



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Historic Change in Point of Diversion/Appropriation

## Part 1 of 4 – Minimum Requirements Checklist

**This historic change in point of diversion/appropriation application will be returned if Parts 1 through 4 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section

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**Check all items included with this application. (N/A = Not Applicable)**

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- Part 1 – Completed Minimum Requirements Checklist.
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- Part 2 – Completed Historic Change in Point of Diversion/Appropriation Application Map Checklist.
- Part 3 – Completed Historic Change in Point of Diversion/Appropriation Application – Applicant Information and Signature.
- Part 4 – Completed Historic Change in Point of Diversion/Appropriation Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: \_\_\_\_\_

**Attachments:**

- Completed Historic Change in Point of Diversion/Appropriation Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Completed Evidence of Use Affidavit and supporting documentation showing that water has been diverted at the actual, current point of diversion/appropriation for more than 10 years.
- Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.
- Land Use Information Form with approval and signature (or signed land use form receipt stub).
- N/A Affidavit(s) of Consent to Transfer by Deeded Landowner. Any landowner listed in ownership report for the transfer lands who has not signed this application must submit an affidavit consenting to the historic change in point of diversion/appropriation.
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
- Fees – Amount enclosed: \$900.00  
 See <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees> or call (503) 986-0883.

(For Staff Use Only)

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	
Other/Explanation _____	
Staff: _____	Date: ____/____/____

## Part 2 of 4 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

**Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.**

**Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.**

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) and county tax lot numbers are required.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

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## Part 3 of 4 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME RICHARD BANISTER			PHONE NO. 541-443-2079	ADDITIONAL CONTACT NO.
ADDRESS 43794 HOEFT RD				FAX NO.
CITY PENDLETON	STATE OR	ZIP 97801	E-MAIL	

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME NOT APPLICABLE			PHONE NO. 541-377-1424	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL CWbanister@hotmail.com	

**\*\* 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.**

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, to be changed is located?  Yes  No

If NO, include signatures of all landowners (and mailing and/or e-mail address if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

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By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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I (we) affirm that the information contained in this application is true and accurate.

 Applicant Signature	Richard E Banister Print Name (and Title if applicable)	12/29/12 Date
 Applicant Signature	Clifford W Banister Print Name (and Title if applicable)	12/29/12 Date

In your own words tell us what change(s) you want made and the reason for the change(s): I want to change the authorized Point of Diversion for water rights associated with Certificate 54769 to the current Point of Diversion that has been in place for more than 10 years. My filing for an Historical Point of Diversion transfer will bring my water use compliant.

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**Check the following boxes that apply:**

At this time, are the lands in this application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.


If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

RECEIVING LANDOWNER NAME NOT APPLICABLE		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

Describe any special ownership circumstances here: \_\_\_\_\_

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME NOT APPLICABLE	ADDRESS	
CITY	STATE	ZIP

 To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME UMATILLA COUNTY	ADDRESS 216 SE 4 <sup>TH</sup> STREET	
CITY PENDLETON	STATE OR	ZIP 97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

**CERTIFICATE # 54769**

### **Description of Water Delivery System**

System capacity: 0.685 cubic feet per second (cfs) **OR**  
307 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. My irrigation system starts with a 15 horse Wager pump. It has 8' steel pipe connected to 30' of aluminum pipe to six inch Foot Valve. On top of the pump it has three 4" valves that run the system, the first valve runs the Mainline that goes from West to East. The mainline has 9 risers which feed three wheelines that have 60 sprinkler heads. the second 4" valve runs a mainline across the creek to the west. It also feeds a mainline that goes to the south that has 9 risers that feed a hand line that has 13 sprinkler heads that run from West to East. The west mainline has 22 risers that feed three wheelines that have 37 sprinklers running South to North. The West mainline also feeds three handlines. One goes from south to north and has 10 sprinklers. The second hand line goes from west to east and has 16 sprinklers. The third handline goes from North to South. It has 7 sprinklers. The three 4" valve goes to the south, it feeds 15 risers and runs one wheeline that has 44 sprinklers and goes from West to East.

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**Table 1. Location of Authorized and Current Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	1/4 1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		1 N	32 E	27	SW SE	2500	The current Water Right of record (Cert. 54769) doesn't describe a location description of the authorized POD. As per the ORDER APPROVING TRANSFER NO. T-3870 the authorized POD is described as being located as follows:  50' North and 475' East from the South Quarter Corner of Section 27, being within the SW 1/4 SE 1/4, Section 27.
POD #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		1 N	32 E	22	SW SE	1800	N 45.54576,-118.79408, 670' North and 768' East from the South 1/4 Corner of Section 22, being within the SW 1/4 SE 1/4, Section 22.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							

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Check all type(s) of historic change(s) proposed below (change "CODES" are provided in parentheses):

- Point of Diversion (POD)                       Additional Point of Diversion (APOD)
- Point of Appropriation/Well (POA)             Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- Yes Complete only the proposed section of Table 2 on the next page.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use additional pages of Table 2 as needed

**Table 2. Description of Changes to Water Right Certificate # 54769**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/POA(s) to be used (from Table 1)	Priority Date
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) (name or number from Table 1)					
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
1	N	32	E	22	SE	SW	1800		5	POD # 1	POD	POD #2	1908
1	N	32	E	22	SW	SE	1800		19	POD # 1	POD	POD#2	1908
1	N	32	E	22	SW	SE	1800		6	POD # 1	POD	POD#2	1867
1	N	32	E	27	NW	NE	1800		10	POD # 1	POD	POD#2	1908
1	N	32	E	27	NE	NW	1800		8	POD # 1	POD	POD#2	1908

Additional remarks: Within the Statement of Proof Umatilla River, Volume 3, claimant Louis Male identifies two unnamed ditches as being ditches used from the main stem of Birch Creek a tributary of the Umatilla River for dilevery and irrigation of water for a total of 115 acres of land in Sections 22 & 27, T1N R32E WM. Ditches are identified as being on both sides of Birch Creek, One on the West side of the creek and the other on the East side of the creek. Both being listed as private. The Statement of Proof lists the Places of Use for the above acreage though no Points of Diversions with measured distances are listed within the Claim for either ditch. Both ditches are no longer in use or can be identified.

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- Well log(s) are attached for each authorized and current well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip:** You may search for well logs on the Department's web page at: [http://apps.wrd.state.or.us/apps/gw/well\\_log/](http://apps.wrd.state.or.us/apps/gw/well_log/))

**OR**

- Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L-____ (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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