



December 19, 2025

Adam Frederick
Oregon Water Resources Department
725 Summer Street, NE Ste "A"
Salem, OR 97301-1266

Received
DEC 22 2025

OWRD

RE: District Transfer – **P-2025-002**

Dear Adam,

Please find enclosed our **District Petition Number P-2025-002**. Also enclosed is our check for **\$2,955.00** as payment of the transfer fee. Petition includes **2.0 acres** of irrigation forfeited per ORS 540.572. In addition, there are **5.40 acres** of irrigation transferred under ORS 540.580.

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

Sincerely,

Mikaela Watson

Mikaela Watson
Water Rights Program Assistant

Encl.



Alison K. Toivola
Partner
(541) 318-9836
alison.toivola@bbklaw.com

December 17, 2025

VIA E-MAIL: MWATSON@COID.ORG

Mikaela Watson
Water Rights Project Assistant
Central Oregon Project Assistant
1055 SW Lake Rd
Redmond, OR 97756

Received

DEC 22 2025

OWRD

Re: Notice of District Permanent Water Right Transfer Petition P- 2025-002

Dear Ms. Watson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). Central Oregon Irrigation District (“COID”) has provided the Tribe with certain information concerning the Notice of District Permanent Water Right Transfer Petition P-2025-002, identified in Appendix A hereto (the “Application”).

The Tribe has reviewed the information about the Application provided by COID. The Tribe is relying in good faith upon the information provided by COID. Based on that information, the Tribe does not object to the Department of Water Resources (“Department”) processing the Application in accordance with applicable law, and the Department’s customary practice. The Tribe, however, expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Application, including, but not limited to, whether the Application violates the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

Sincerely,

Alison K. Toivola
of BEST BEST & KRIEGER LLP

Mikaela Watson
December 17, 2025
Page 2

AKT:akt

Attachment

cc: Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
David Filippi, Esq.
Josh Newton, Esq.
Jeremy Giffin, Oregon Water Resources Department
Jessi Talbott

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Appendix A

INSTRUCTIONS:

This checklist is intended to facilitate the Department of Water Resources' ("Department") processing of water rights transfer applications within the Deschutes Basin for the 2025 calendar year. The Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe") has reviewed this checklist. The Tribe does not object to the Department's processing of any water rights transfer applications that meets a "Yes" of all applicable checklist items, and therefore satisfies the "Meets Requirements" category at the top of this checklist. When the checklist is so satisfied, the Department may process the application in accordance with applicable law, and the Department's customary practice.

Water rights transfer applications that meet all of the checklist criteria appear to present a low risk of injury to the Tribal Reserved Water Right as defined in the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended. The Tribe does not waive its right to dispute or challenge any transfer application, whether or not they satisfy this checklist, on the basis that the transfer injures the Tribal Reserved Water Right or other federally-reserved water right held by the Tribe. The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the application, including, but not limited to, whether the application violates the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

The Tribe further reserves the right to conduct additional analysis on any transfer that is submitted to the Department with a completed checklist. The Tribe reserves the right to consider, among other things, the risk of localized impacts, cumulative impacts, water quality, return flows, groundwater recharge, Habitat Conservation Plan flow augmentation agreements, water bank transactions, and additional analyses received from the Tribe's staff, Department, applicant, or third party.

A "temporary instream lease" is any instream lease lasting five (5) years or less.

This checklist applies to surface water transfers only. This checklist does not apply to groundwater transfers.

If you have any questions about this checklist, please contact:

Jessi Talbott or Mikaela Watson, on behalf of Central Oregon Irrigation District, via e-mail at:
jtalbott@coid.org
mwatson@coid.org

Alison K. Toivola or Josh Newton of Best Best & Krieger, LLP, on behalf of the Tribe, via e-mail at:
Alison.Toivola@bbklaw.com
Josh.Newton@bbklaw.com

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14786 -

CTWS Low-Risk Transfer Checklist Requirements

Patron Name/Applicant Name : COID - P-2025-002
 Transfer Type: Forfeiture Petition
 Transfer #: P-2025-002
 Review Date: 12/10/2025

Meets Requirements:
 Does Not Meet Requirements:

Checklist Completed By: M. Watson

Water Right Transfer - Check Applicable Transfer Type

Own Lands Transfer
 Water Right Sale

	YES	NO	Comments:
Transfer Within Same District Boundary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
On/Off Lands Balance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
On/Off Lands Within Five (5) Miles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Differs between transfers
No Increase in Diversion Amount	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
No Change in Type of use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
No Change in Point of Diversion or Appropriation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
On/Off Lands Served by Same Canal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Identify Canal:
NOT a Multi-Step Transfer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
NOT a Mitigation Credit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Temporary Instream Lease	YES	NO	Comments:
Decrease in Diversion - Increased River Flows	<input type="checkbox"/>	<input type="checkbox"/>	
Transfer of Surface Water ONLY	<input type="checkbox"/>	<input type="checkbox"/>	
No Potential for Measurable Impact to Crooked River	<input type="checkbox"/>	<input type="checkbox"/>	
No Potential for Measurable Impact to Whychus Creek	<input type="checkbox"/>	<input type="checkbox"/>	
No Potential for Measurable Impact to Deschutes River	<input type="checkbox"/>	<input type="checkbox"/>	

Summary of Transfer:

COID Petition P-2025-002 including 2.0 acres of irrigation forfeited per ORS 540.572 in addition to 5.40 acres of irrigation water transferred under ORS 540.580.

2 of 2

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 DEC 22 2025
 OWRD



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

**Application for
District Permanent
Water Right**

P-2025-002

Transfer

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

Change in Place of Use Only

1A. APPLICANT INFORMATION

IRRIGATION DISTRICT CENTRAL OREGON IRRIGATION DISTRICT		PHONE NO. 541-548-6047	ADDITIONAL CONTACT NO. MIKAELA WATSON
ADDRESS 1055 SW LAKE CT		COUNTY DESCHUTES	
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL mwatson@coid.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 REDMOND	STATE OR	ZIP 97756	E-MAIL mwatson@coid.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.			

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

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

	Certificate	Permit / Previous Transfer	Decree
1.	94956	-	PRIMARY
2.	76714	-	SUPPLEMENTAL
3.		-	
4.		-	
5.		-	
6.		-	

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3. ATTACHMENTS

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

Supplemental Form A – Description of Proposed Change(s) to a Water Right <input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer. Map <input checked="" type="checkbox"/> Permanent Transfer A map meeting the requirements of OAR 690- 385-3300 must be included but need not be prepared by a Certified Water Right Examiner (CWRE).	Fees: <input checked="" type="checkbox"/> Amount enclosed: \$ <u>2955.00</u> See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900. Land Use Compatibility Statement <input checked="" type="checkbox"/> The Land Use Information Form is <u>not</u> required if water is to be diverted, conveyed and/or used only on federal lands or if <u>ALL</u> of the following apply: a) a change in place of use only, b) a change that does not involve the placement or modification of structures, c) the use of water is for irrigation only and d) the use is located within an irrigation district or an exclusive farm use zone.
---	---

4. SIGNATURES

The district certifies the following:

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


District Manager signature

Craig Horrell

name (print)


12/10/25
date

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

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

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District Permanent Water Right Transfer Application

Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

1. CURRENT WATER RIGHT INFORMATION

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

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

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

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

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

Tributary to: COLUMBIA RIVER

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?

Yes No

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

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

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- Certificate Number or other identifying number: 94956

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

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

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

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

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

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District Permanent Water Right Transfer Application

Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

1. CURRENT WATER RIGHT INFORMATION

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

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

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

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

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

Tributary to: DESCHUTES RIVER

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?

Yes No

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

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

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

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

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

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

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

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TABLE 1. - AUTHORIZED PLACE OF USE

WATER RIGHT Cert/Decree	LEGAL DESCRIPTION									USER NAME
	PRIORITY DATE	USE	POD #	TWP	RNG	SEC	QQ	TAX LOT	ACRES	
94956/76714	10/31/1900	IR	1	17	12	14	SESW	700	2.00	Black, Justin/Landing living Trust
Total Forfeiture Acres:									2.00	ORS 540.572
94956/76714	10/31/1900	IR	1	15	15	5	SWSW	200	3.40	Goodman, Gary/Sally
94956/76714	10/31/1900	IR	11	15	12	12	SENW	602	0.34	Bonnett, Mark/Jaycine
94956/76714	10/31/1900	IR	1	17	12	28	SWSE	204	0.50	COID - Quitcliam account
94956/76714	10/31/1900	IR	1	17	13	30	NWNW	200	0.58	COID - Quitcliam account
94956/76714	10/31/1900	IR	1	17	13	31	SESW	2000	0.08	COID - Quitcliam account
94956/76714	10/31/1900	IR	11	14	13	22	NESW	1500	0.04	Welle, Luke/Kelsey
94956/76714	10/31/1900	IR	11	17	12	11	NWSE	1000	0.26	COID - Quitcliam account
94956/76714	10/31/1900	IR	11	16	12	23	NWSE	305	0.20	COID - Quitcliam account
Total Regular District Transfer Acres:									5.40	ORS 540.580
Grand Total:									7.40	ORS 540.580

TABLE 2. - PROPOSED PLACE OF USE

WATER RIGHT Cert/Decree	LEGAL DESCRIPTION									USER NAME
	PRIORITY DATE	USE	POD #	TWP	RNG	SEC	QQ	TAX LOT	ACRES	
94956/76714	10/31/1900	IR	1	17	14	26	NWSW	1200	2.00	MJB Trust - Borlen, Matthew/Jennifer
Total Forfeiture Acres:									2.00	ORS 540.572
94956/76714	10/31/1900	IR	1	15	15	5	SWNW	102	1.84	Holliday Revocable Trust
94956/76714	10/31/1900	IR	1	15	15	5	NWSW	102	1.56	Holliday Revocable Trust
94956/76714	10/31/1900	IR	11	15	12	12	SENW	602	0.34	Bonnett, Mark/Jaycine
94956/76714	10/31/1900	IR	1	17	12	13	SWNE	1500	1.16	Scott, Charles/Frances
94956/76714	10/31/1900	IR	11	14	13	22	NESW	1500	0.48	Welle, Luke/Kelsey
94956/76714	10/31/1900	IR	11	14	13	22	NWSW	1500	0.02	Welle, Luke/Kelsey
Total Regular District Transfer Acres:									5.40	ORS 540.580
Grand Total:									7.40	ORS 540.580

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9414 8118 9876 5486 6039 61

Black, Justin/Landing Living Trust
63260 DESCHUTES MARKET RD
BEND OR 97701-8812



Reference

USPS # 9414811898765486603961

USPS Mail Class Certified with Return Receipt (Signature)

USPS Status Your item was delivered to an individual at the address at 8:52 am on November 4, 2024 in BEND, OR 97701.

USPS History
Arrived at USPS Regional Facility, November 2, 2024, 2:38 pm, EUGENE OR DISTRIBUTION CENTER
Arrived at USPS Facility, November 1, 2024, 6:59 pm, PORTLAND, OR 97215
Accepted at USPS Origin Facility, November 1, 2024, 5:44 pm, REDMOND, OR 97756
Shipping Label Created, USPS Awaiting Item, 10/30/2024, 2:29 pm, REDMOND, OR 97756

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14786 -



November 1, 2024

Patron ID: 6251

Black, Justin/Landing Living Trust
63260 Deschutes Market Rd.
Bend, OR 97701

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DEC 22 2025
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RE: Tax Map #:171214CD00700
3.50 acres total Irrigated Water Rights

Dear Patron,

One of Central Oregon Irrigation District's top priorities is to preserve and protect the water rights within our system. We want to work together with you, our patrons, to preserve this precious resource. The 2024 irrigation season has come to an end, and with that, the District has completed the yearly review of beneficial use of all water rights within our District.

Through this review process we have identified that a *portion* of, or all, the water right on the above-noted property has not been beneficially used for 4 consecutive years. Enclosed is an aerial photo taken in June 2024 with the quantity of appurtenant water rights noted next to a point (there may be multiple points). Over the last four years, the total area being irrigated is less than the amount of the water right.

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

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

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

1. You must use the full water right on the ground during the 2025 irrigation season,
2. Request an Instream Lease of the unused portion of the water right to the Deschutes River for the 2025 season (the District will accept requests for instream lease applications through February 15, 2025). The water will go back onto your property at the end of the irrigation season for you to use in 2026, or,
3. Request to remove the unused water through a water transfer. Requests should be made by March 15, 2025.

If you choose not to follow any of these options, the District will have no choice but to remove the unused water right at the end of the 2025 season by filing a petition with Oregon Water Resources Department (OWRD) to transfer the water rights to other lands in the District.

By this letter, the District is serving you notice of our intent to remove the unused water right in 2025 (see OAR 690-385-5000 and ORS 540.572 to 540.578). A copy of this letter is being sent to any security interest holders listed against your property (as required by statute).

If you have any evidence that you fully irrigated the required area at any time since 2020, please present the evidence to our office within 30 days from the date of this letter.

REMINDER: Whether you choose to use, lease, transfer, or not use your water rights in 2025, your 2025 assessments are due and payable to COID by the due date.

It is our hope that we can work together to maintain the water rights on your property. If you have any questions or concerns, please call us at 541-548-6047 or email: edu@coid.org 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,

COID Water Rights Team

Encl.

cc: OWRD, 725 Summer St NE Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
Lender(s)

Sent by certified mail and standard mail November 1, 2024

Received
DEC 22 2025
OWRD

2024 BENEFICIAL USE MAP



LEGEND
 • ACRES
 - STREETS

Table of Contents

- I ----- Irrigated Crop
- OI ----- Over Irrigated
- X ----- Non-Irrigated/Dry
- NS ----- New Seed
- S ----- Structure
- R ----- Rock
- D ----- Driveway
- GH ----- Green House
- P(1, 2,...) ----- Location of Pic with directional arrow



INFORMATION

290
NAME:
 Landing, Kim Marie
TAXLOT(S):
 171214CD00700

2023 AERIAL

DISCLAIMER:
 THIS MAP IS FOR REFERENCE PURPOSES ONLY.
 COID MAKES NO GUARANTEES TO THE ACCURACY
 OF THIS MAP OR ITS ASSOCIATED GIS DATA SHOWN
 HEREIN. COID IS IN NO WAY RESPONSIBLE FOR THE
 USAGE OF ANY DATA OR INFORMATION ASSOCIATED
 WITH OR SHOWN ON THIS MAP.

1 inch = 108 feet

Date: 3/28/2024

User Name: GISTECH

PROJECTION COORDINATE SYSTEM:
 NAD_1983_StatePlane_Oregon_South
 FIPS 3602 INTL Feet



OWRD

Document Path: I:\GIS\BENEFICIAL\2024\2024 DR MAPS\DR_2024 SITE REPORTS.mxd



November 1, 2024

S1L, Inc
3131 Camino Del Rio North, Ste 150
San Diego, CA 92108

Borrower: Black, Justin/Landing Living Trust
Patron: 6251
Tax Map #: 171214CD00700
Property Address: 63260 Deschutes Market Rd,
Bend, OR 97701

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

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

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

If you have any questions regarding the letter or beneficial use, please contact me at 541-548-6047 or edu@coid.org.

Sincerely,

COID Water Rights Team

Encl.

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DEC 22 2025

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CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE CT
REDMOND OR 97756-1469

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9414 8118 9876 5477 6525 34

Black, Justin / Landing Living Trust
63260 DESCHUTES MARKET RD
BEND OR 97701-8812



Reference

2025 Notice of Confiscation and Petition Filing

USPS

9414811898765477652534

USPS Mail Class

Certified with Return Receipt (Signature)

USPS Status

Your item was delivered to an individual at the address at 10:01 am on October 2, 2025 in BEND, OR 97701. Your item was delivered to an individual at the address at 10:01 am on October 2, 2025 in BEND, OR 97701.

USPS History

Your item was delivered to an individual at the address at 10:01 am on October 2, 2025 in BEND, OR 97701.

Arrived at USPS Regional Facility, October 1, 2025, 12:17 pm, EUGENE OR DISTRIBUTION CENTER

Arrived at USPS Facility, October 1, 2025, 12:41 am, PORTLAND, OR 97215

Accepted at USPS Origin Facility, September 30, 2025, 11:26 pm, REDMOND, OR 97756

Shipping Label Created, USPS Awaiting Item, 09/25/2025, 11:42 am, REDMOND, OR 97756

Received

DEC 22 2025

OWRD

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Date Verified: 10/03/2025 (UTC)

14786 -



October 1, 2025

Received

Patron #: 6251

DEC 22 2025

Black, Justin/Landing Living Trust
63260 Deschutes Market Rd.
Bend, OR 97701

OWRD

RE: Tax Map #: 171214CD00700, 3.50 acres total unmapped water rights
2.0 acres water rights to be forfeited in 2025

Dear Patron,

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

Certified letters were sent to you and any known security interest holders, following the end of the 2024 irrigation season informing you of the non-use of the water right, the options available to assist you in fulfilling OWRD's beneficial use requirements, and COID's intent to remove unused water at the end of the 2025 irrigation season. Available options included using the full water right beneficially; leasing, at a minimum, the unused portion of the water right instream; and transferring off or selling the unused water right. Site visits were completed during 2024 and 2025 to review any indication of beneficial use of the full water right. In addition, multiple years of aerial photos were also used to assist in the review of what may or may not have been irrigated between 2020 and 2025.

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

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

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

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

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

Sincerely,



Mikaela Watson
Water Rights Program Assistant

Enc

cc: OWRD, 725 Summer St N.E. Suite 100, Salem, OR 97301
Jeremy Giffin, District 11 Watermaster, 231 SW Scalehouse Lp, Ste 103, Bend, OR 97701
S1L, Inc., 3131 Camino Del Rio North, Ste 150. San Diego, CA 92108

Sent by certified mail and standard mail October 1, 2025

Received
DEC 22 2025
OWRD



October 1, 2025

S1L. Inc.
3131 Camino Del Rio North
Ste. 150
San Diego, CA 92108

Borrower: Black, Justin/Landing Living Trust : #6251
Tax Map #: 171214CD00700
Property Address: 63260 Deschutes Market Rd. Bend, OR 97701

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

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

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

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

Sincerely,

Mikaela Watson
Water Rights Project Assistant

Received

DEC 22 2025

OWRD

Encl.