



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Phillip C. Ward, Director

SUBJECT: Agenda Item K, July 29, 2005
Water Resources Commission Meeting

Consideration of Land Exchange between Ann Cobb and Tumalo Irrigation District

I. Issue Statement

The Commission is asked to approve a land exchange between Tumalo Irrigation District and Ann Cobb (Party). The Commission approved the transfer of certain land in the Tumalo Reservoir area to Tumalo Irrigation District (TID) in 1988. The land was deeded to TID through a quitclaim deed with a reversionary clause. The deeded land is adjacent to a parcel of land owned by Ann Cobb. Ann Cobb now desires to partition her property, but one of the partitioned properties will be land locked. The county will not approve such partition unless there is access from each partitioned property to a public road. The only possible access to Ann Cobb's properties is through the parcel deeded to TID by the Commission.

II. Background

In 1913, a special meeting of the Desert Land Board, which later became the Water Resources Department, was held to approve the purchase of land in the Tumalo area for developing the Tumalo Reservoir Project. After approval, the State purchased roughly 1,235 acres of land and received nine warranty deeds and one quitclaim deed. The Project was not successful due the reservoir's inability to store water.

In 1947, Senate Bill 195 (ORS Chapter 236) was passed by the Oregon Legislature. This bill transferred control of certain lands in the former Tumalo Project to the State Land Board, which later became Division of State Lands. Among the lands listed in Senate Bill 195 were some of the lands purchased by the Desert Land Board in 1913. The

Department continued to own the remainder of the land in the Tumalo area until 1988 when the Commission authorized a conditional conveyance of 930 acres to Tumalo Irrigation District through a recorded statutory quitclaim deed. The conditions quitclaimed and released the State's rights, title and interest in the property as long as TID holds the property under public ownership and allows its use as winter grazing for wildlife but excludes any form of transfer, mining, drilling or any form of exploration. Ann Cobb party is proposing to give up .58 acres of her land in exchange for the needed access that amounts to about .28 acres of the land Deeded to TID.

III. Discussion

The Commission is asked to approve a land exchange between the land deeded to TID and Ann Cobb. Ann Cobb requests to give up 0.58 acres of her parcel of land in exchange for 0.28 acres of the land deed to TID. The land swap would provide public access to her land as necessary for her to obtain county approval to partition her land.

The Department understands that the Tumalo Project has been developed to the full extent of the physical limitations the reservoir area will allow. In deeding the original property Lot 7891 to TID, the Department saw no foreseeable use for the subject land. The Department has consulted with the Department of Justice, Oregon Department of Fish and Wildlife, and TID in reviewing the request.

IV. Recommendation

Staff recommends that the Commission approve the exchange by authorizing the Department to proceed with necessary steps needed to submit the Lot Line Adjustment Applications to the Deschutes County Planning Division without any guaranty of the County's decision on the application.

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