

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RUSSELL H. BINGAMAN  
PATRICIA L. BINGAMAN  
PO BOX 509  
IMBLER, OR 97841

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

PERMIT NUMBER: G-12382

SOURCE OF WATER: A WELL IN THE GRANDE RONDE RIVER BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 236.68 ACRES AND  
SUPPLEMENTAL IRRIGATION OF 505.7 ACRES

MAXIMUM RATE ALLOWED: 2.78 CUBIC FEET PER SECOND (CFS)

PERIOD OF USE: WHEN NECESSARY FOR BENEFICIAL USE IN CONJUNCTION WITH IRRIGATION OF RESPECTIVE LANDS

DATE OF PRIORITY: MAY 7, 1993

WELL LOCATION: NE 1/4 SE 1/4, SECTION 33, T1S, R39E, W.M.; 2553.86 FEET NORTH AND 392.78 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 33

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SE 1/4		15.1 ACRES
	SECTION 27	
NE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		34.5 ACRES
NE 1/4 SE 1/4		18.2 ACRES
SE 1/4 SE 1/4	20.50 ACRES	2.2 ACRES
	SECTION 33	
NW 1/4 NE 1/4		25.6 ACRES
SW 1/4 NE 1/4		30.8 ACRES
NE 1/4 NW 1/4		24.4 ACRES
NW 1/4 NW 1/4		40.0 ACRES
SW 1/4 NW 1/4		40.0 ACRES
SE 1/4 NW 1/4		32.1 ACRES
NE 1/4 SW 1/4		40.0 ACRES
NW 1/4 SW 1/4		40.0 ACRES
SW 1/4 SW 1/4		40.0 ACRES
SE 1/4 SW 1/4		40.0 ACRES
NW 1/4 SE 1/4	6.00 ACRES	
SW 1/4 SE 1/4	14.00 ACRES	
	SECTION 34	
TOWNSHIP 1 SOUTH, RANGE 39 EAST, W.M.		
NW 1/4 NE 1/4	16.00 ACRES	5.2 ACRES
SW 1/4 NE 1/4	34.20 ACRES	5.0 ACRES
NE 1/4 NW 1/4	22.69 ACRES	16.6 ACRES
NW 1/4 NW 1/4	39.29 ACRES	
SW 1/4 NW 1/4	21.50 ACRES	
SE 1/4 NW 1/4	13.00 ACRES	16.0 ACRES
	SECTION 3	
TOWNSHIP 2 SOUTH, RANGE 39 EAST, W.M.		

NE 1/4 NE 1/4	30.00 ACRES	
SE 1/4 NE 1/4	19.50 ACRES	
SECTION 4		
TOWNSHIP 2 SOUTH, RANGE 39 EAST, W.M.		

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this right may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to submit annual static water level reports. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

The water user shall submit seven consecutive annual reports of static water level measurements. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurements to:

- (A) Identify each well with its associated measurement; and  
 (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and

- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The Water Resources Department has determined that the initial water level in the well is 32.34 feet above the ground surface. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

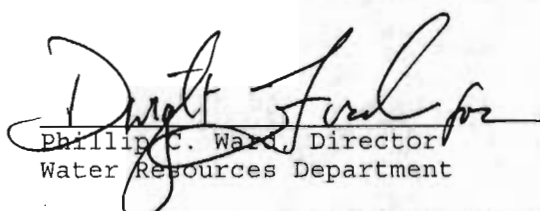
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Issued           JUN 13 2008          .

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 84215.