



CENTRAL OREGON IRRIGATION DISTRICT

1055 SW LAKE COURT, REDMOND, OR 97756

PHONE: 541.548.6047 FAX: 541.548.0243

www.coid.org

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

March 25, 2009

Oregon Water Resources Department
Laura Wilke
Flow Restoration Program Coordinator
725 Summer St. NE, Suite A
Salem, OR 97301

Subject: Draft Rules Div. 380, 382

As a participant in the RAC, the District would like to provide comment in support of the draft rule changes to Div. 380 & 382. Removing the requirement to provide lien information prepared by a title company may significantly reduce the cost of a transfer for the applicant. In addition, the removal of "written notification to all lien holders" from the rule simplifies the transfer process. The District has a good working relationship with numerous title companies in the Deschutes Basin. Through those relationships we have discussed the "moving target" of not only property ownership but also of lien holders. In recent years it has become common practice for lenders to bundle and sell loans, frequently not recording mortgage reconveyance/satisfactions, making it sometimes difficult for us to determine who the lien holder is.

Thank you for the opportunity to make comment.

Sincerely,

Leslie Clark
Water Transfer Specialist

RECEIVED

MAR 26 2009

WATER RESOURCES DEPT
SALEM, OREGON

Brandi Elmer

From: Paretchan, Lynne M. (Perkins Coie) [LParetchan@perkinscoie.com]
Sent: Sunday, March 29, 2009 6:32 PM
To: rule-coordinator
Subject: Comments on proposed changes to OAR 690.380 and OAR 690.382
Attachments: draft 380-382 language.doc

To Rule Coordinator:

Please find attached suggested revisions to the text of these draft rule changes with respect to the descriptions of the documentation required to show applicant is authorized to pursue the transfer. I provide these because I found the proposed changes difficult to follow in this regard. The attached suggested replacement text will accomplish the same result in an easier fashion to understand.

The proposed use of entry phrases "if the water right has been previously conveyed under a water right conveyance agreement" was eliminated where a paragraph makes it clear that the water right conveyance agreements are at issue.

Also, since the definition of a "water right conveyance agreement" states that this term describes who the interest in the water right/certificate of registration has been conveyed to, the text in the proposed rule restating this definition was deleted when "water right conveyance agreements" are discussed because it is unnecessary to redefine the term.

Comments in attachment are shown in track changes. Please let me know if there are any questions or problems with this attachment.

<<draft 380-382 language.doc>>

Lynne

Lynne M. Paretchan | Perkins Coie LLP
1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2076
FAX: 503.727.2222
E-MAIL: LParetchan@perkinscoie.com

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Division 380

WATER RIGHT TRANSFERS

690-380-4010

(5)

(c) If the landowner identified in the report of ownership and lien information is not the applicant, the applicant shall submit documentation demonstrating that the applicant is authorized to pursue the transfer, which shall include:

(A) A notarized statement by the landowner identified in the report of ownership information consenting to the transfer; or

(B) A notarized statement from the owner of the water right identified in the water right conveyance agreement consenting to the transfer; or

(C) Other documentation demonstrating that the applicant is authorized to pursue to transfer.

(6) The report of the ownership information required under Section 5(a) of this rule must:

(a) be prepared no earlier than three months prior to the date of the draft preliminary determination; or

(b) be prepared within three months of the date the water right conveyance agreement was recorded, or

(c) show the ownership of the appurtenant land at the time the water right conveyance was recorded.

Division 382

GROUND WATER REGISTRATION MODIFICATIONS

690-382-0070

(5)

(c) . . .

(B) Notarized statement by the owner of the certificate of registration as identified in a water right conveyance agreement consenting to the modification; or

(6) The report of ownership information required under subsection (5)(a) of this rule must:

(a) be prepared no earlier than three months prior to the date of the draft preliminary determination; or

(b) be prepared within three months of the date a water right conveyance agreement was recorded; or

(c) show the ownership of the appurtenant land at the time the water right conveyance agreement was recorded.