

Historic

T-14349

Name Shawn BingamanAddress P.O. Box 143  
Imbler, OR 97841  
msbingaman@gmail.comChange in PODDate Filed 11/13/2023Initial notice date 11/21/2023

DPD issued date

PD issued date

PD notice date

Date of FO 6/11/2024 Vol 131 Page 389-392

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Willow CreekTrib. of Grande Ronde RiverUse IrrigationCounty Union

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S 37167 Per # S 27713 Cert # 33882 PR Date 4/26/1967

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

## FEES PAID

Date	Amount	Receipt #
<u>11-13-2023</u>	<u>\$1,360.00</u>	<u>141918</u>

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent Paul Garvin garvin.hydrogeo@gmail.com

CWRE

CC's list

☐ - Oversized map - Location





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904

June 11, 2024

Shawn Bingaman  
PO Box 143  
Imbler, OR 97841

REFERENCE: Transfer Application T-14349

Enclosed is a copy of the final order approving your water right transfer application.

Also enclosed is a certificate issued to confirm the historic change in point of diversion approved by the final order contained herein. Please read this document carefully and abide by the requirements.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at [Corey.a.courchane@water.oregon.gov](mailto:Corey.a.courchane@water.oregon.gov).

Sincerely,

Elyse D. Richman  
Water Right Services Support  
Transfers and Conservation Section

cc: Shad L. Hattan, Watermaster Dist. # 6 (via email)  
Paul Garvin, Agent  
Union County, Local Government

Enclosures



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-14349, Union County	)	POINTS OF DIVERSION TO REFLECT HISTORIC
	)	USE

**Authority**

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

**Applicant**

SHAWN BINGAMAN  
PO BOX 143  
IMBLER, OR 97841

**Findings of Fact**

1. On November 13, 2023, SHAWN BINGAMAN filed a transfer application for authorization of historic points of diversion under Certificate 33882. The Department assigned the application number T-14349.
2. Notice of the application for transfer was published on November 21, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

<b>Certificate:</b>	33882 in the name of JAMES MCKINNIS (perfected under Permit S-27713)
<b>Use:</b>	IRRIGATION of 116.8 ACRES
<b>Priority Date:</b>	NOVEMBER 6, 1961 FOR 0.01 CUBIC FOOT PER SECOND (CFS) and JANUARY 8, 1962 FOR 1.13 CFS.
<b>Rate:</b>	1.14 CUBIC FEET PER SECOND (CFS)
<b>Limit/Duty:</b>	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-

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 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.



FORTIETH 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.

**Source:** WILLOW CREEK, a tributary of GRANDE RONDE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	39 E	WM	7	NE NE	POD 1 - 400 FEET SOUTH AND 2540 FEET EAST FROM THE N1/4 CORNER OF SECTION 7
1 S	39 E	WM	7	NE NE	POD 2 - 600 FEET SOUTH AND 1410 FEET EAST FROM THE N1/4 CORNER OF SECTION 7

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	39 E	WM	5	SW SW	3.7
1 S	39 E	WM	6	SW SE	28.5
1 S	39 E	WM	6	SE SE	37.4
1 S	39 E	WM	7	NE NE	15.7
1 S	39 E	WM	7	NW NE	31.5
Total					116.8

4. Transfer Application T-14349 proposes to move the authorized points of diversion to reflect historical use as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of diversion in feet (ft.)	
1 S	39 E	WM	7	NE NE	POD 3 - 484 FEET SOUTH AND 1550 FEET EAST FROM THE N1/4 CORNER OF SECTION 7	POD 1	POD 2
						1055 FT. upstream	486 ft. downstream

5. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost share funds.

**Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)**

6. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 4, has been in use for more than 10 years.



7. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
8. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
9. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

#### **Conclusions of Law**

The proposed change in points of diversion to reflect historical use in application T-14349 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

#### **Now, therefore, it is ORDERED:**

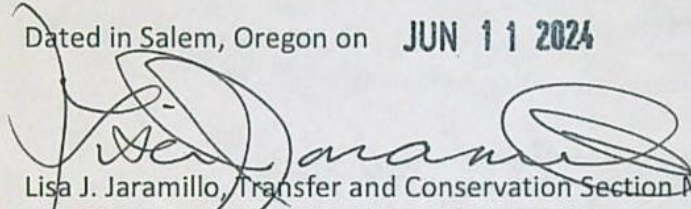
1. The change proposed in T-14349 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33882 and any related decree.
3. Water right certificate 33882 is cancelled. Certificate 97740 will be issued to describe the change in points of diversion for the right included in T-14349. The new Certificate shall supersede Certificate 33882.
4. The quantity of water diverted at the new point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).



5. Prior to October 1, 2025, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Dated in Salem, Oregon on **JUN 11 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date: **JUN 12 2024**



STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SHAWN BINGAMAN  
PO BOX 143  
IMBLER, OR 97841

confirms the right to use the waters of WILLOW CREEK, a tributary of GRANDE RONDE RIVER for IRRIGATION of 116.8 ACRES.

This right was perfected under Permit No. S-27713. The dates of priority are NOVEMBER 6, 1961 for 0.01 cubic foot per second, and JANUARY 8, 1962 for 1.13 cubic feet per second. The amount of water to which this right is entitled is limited to an amount actually used beneficially, 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:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	39 E	WM	7	NE NE	POD 3 - 484 FEET SOUTH AND 1550 FEET EAST FROM THE N1/4 CORNER OF 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-FORTIETH 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.

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 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.



A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	39 E	WM	5	SW SW	3.7
1 S	39 E	WM	6	SW SE	28.5
1 S	39 E	WM	6	SE SE	37.4
1 S	39 E	WM	7	NE NE	15.7
1 S	39 E	WM	7	NW NE	31.5
Total					116.8

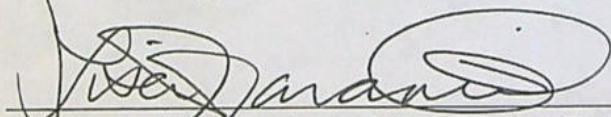
Prior to October 1, 2025, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

This certificate is issued to confirm an HISTORIC CHANGE IN POINTS OF DIVERSION approved by an order of the Water Resources Director entered JUN 11 2024, approving Transfer Application T- 14349, and supersedes Certificate 33882, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed JUN 11 2024.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14349

Transfer Specialist: *Corey*

Transfer Type: Historic POD Transfer

Reimbursement Authority? ☐

<b>Applicant:</b> Shawn Bingaman PO Box 143 Imbler, OR 97841	<b>Agent:</b> Paul Garvin 1705 Main ST Suite 101 Baker City, OR 97814	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b>	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	5-37167		33882	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions (Support Staff)

Rec'd: November 13, 2023	Proposed Action(s):
Fees Pd: 1,360.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/> Basin: 8 Grande Ronde
Initial Public Notice:	County sent cc: of Ack Letter <input type="checkbox"/> County: UNION
WM District: 6 Shad L. Hattan	WM Review request sent: WM Review date received:
ODFW District:	ODFW Review sent: ODFW Review date received:
Groundwater	GW Review sent: GW Review date received:

## Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <i>NA</i>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

## Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>2/26/24</i> Initials: <i>CC</i>	Date: <i>3/2/24</i> Initials: <i>Scott</i>	Date: <i>4/15/24</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	CW Sent: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <i>4/17/24</i> Initials: <i>CC</i>	Date: <i>6/7/24</i> No. of docs for sig: <i>2</i>	Date: <i>6/11/24</i>

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. *131* Pages *389-392*



**Union County**  
**2023 Real Property Assessment Report**  
 Account 11103

Map **01S3900-00-02500**  
 Code - Tax ID **[REDACTED]**

Tax Status Assessable  
 Account Status Active  
 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description

Mailing **BINGAMAN, M SHAWN**  
**P O BOX 143**  
**IMBLER OR 97841-0143**

Deed Reference # See Record  
 Sales Date/Price See Record  
 Appraiser GAILEN

Property Class 551 MA SA NH  
 RMV Class 501 02 00 000

Site	Situs Address	City
	64955 COURTNEY LN	COUNTY

Value Summary					
Code Area		RMV	MAV	AV	RMV Exception CPR %
1105	Land	461,770		Land	0
	Impr	571,340		Impr	0
Code Area Total		1,033,110	433,420	554,230	0
Grand Total		1,033,110	433,420	554,230	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
1105	2	<input checked="" type="checkbox"/>		UC-A1	Farm Site	100	1.00 AC	FHS	3,100
	3	<input checked="" type="checkbox"/>		UC-A1	Farm Use Zoned	100	29.70 AC	3HD	56,430
	4	<input checked="" type="checkbox"/>		UC-A1	Farm Use Zoned	100	36.30 AC	3HI1	112,530
	8	<input checked="" type="checkbox"/>		UC-A1	Farm Use Zoned	100	79.50 AC	3I1	246,450
	5	<input checked="" type="checkbox"/>		UC-A1	Farm Use Zoned	100	1.00 AC	4HD	1,700
	6	<input checked="" type="checkbox"/>		UC-A1	Farm Use Zoned	100	25.00 AC	6D	22,500
	7	<input checked="" type="checkbox"/>		UC-A1	Farm Use Zoned	100	7.50 AC	7D	5,060
					SP/SH Well & Septic - SA	100			14,000
Code Area Total							180.00 AC		461,770

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
1105	1	2006	141	CLASS 4 RESIDENCE	100	2,426			327,630
	2	2006	142	CLASS 4 ATTACHED GARAGE	100	0			69,750
	3	1910	327	LOFT BARN	100	1,920			17,450
	4	2015	328	MACHINE SHED	100	4,320			51,190
	5	1950	101	FLAT RATE RESIDENTIAL	100	0			400
	6	1975	329	METAL COMPONENT BUIL	100	2,440			45,820
	7	1940	317	GP BUILDING	100	800			4,240
	8	2010	317	GP BUILDING	100	4,200			54,860
Code Area Total						16,106			571,340



Union County  
2023 Real Property Assessment Report  
Account 11103

Exemptions / Special Assessments / Notations	
Notations	Amount
■ EXC VAL DISC ON CYC ADDED 2015 CD - EXC VAL DISC ON CYC: REF#: 11103, SEQ#: 2, BEG DATE: 20150101 / END DATE: 0	7,940.00
■ SPECIALLY ASSESSED ADDED 2001 SA - SPECIALLY ASSESSED: REF#: 11103, SEQ#: 1, BEG DATE: 19760101 / END DATE: 0	

Comments      \*EFU FARM USE-POTENTIAL ADD TAX



## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14349

Review Due Date:

Applicant Name: Shawn Bingaman

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Shad Hattan

Date of Review: 01/17/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
Historical regulation occurred annually. Little demand for regulation has occurred over the last 15 years.
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:



6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☐ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

No expected losses for this short of distance. Also, the new pod is between the existing two authorized.

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☒ No If "Yes", explain:



12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter**\*, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*b. The water user shall maintain the meters or measuring devices in good working order.*

*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages**\*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

*b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

☐

In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ will  
be required to be installed prior to diversion of water, as a condition of this transfer:

☐at each point of diversion/appropriation (new and existing) **OR**☐

at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

---



---



---

 Watermaster signature

---

 District

---

 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266



**Oregon Department of Fish and Wildlife**  
**Historic Point of Diversion Fish Screen Requirement Form**  
*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-14349, Shawn Bingaman

Date of review: 11/20/2023

Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.532:

☐ **1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

*[Option 2 should generally be selected if fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*



☐ **3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

**Jorden Smith**

Digitally signed by Jorden Smith  
Date: 2023.11.20 10:21:22 -08'00'

Signature

Jorden Smith  
Printed Name

(541) 805-1990

Phone

Northeast Hydro & Water Rights Coordinator  
Title



**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-14349, Shawn Bingaman

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: PO Box 515; W Hwy 26 Patterson Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Ethan Brandt

Address: 107 20<sup>th</sup> Street

City/State/Zip: La Grande, OR 97850

Phone: (541) 962-1829





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

November 15, 2023

Shawn Bingaman  
P.O. Box 143  
Imbler, OR 97841

Reference: Application T-14349

On November 15, 2023, OWRD received your water right application for an Historic POD Transfer. The application was accompanied by \$1,360.00. Our receipt number 141918 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form is also being sent to Oregon Department of Fish and Wildlife to determine if a fish screen will be required.

If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Please refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #6, Shad L. Hattan (via email)  
Paul Garvin, Agent  
Landowners (other or receiving)  
Irrigation District:  
Bureau of Reclamation

Enclosure



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **141918**

INVOICE # \_\_\_\_\_

RECEIVED FROM: M. Shawn Bingham  
BY: Farm Account

APPLICATION	
PERMIT	
TRANSFER	<u>T-14349</u>

CASH: ☐ CHECK: # 10788 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,360.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_

OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_

0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER \$ \_\_\_\_\_

0203 GROUND WATER \$ \_\_\_\_\_

0205 TRANSFER \$ 1,360.00

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_

LANDOWNER'S PERMIT \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \$ \_\_\_\_\_

RECEIPT: **141918**

DATED: 11-13-2023 BY: m. mills



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](http://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)

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ 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](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.

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## 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 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <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 <sup>st</sup> well to be added or changed _____ <u>(3a)</u>  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 _____ <u>(3b)</u> Add line 3a to line 3b and enter » » » » » » » » » » » » » » » » »	3	\$0
4	Add entries on lines 1 through 3 above » » » » » » » » <b>Transfer Fee:</b>	4	\$1,360

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

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## 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 <b>SHAWN BINGAMAN</b>			PHONE NO. <b>541-786-1056</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO BOX 143</b>			FAX NO.	
CITY <b>IMBLER</b>	STATE <b>OR</b>	ZIP <b>97841</b>	E-MAIL <b>msbingaman@gmail.com</b>	
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 <b>PAUL GARVIN/GARVIN HYDROGEO LLC</b>			PHONE NO. <b>503-347-7188</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1705 MAIN ST SUITE 101</b>			FAX NO.	
CITY <b>BAKER CITY</b>	STATE <b>OR</b>	ZIP <b>97814</b>	E-MAIL <b>GARVIN.HYDROGEO@GMAIL.COM</b>	
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.				

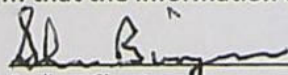
Explain in your own words what you propose to accomplish with this transfer application; and why:

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 -



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:

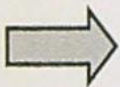
<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

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## 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

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### 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		¼ ¼		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)  
☐ Point of Appropriation/Well (POA)

☐ Additional Point of Diversion (APOD)  
☐ 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  $\frac{1}{4}$   $\frac{1}{4}$ , 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	Acres (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: \_\_\_\_\_

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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 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

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# 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:

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☒ 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

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# 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

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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)

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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.

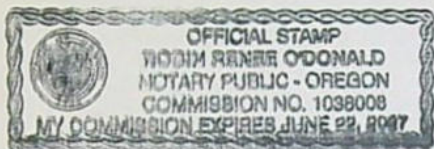
[Signature]

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 <b>confirming</b> 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"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<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"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<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;"><b>RECEIVED</b></p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p> <p style="text-align: right;"><b>NOV 13 2023</b> <b>OWRD</b></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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

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Actual Point of  
diversion visible

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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 1.11 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

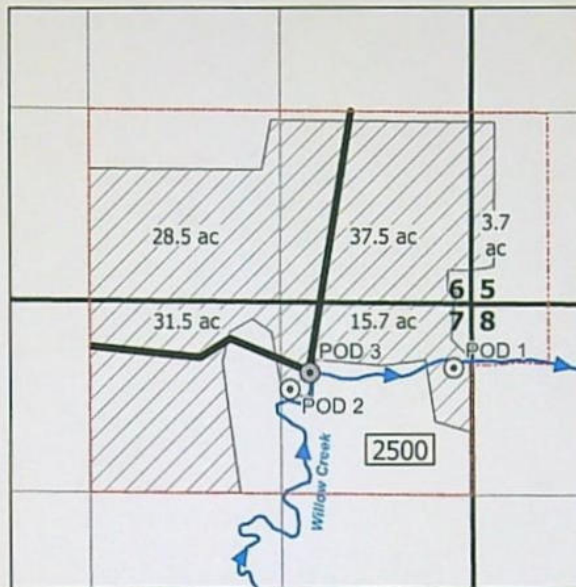
State Engineer

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

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T1S R39E WM



### LEGEND

- Certificated Place of Use (116.8 acres)
- Certificated Point of Diversion
- Actual Point of Diversion
- Union County Taxlot Boundary 2500
- Mainline

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### Map to Accompany Application for Historic Change in Point of Diversion Certificate 33882 Union County, OR

Prepared on behalf of Shawn Bingham

1 inch = 1,320 feet



### Notes:

POD 1: 400 ft S and 2,540 ft E from the N1/4 Corner of Section 7

POD 2: 600 ft S and 1,410 ft E from the N1/4 Corner of Section 7

POD 3: 484 ft S and 1,540 ft E from the N1/4 Corner of Section 7

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# Land Use Information Form



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

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Applicant(s): SHAWN BINGAMAN

Mailing Address: PO BOX 143

City: IMBLER

State: OR

Zip Code: 97841

Daytime Phone: 541-786-1056

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>1S</u>	<u>39E</u>	<u>5</u>	<u>SWSW</u>	<u>2500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>1S</u>	<u>39E</u>	<u>6</u>	<u>SWSE</u>	<u>2500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>1S</u>	<u>39E</u>	<u>6</u>	<u>SESE</u>	<u>2500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>1S</u>	<u>39E</u>	<u>7</u>	<u>NENE</u>	<u>2500</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>1S</u>	<u>39E</u>	<u>7</u>	<u>NWNE</u>	<u>2500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Imbler – Union County

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water   
 ☒ Water Right Transfer   
 ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License   
 ☐ Allocation of Conserved Water   
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond    ☐ Ground Water    ☒ Surface Water (name) Willow Creek – tributary of Grande Ronde River

Estimated quantity of water needed: 1.14 ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

Intended use of water: ☒ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☐ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The water user for Certificate 33882 is filing an application for historic change in point of diversion with OWRD in order to update OWRD records with an accurate location for the actual Point of Diversion for Certificate 33882. The actual point of diversion differs from the certificated location by over 200 feet and has been in use for over 40 years.



## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

### Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UC2PS0 section 2.02 1.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	NOV 13 2023	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Stacy Warren Title: Associate Planner  
 Signature: [Signature] Phone: 541-965-1014 Date: 10/09/23  
 Government Entity: Union County Planning Dept.

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



Oregon Water Resources Department  
Transfer Fee Calculation for Historic POD/POA Transfer

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Today's Date: Wednesday, November 15, 2023

Fee Calculation

Base fee (includes Historic POD/POA change to one water right).

\$1,360.00

Fill in information below-- Check each box that applies.

Enter total number of water rights included in application.

1

\$0.00

☐ Check this box if you propose to add or change a well location, or change from a surface water POD to a well.

Enter total number of groundwater wells (POAs) included in transfer.

\$0.00

Historic POD/POA Transfer Fee

\$1,360.00

[Return to Edit](#)

[Clear](#)

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# Historic Change in POD/POA Water Right Transfer Application Intake Checklist

Checked by <u>Corie</u>	Cert # <u>33882</u>	
Date <u>11/15/2023</u>		
Calculated Fee: \$1360	Additional Observations: EOV out of date.	
Fee Received: \$1360		

1.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Page 1 of application: Are all attachments that have been checked included? If not, what is missing? _____
2.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Does the attached local "Watermaster Statement" indicate that, based upon the watermaster's knowledge and Department records, no complaint of injury has been made due to use of water at the actual, current point of diversion or appropriation ( <i>i.e., the historic POD/POA</i> )?  <ul style="list-style-type: none"> <li>If NO, a complaint of injury has NOT been made – proceed to Item #3.</li> <li>If YES, a complaint of injury has been made – <b>STOP!</b></li> </ul> <p>The application does not meet the criteria for ORS 540.532 (OAR 690-380-2120).  → Return the application/fees and direct the applicant to <i>instead</i> use the standard POD/POA change Transfer Application and process under ORS 540.520 &amp; 540.530 (OAR 690-380-2110).</p>
3.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Are the correct fees included? If not, the amount outstanding is: \$_____  <ul style="list-style-type: none"> <li>If application proposes <i>ONLY</i> a change in place of use = \$875.00</li> <li>If application proposes any other change or combination of changes = \$1,250.00</li> </ul>
4.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Is the applicant an "individual" as required by ORS 540.532 and defined in OAR 690-380-2120(7)?  <ul style="list-style-type: none"> <li>If YES, the applicant is an "individual" – proceed to Item #4.</li> <li>If NO, the applicant is not an "individual" – <b>STOP!</b></li> </ul> <p>The application does not meet the criteria for ORS 540.532 and OAR 690-380-2120(7).  → Return the application/fees and direct the applicant to <i>instead</i> use the standard POD/POA change Transfer Application and process under ORS 540.520 &amp; 540.530 (OAR 690-380-2110).</p>
5.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	. Are all listed certificates or permits shown by WRIS as non-cancelled?  <ul style="list-style-type: none"> <li>If not, which are cancelled? _____</li> </ul> <p>For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.</p>
6.	<input type="checkbox"/> YES <input type="checkbox"/> NO	If any certificate is in the name of a "district," is a Supplemental Form D from that district enclosed? <input checked="" type="checkbox"/> N/A  <input type="checkbox"/> Form D needed from _____ (district)
7.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Page 3 of Application - Have all the applicants listed at the top of the page signed at the bottom? If not, whose signature is missing? _____

Put this checklist in the transfer folder. If any of lines #1-#7 are deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1.