

**Application for
Historic Change in Point of
Diversion/Appropriation
Part 1 of 5 – Minimum Requirements Checklist**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This historic change in point of diversion/appropriation application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

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

RECEIVED

- Part 1 – Completed Minimum Requirements Checklist. NOV 13 2023
- Part 2 – Completed Application Map Checklist. OWRD
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 33882**
Please include a separate Part 5 for each water right. (See instructions on page 5)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed 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 used on the land for five years prior to transfer filing AND 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 from Landowner (if the applicant does not own the land the water right is on.)
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(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"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – 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.

RECEIVED

NOV 13 2023

OWRD

Revised 7/1/2021

Historic Change in Point of Diversion/Appropriation Application – Page 2 of 8

TACS

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,360
2	Number of water rights included in transfer <u>1</u> (2a) Subtract 1 from the number in 2a above: <u>0</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$610 and enter »	2	\$0
3	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed _____ (3a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (3b) Add line 3a to line 3b and enter »	3	\$0
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	\$1,360

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

RECEIVED
 NOV 13 2023
 OWRD

14349 - -

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. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			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	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 UNION COUNTY	ADDRESS 1106 K AVENUE	
CITY LAGRANDE	STATE OR	ZIP 97850

RECEIVED

NOV 13 2023

OWRD

RECEIVED

NOV 13 2023

OWRD

Part 4 of 5 – Applicant Information and Signature

Applicant Information

Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is "a natural person and does not include a government body, organization, business enterprise, or other such entity."

APPLICANT/BUSINESS NAME SHAWN BINGAMAN		PHONE NO. 541-786-1056	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 143			FAX NO.
CITY IMBLER	STATE OR	ZIP 97841	E-MAIL msbingaman@gmail.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.			

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

AGENT/BUSINESS NAME PAUL GARVIN/GARVIN HYDROGEO LLC		PHONE NO. 503-347-7188	ADDITIONAL CONTACT NO.
ADDRESS 1705 MAIN ST SUITE 101			FAX NO.
CITY BAKER CITY	STATE OR	ZIP 97814	E-MAIL GARVIN.HYDROGEO@GMAIL.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.			

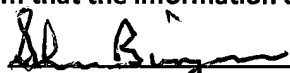
Explain in your own words what you propose to accomplish with this transfer application; and why:

The purpose of this application is to update departmental records with an accurate location for the actual Point of Diversion (POD) for Certificate 33882. POD 3 has been the only POD in use for certificate 33882 for over 40 years and differs from the certificated locations (POD 1 and POD 2) by over 1,000' and 190' respectively.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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).

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


Applicant Signature

Shawn Bingaman
Print Name (and Title if applicable)

10-17-23
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses 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) were conveyed.*

14349 -

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 5, to copy and paste additional Part 5s, or to add additional rows to tables

CERTIFICATE # 33882

RECEIVED

Description of Water Delivery System

NOV 18 2023

System capacity: 1.13 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

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. Water is appropriated from the POD using a 50 hp motor and centrifugal pump. The intake pipe at the POD consists of a horizontal 8 inch pipe placed in Willow Creek. The end of the intake pipe pump is equipped with fish screening in accordance with ODFW and OWRD fish screen requirements. Water is conveyed to the places of use via two 8-inch diameter buried mainlines that trend NNE and WNW from the POD. The mainlines are equipped with risers that feed wheel lines equipped with sprinklers.

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	S	39	E	7	NE	NE	2500	400 ft S and 2,540 ft E from the N1/4 Corner of Section 7
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		1	S	39	E	7	NE	NE	2500	600 ft S and 1,410 ft E from the N1/4 Corner of Section 7
POD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		1	S	39	E	7	NE	NE	2500	484 ft S and 1,550 ft E from the N1/4 Corner of Section 7

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.

14349 -

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 33882

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	S	39	E	6	SW	SE	2500		28.5	POD1, POD 2	POD	POD 3	11/6/1961, 1/8/1962
1	S	39	E	6	SE	SE	2500		37.5	POD1, POD 2	POD	POD 3	11/6/1961, 1/8/1962
1	S	39	E	5	SW	SW	2500		3.7	POD1, POD 2	POD	POD 3	11/6/1961, 1/8/1962
1	S	39	E	7	NE	NE	2500			POD1, POD 2	POD	POD 3	11/6/1961, 1/8/1962
1	S	39	E	7	NW	NE	2500			POD1, POD 2	POD	POD 3	11/6/1961, 1/8/1962

Additional remarks: _____

RECEIVED
NOV 18 2023
OWRD

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/)

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 complete d well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well specific rate (cfs or gpm). If less than full rate of water right

RECEIVED
 NOV 13 2023
 OWRD

14349 -

Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

I, Shad Hattan, Watermaster of District 6,

state that to my knowledge, there has been no claim of injury due to use of an historic point of diversion/appropriation for Certificate 33882

from Willow Creek trib. To Grande Ronde River (source) located as follows:

RECEIVED
NOV 1 3 2023
OWRD

By Township, Range Section and distances from a Survey Corner:

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
1 S	39 E	W.M.	7	NENE			484 ft S and 1550 E from N1/4 cor. Section 7

OR

by GPS coordinates: Latitude: _____

Longitude: _____

OR

as shown on the attached map.

Shad Hattan

Signature

11/6/2023

Date

14349 -

Application for Water Right Transfer

Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
 Supporting documentation must be attached.

State of Oregon)
) ss
 County of Malheur

RECEIVED
 NOV 18 2023
 OWRD

I, SHAWN BINGAMAN, in my capacity as PROPERTY OWNER/IRRIGATOR,
 mailing address PO BOX 143 IMBLER, OR 97841
 telephone number (541-786-1056), being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for
 Certificate # 33882; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer.	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

14349 -

3. The water right was used for: (e.g., crops, pasture, etc.): CROPS
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

9-29-2023
Date

Signed and sworn to (or affirmed) before me this 29 day of Sept, 2023.



[Signature]
Notary Public for Oregon

My Commission Expires: June 22, 2027

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p style="text-align: right;">RECEIVED</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p> <p style="text-align: right;">NOV 13 2023 OWRD</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

12

1000

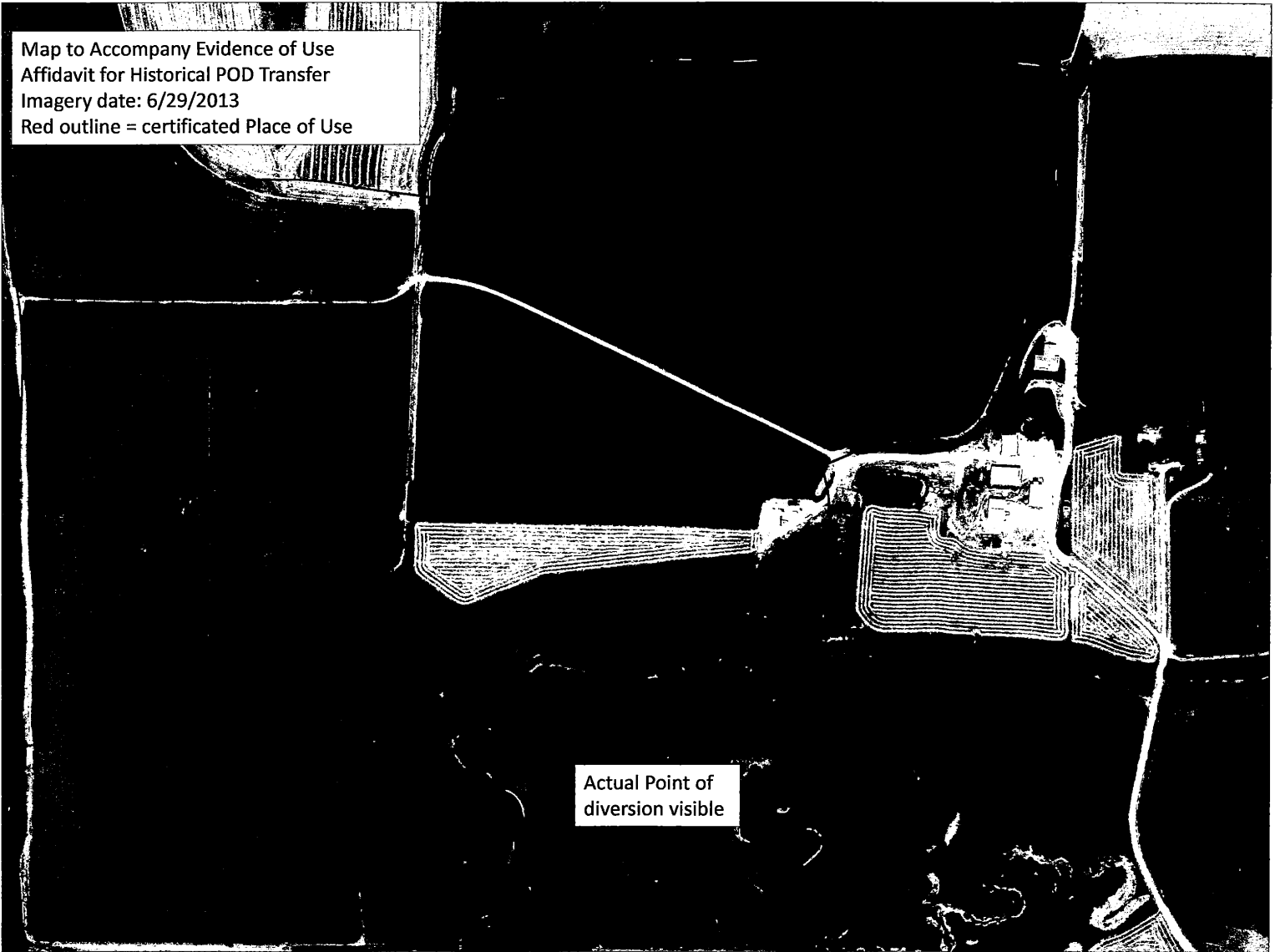
1000

1000

1000

1000

Map to Accompany Evidence of Use
Affidavit for Historical POD Transfer
Imagery date: 6/29/2013
Red outline = certificated Place of Use



Actual Point of
diversion visible

14349 -

STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **JAMES McKINNIS**
of **Box 96, Imbler**, State of **Oregon**, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Willow Creek

a tributary of **Grande Ronde River** for the purpose of
irrigation of **116.8 acres**

under Permit No. **27713** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **November 6, 1961 for 0.01 c.f.s.**
January 8, 1962 for 1.13 c.f.s.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
1.14 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T. 1 S., R. 39 E., W. M.**
Diversion points located: **400 feet South and 2540 feet East; 600 feet South and
1110 feet East, both from the N $\frac{1}{4}$ Corner, Section 7.**

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to **one-fourteenth** of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed **3 acre feet per acre** for each acre irrigated
during the irrigation season of each year; provided further that the right to
the use of water is limited to the period when the flow of the Grande Ronde River
is more than **300 c.f.s.** at USGS Gage No. 3325 and more than **420 c.f.s.** at USGS
Gage No. 3330;

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

**3.7 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 5**
**28.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
37.4 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 6**
**15.7 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
31.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 7**
T. 1 S., R. 39 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **April 26, 1967**

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume **25**, page **33882**

14349 -