acres Remaining (Cert 75691 IR)



14375 -

Date: 11/6/2023



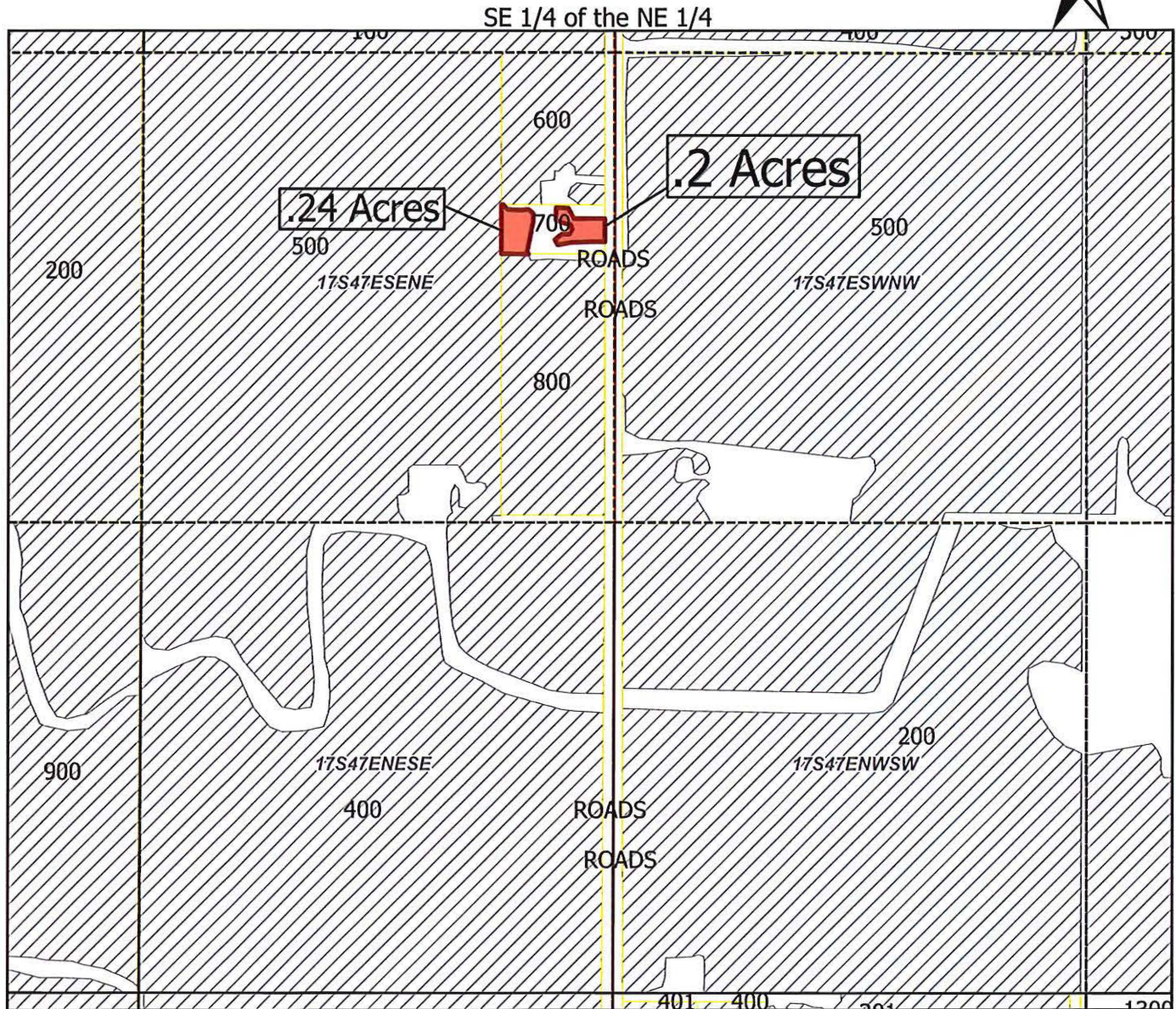
# Owyhee Irrigation District

SUPERSEDED

SEC. 8 T17S R47E

Scale - 1" = 400'

N



"OFF" Map

- On
- Off
- 75691
- 75712
- All Other Certificates

2023 District Transfer Application

NAME: Andel, Sean

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OWRD

TAXLOT - 700, 17S47E8 SE/NE: .44 Acres OFF, 0 Acres Remaining (Cert 75691 IR)



Date: 12/12/2023

14375 -



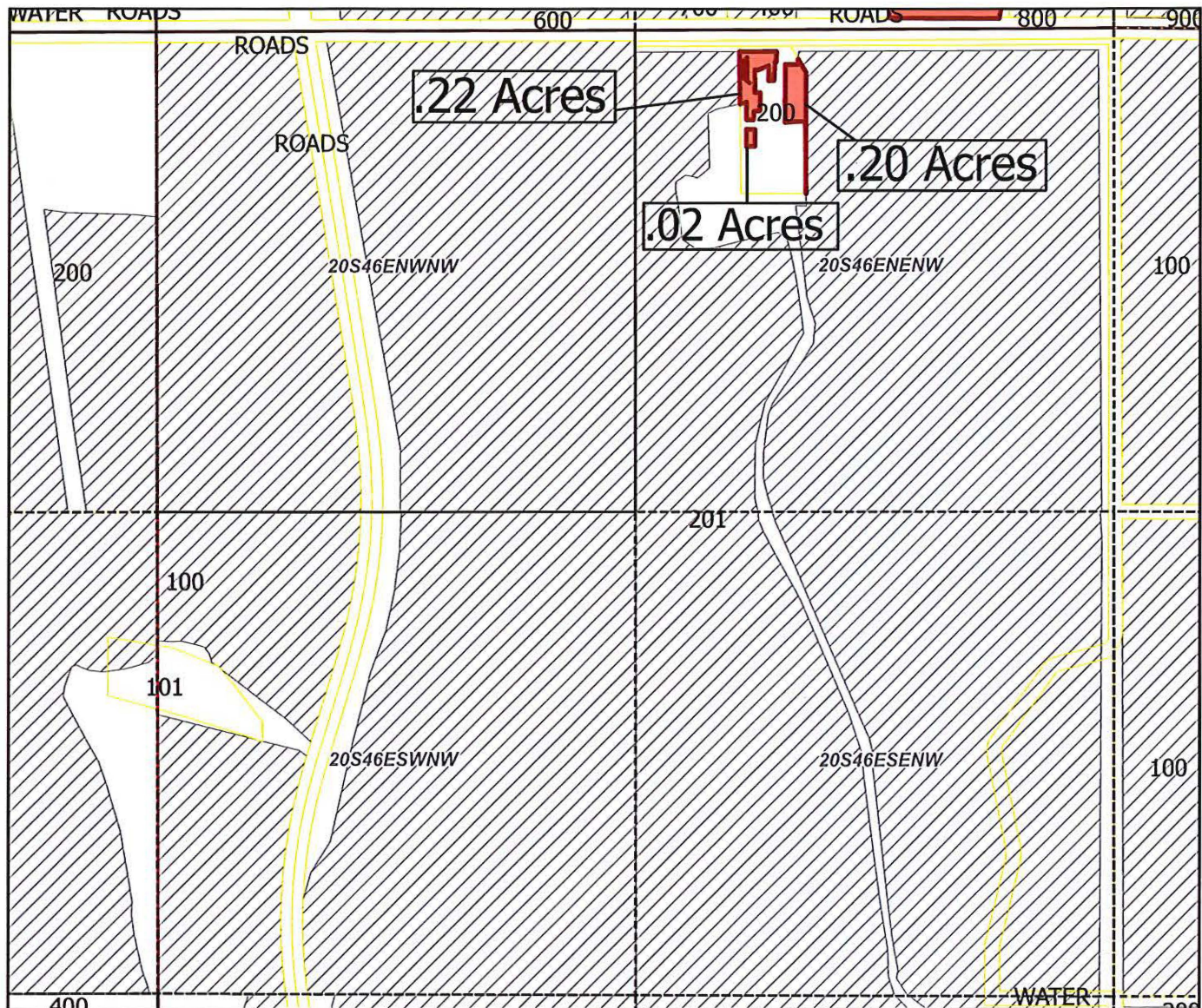
# Owyhee Irrigation District

SEC. 9 T20S R46E

Scale - 1" = 400'

**SUPERSEDED**

NE 1/4 of the NW 1/4



"OFF" Map

- On
- Off
- 75691
- 75712
- All Other Certificates

2023 District Transfer Application

NAME: David Grimaldo

TAXLOT - 200, 20S46E9 NE/NW: .44 Acres OFF, 34.86 Acres Remaining (Cert 75691 IR)

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JAN 02 2024

OWRD



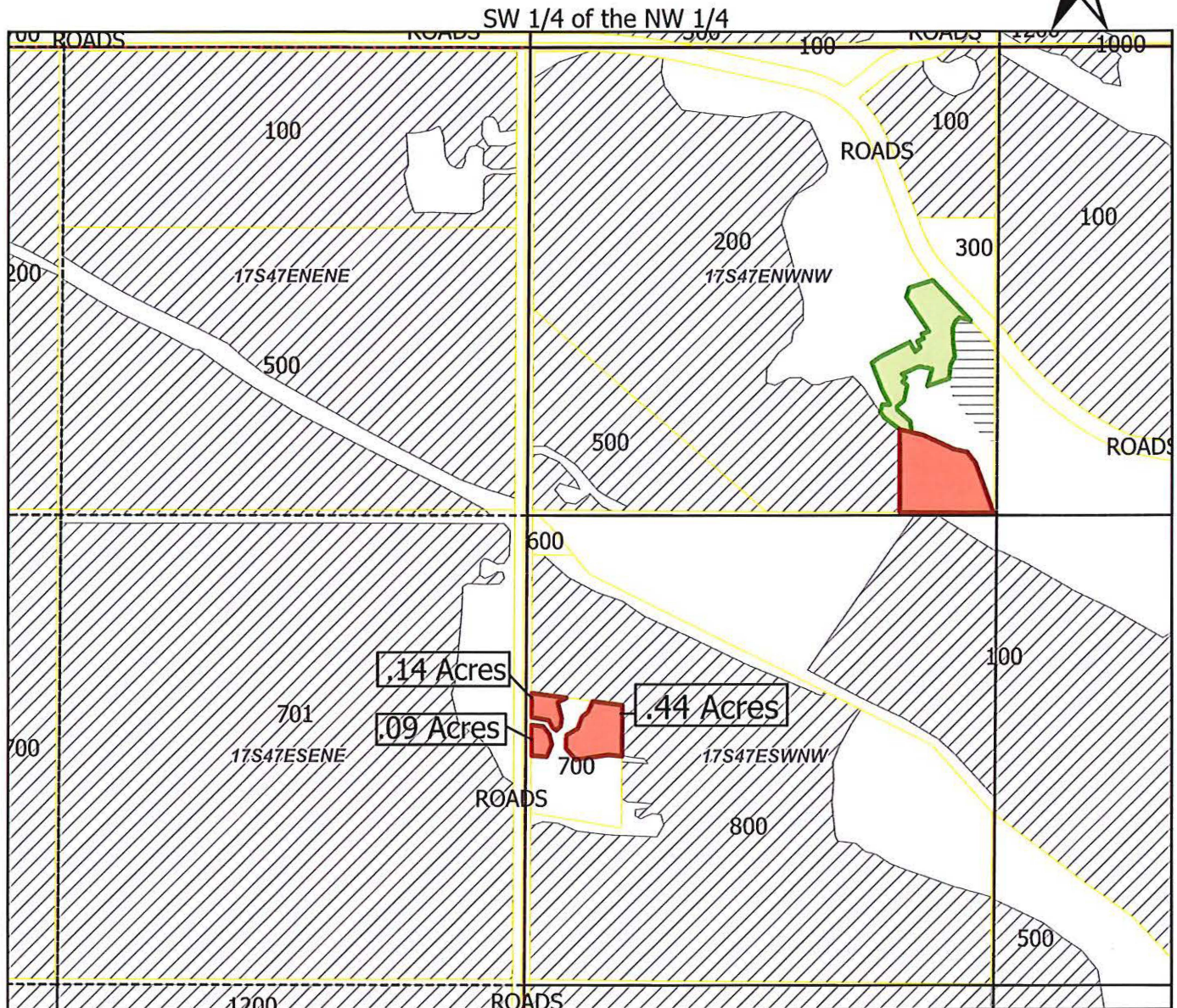
Date: 12/12/2023

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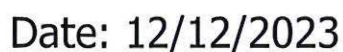
**SUPERSEDED**

Scale - 1" = 400'



 On  
 Off  
 75691  
 75712  
 All Other Certificates

OWRD



14375 -



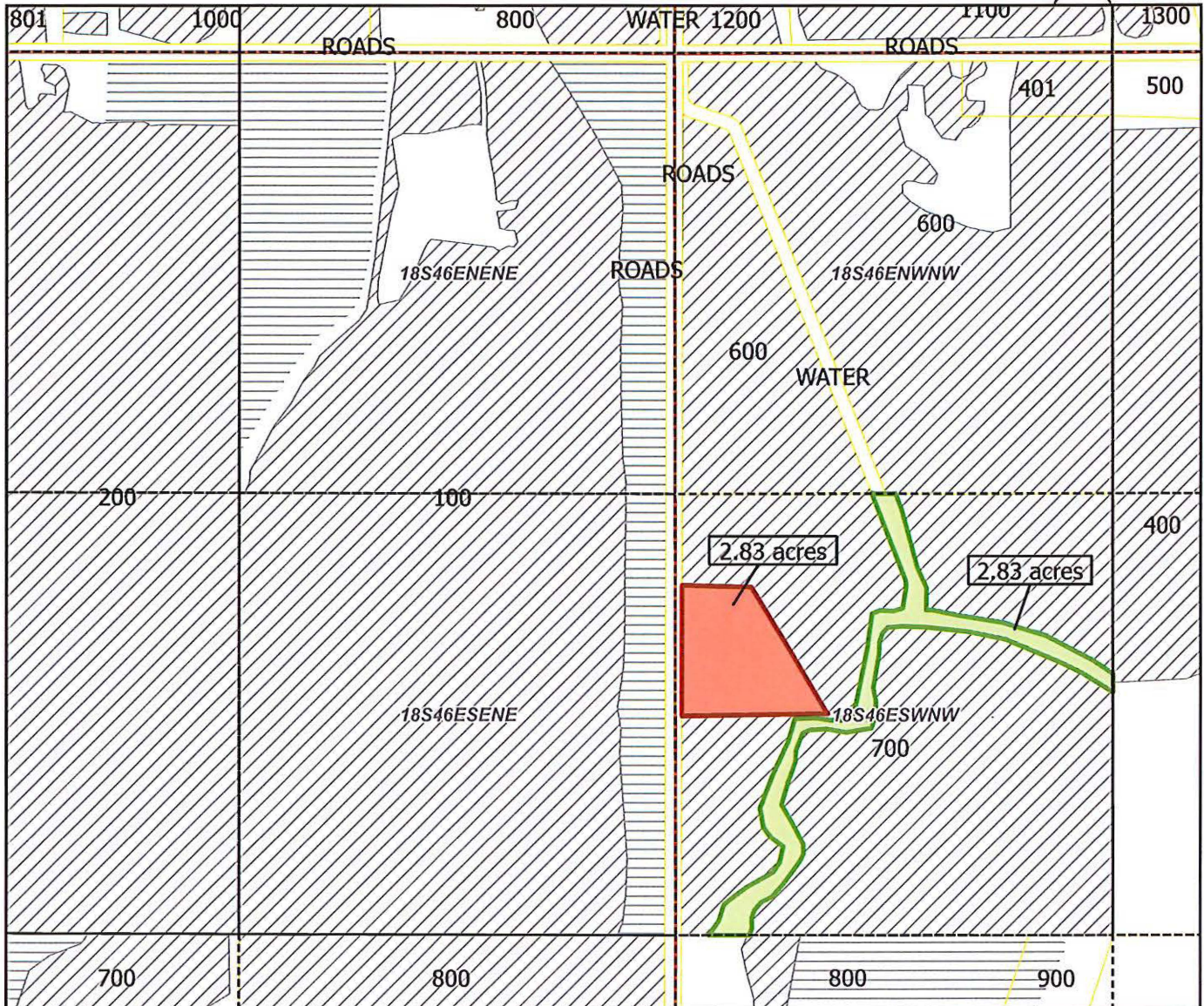
# Owyhee Irrigation District

SEC. 33 T18S R46E

Scale - 1" = 400'

**SUPERSEDED**

SW 1/4 of the NW 1/4



"ON/OFF" Map

**RECEIVED**

**JAN 02 2024**

**OWRD**

2023 District Transfer Application

NAME: Fred Hussey



TAXLOT - 700, 18S46E33 SW/NW: 2.83 Acres OFF, 35.5 Acres Remaining (Cert 75691 IR)

TAXLOT - 700, 18S46E33 SW/NW: 2.83 Acres ON, 35.5 Acres Remaining (Cert 75691 IR)

14375 -

Date: 12/7/2023



# Owyhee Irrigation District

SEC. 34 T18S R46E

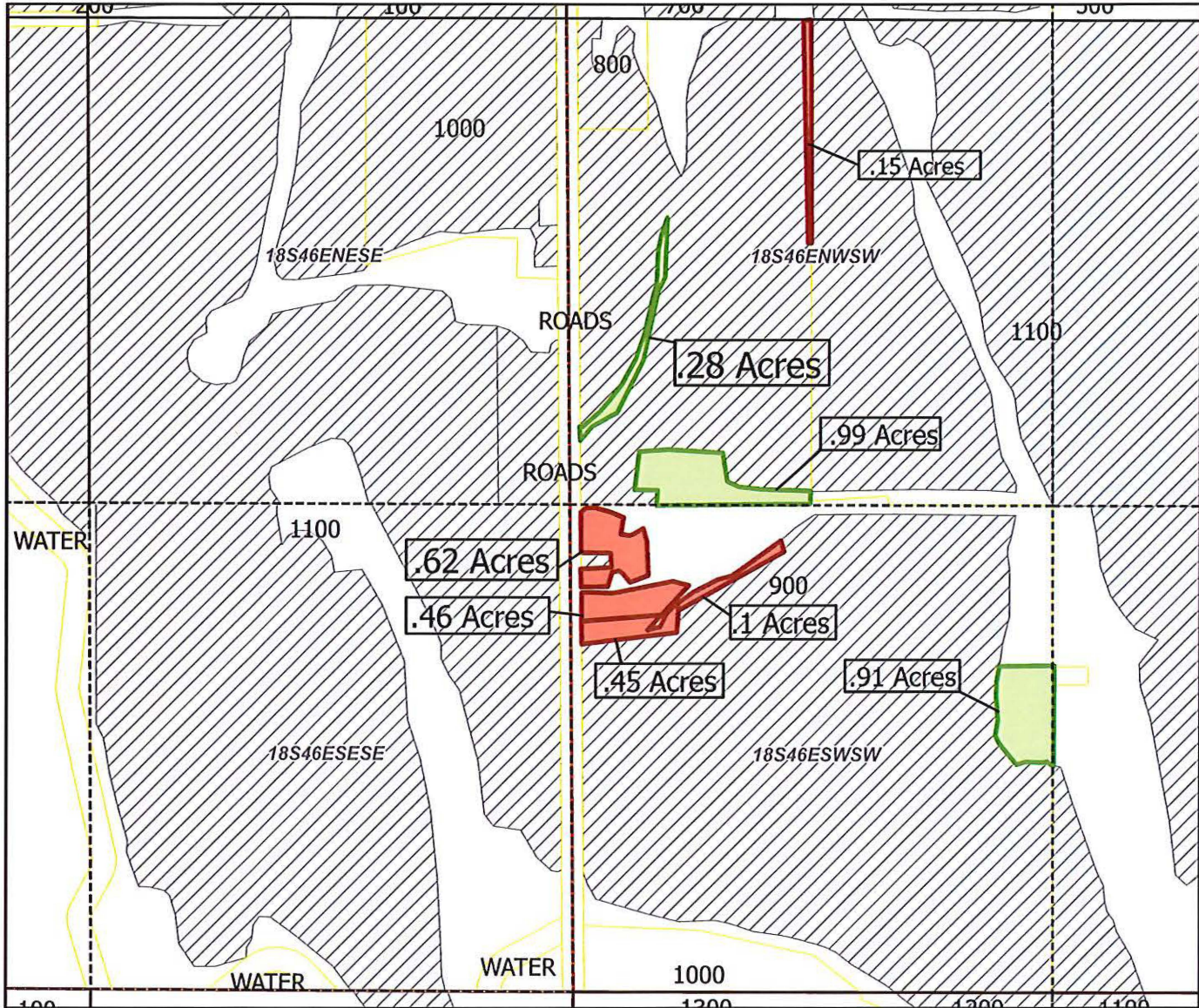
Scale - 1" = 400'

NW 1/4 of the SW 1/4

SW 1/4 of the SW 1/4



**SUPERSEDED**



"OFF/ON" Map

**RECEIVED**

**JAN 02 2024**

2023 District Transfer Application

NAME: Alvin & Jeanna Hall

**OWRD**

TAXLOT - 900, 18S46E34 NW/SW: .15 Acres OFF, 16.47 Acres Remaining (Cert 75691 IR)  
TAXLOT - 900, 18S46E34 NW/SW: 1.27 Acres ON, 16.47 Acres Remaining (Cert 75691 IR)  
TAXLOT - 900, 18S46E34 SW/SW: 1.63 Acres OFF, 31.33 Acres Remaining (Cert 75691 IR)  
TAXLOT - 900, 18S46E34 SW/SW: .91 Acres ON, 31.33 Acres Remaining (Cert 75691 IR)



Date: 12/19/2023

14375 -



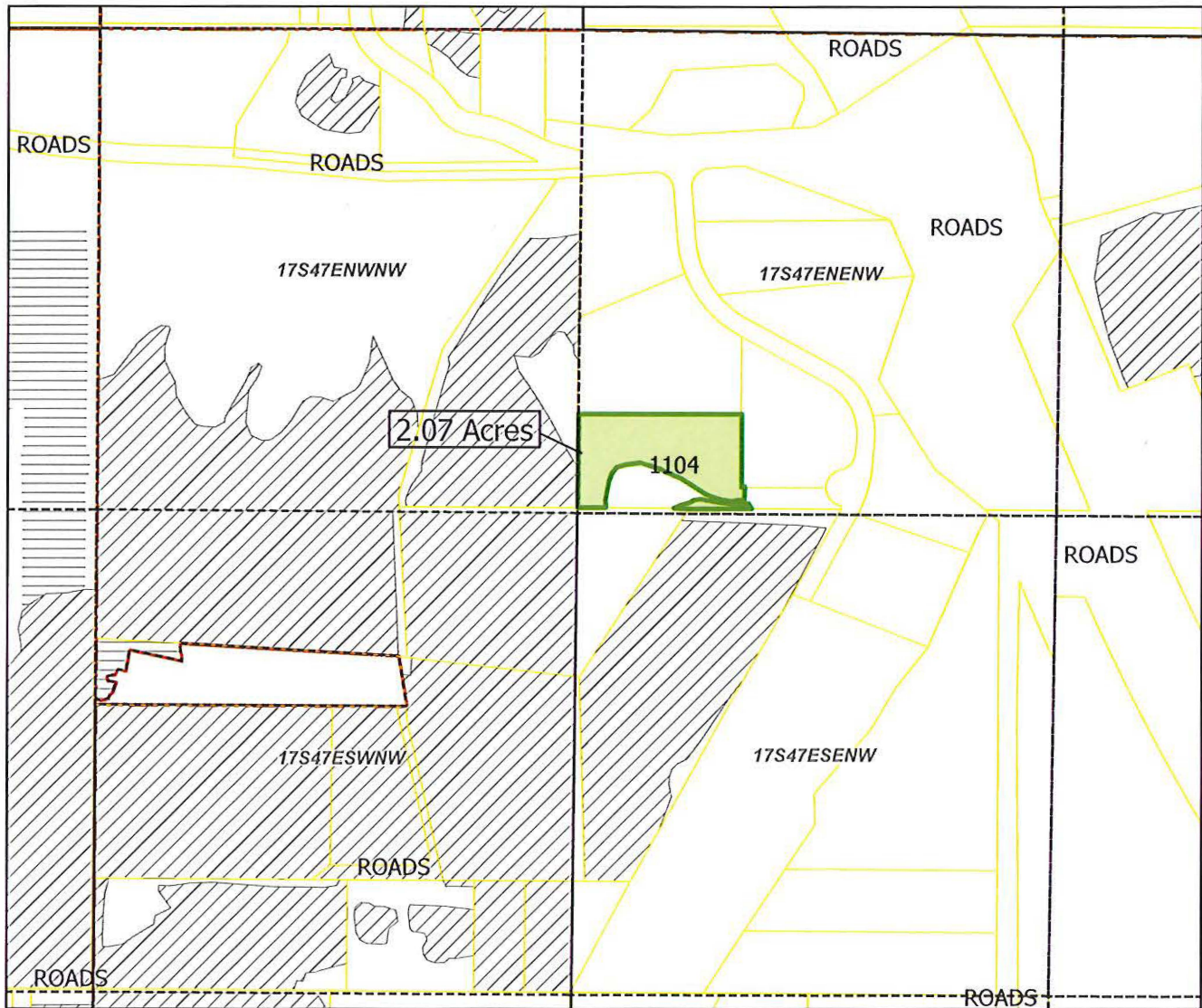
# Owyhee Irrigation District

SEC. 29 T17S R47E

Scale - 1" = 400'

**SUPERSEDED**

NE 1/4 of the NW 1/4



-  On
-  Off
-  75691
-  75712
-  All Other Certificates

"ON" Map

**RECEIVED**

**JAN 02 2024**

**OWRD**

2023 District Transfer Application

NAME: King, Lance



TAXLOT - 1104, 17S47E29 NE/NW: 2.07 Acres ON, 2.07 Acres Remaining (Cert 75691 IR)

Date: 12/18/2023

14375 -



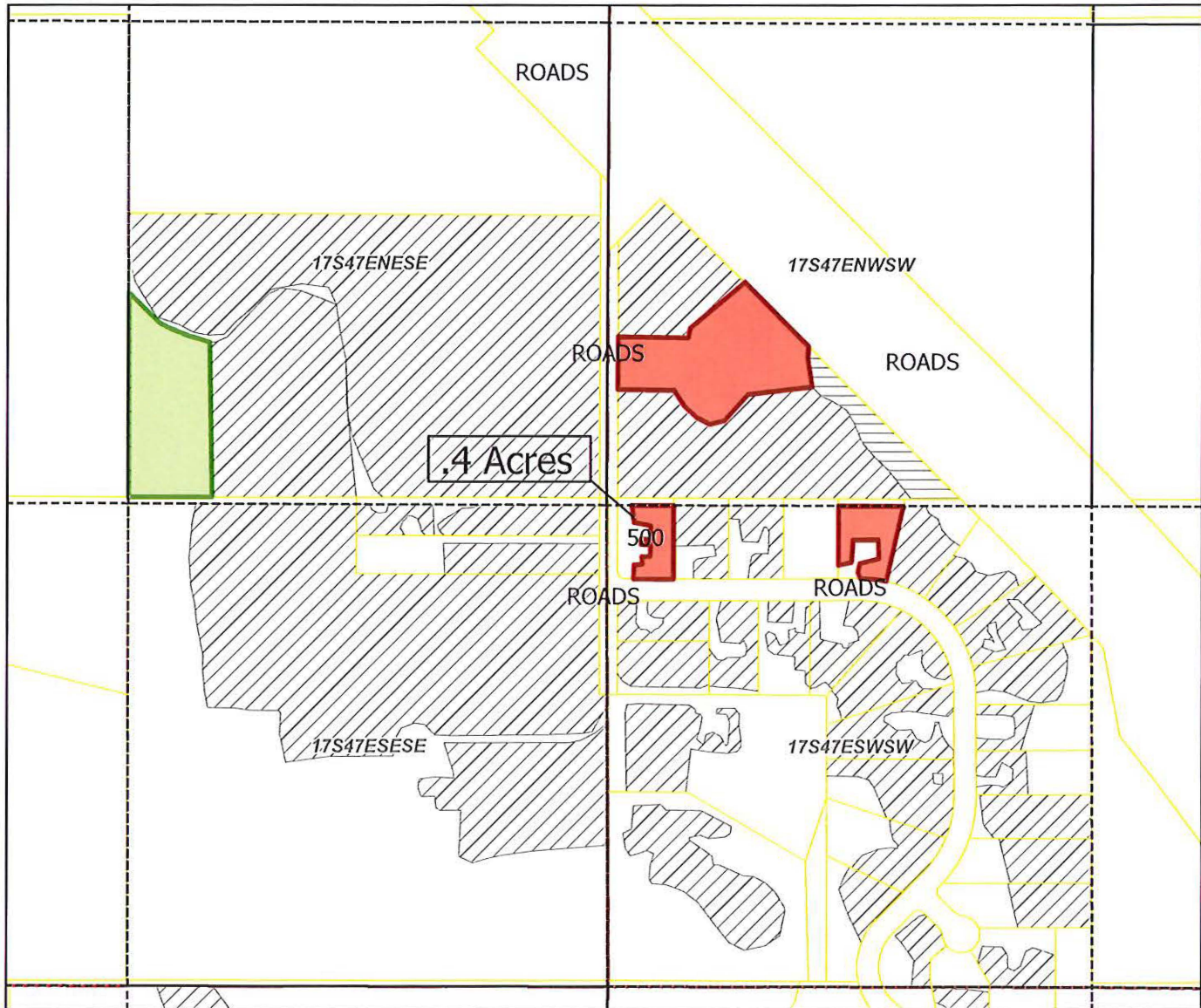
# Owyhee Irrigation District

SEC. 20 T17S R47E

Scale - 1" = 400'

SW 1/4 of the SW 1/4

**SUPERSEDED**



"OFF" Map

- On
- Off
- 75691
- 75712
- All Other Certificates

RECEIVED

JAN 02 2024

OWRD

2023 District Transfer Application

NAME: Nungaray, Robert & Reyna

TAXLOT - 500, 17S47E20 SW/SW: .40 Acres OFF, 0 Acres Remaining (Cert 75691 IR)

14375 -



Date: 12/18/2023



# Owyhee Irrigation District

**SUPERSEDED** SEC. 27 T18S R46E

Scale - 1" = 400'  
NW 1/4 of the NW 1/4



"ON" Map

RECEIVED

JAN 02 2024

OWRD

2023 District Transfer Application

NAME: Pounds, Marlow

TAXLOT - 400, 18S46E27 NW/NW: .88 Acres ON, 21.38 Acres Remaining (Cert 75691 IR)



Date: 12/19/2023

14375 -