

T-13989

regular

T-13989

Name Cory A. Janis ShelmanAddress 35999 Hwy 208  
Burns Oregon 97720Change in PODate Filed 4/18/2022Initial notice date 5/13/2022

DPD issued date

PD issued date 5/5/2025PD notice date 5/6/2025Date of FO 7/25/2025 Vol 135 Page 199-202

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Mill Creek, Coffee Pot creekTrib. of ninemile Slough coffee Pot creekUse irrigation County Harney

Quantity of water (CFS) No. of Acres

Name of ditch

App# Decree Per # mill & coffee Pot Cert # 20103 PR Date 12/31/88App# Decree Per # mill & coffee Pot Cert # 201098 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

Assignments:

Irrigation District

Agent all Pantis engineering Scott@apeands.com

CWRE

CC's list

☐ - Oversized map - Location

## FEES PAID

| Date       | Amount     | Receipt # |
|------------|------------|-----------|
| 4-18-2022  | \$3200.00  | 137948    |
| 05/19/2022 | \$2,050.00 | 138,98    |

## FEES REFUNDED

| Date | Amount | Receipt # |
|------|--------|-----------|
|------|--------|-----------|

# MAP TO ACCOMPANY APPLICATION TO CHANGE PLACE OF USE ON CERTIFICATES 20703 AND 20698 FOR CORY SHELMAN

TAX LOT 100  
IN SECTION 35, TOWNSHIP 22 SOUTH, RANGE 32 EAST, W.M. &  
TAX LOT 100  
IN SECTION 1, TOWNSHIP 23 SOUTH, RANGE 32 EAST, W.M.  
HARNEY COUNTY, OREGON

▲ C 20698 - POD LOCATED IN THE NW 1/4  
NE 1/4 SECTION 26, PER AERIAL IMAGERY OF  
CREEK AND DIVERSION DITCHES. NO RECORD  
COORDINATES HAVE BEEN NOTED.

▲ C 20703 - NO POD HAS BEEN NOTED.  
WATER IS TAKEN FROM CUTS MADE IN THE  
CREEK CHANNEL.

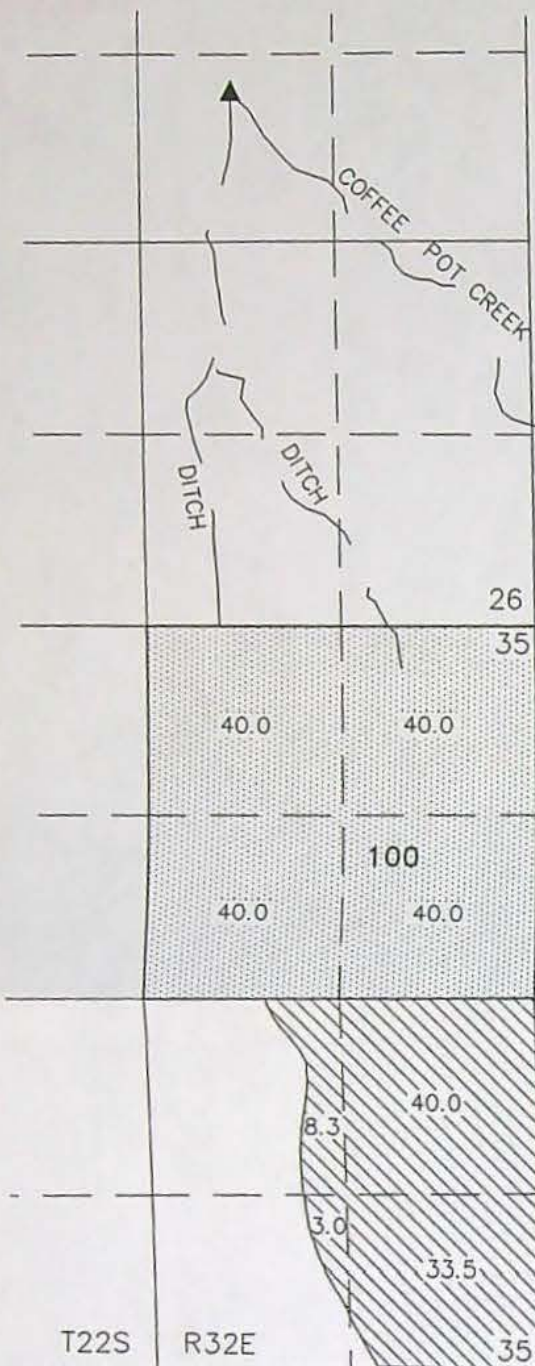
-  160.0 ACRES IR FROM CERTIFICATE  
20703 (V. 14, P.531), AS SHOWN.
-  160.0 ACRES IR FROM CERTIFICATE  
20698 (V. 14, P.531), AS SHOWN.
-  152.1 ACRES IR REMAIN WITH CERTIFICATE  
20703 (V. 14, P.531), AS SHOWN.
-  84.8 ACRES IR REMAIN WITH CERTIFICATE  
20698 (V. 14, P.531), AS SHOWN.

RECEIVED

MAY 15 2023

OWRD

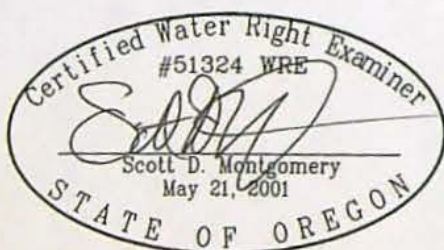
SCALE 4" = 1 MILE



T22S R32E  
T23S R32E

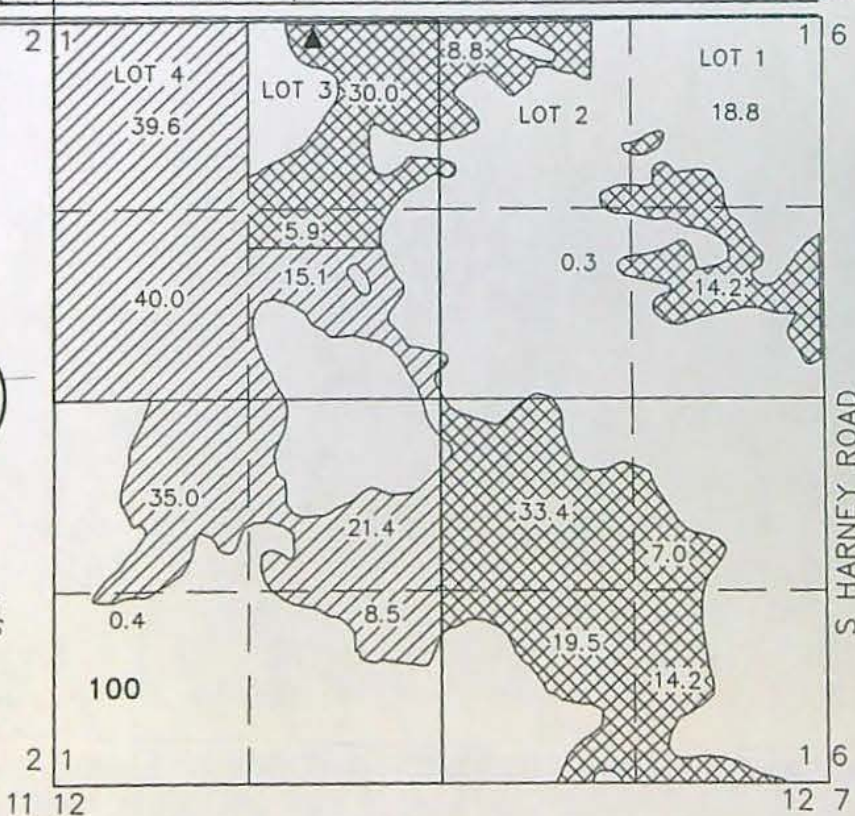
CENTRAL OREGON HWY #20

36 31



RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF  
LOCATING A WATER RIGHT ONLY AND HAS  
NO INTENT TO PROVIDE LEGAL DIMENSIONS  
OR THE LOCATION OF PROPERTY LINES.



PROJECT No. 21-001

PREPARED AT THE REQUEST OF:

CORY SHELMAN  
35999 HWY 20E  
BURNS, OR 97720

ALL POINTS ENGINEERING  
& SURVEYING, INC.



P.O. BOX 767  
TERREBONNE, OREGON 97760  
(541) 548-5833 PH  
scott@apeands.com  
www.APEandS.com

TAX LOTS 200 & 402  
IN SECTIONS 5 & 6, TOWNSHIP 26 SOUTH, RANGE 34 EAST, W.M.  
HARNEY COUNTY, OREGON

APR 18 2022

▲ C 20698 - POD LOCATED IN THE NW 1/4  
NE 1/4 SECTION 26, PER AERIAL IMAGERY OF  
CREEK AND DIVERSION DITCHES. NO RECORD  
COORDINATES HAVE BEEN NOTED.

▲ C 20703 - NO POD HAS BEEN NOTED.  
WATER IS TAKEN FROM CUTS MADE IN THE  
CREEK CHANNEL.

 160.0 ACRES IR FROM CERTIFICATE  
20703 (V. 14, P.531), AS SHOWN.

 160.0 ACRES IR FROM CERTIFICATE  
20698 (V. 14, P.531), AS SHOWN.

 151.5 ACRES IR REMAIN WITH CERTIFICATE 20703 (V. 14, P.531), AS SHOWN.

 84.8 ACRES IR REMAIN WITH CERTIFICATE 20698 (V. 14, P.531), AS SHOWN.

SCALE 4" = 1 MILE

Certified Water Right Examiner  
#51324 WRE  
Scott D. Montgomery  
May 21, 2001  
STATE OF OREGON

RENEWAL DATE: 12/31/2022

THIS MAP IS FOR THE PURPOSE OF  
LOCATING A WATER RIGHT ONLY AND HAS  
NO INTENT TO PROVIDE LEGAL DIMENSIONS  
OR THE LOCATION OF PROPERTY LINES.

PROJECT No. 21-001

PREPARED AT THE REQUEST OF:

CORY SHELMAN  
35999 HWY 20E  
BURNS, OR 97720

13989

ALL POINTS ENGINEERING  
& SURVEYING, INC.



P.O. BOX 767  
TERREBONNE, OREGON 97760  
(541) 548-5833 PH  
scott@apeands.com  
www.APEandS.com



# 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

July 25, 2025

Cory and Jaris Shelman  
35999 Hwy 20 E  
Burns, OR 97720

REFERENCE: Transfer Application T-13989

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kim French, by telephone at (503) 979-9607 or by e-mail at [Kim.r.french@water.oregon.gov](mailto:Kim.r.french@water.oregon.gov).

Sincerely,

David V. Jones Jr  
Water Rights Services Support  
Transfers and Conservation Section

cc: Donald (dally) S. Swindlehurst, Watermaster Dist. # 10 (via email)  
Scott D. Montgomery, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

|                                       |   |                    |
|---------------------------------------|---|--------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER        |
| T-13989, Harney County                | ) | APPROVING A CHANGE |
|                                       | ) | IN PLACES OF USE   |

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

CORY AND JARIS SHELMAN  
35999 HWY 20 E  
BURNS OR 97720

**Findings of Fact**

1. On April 18, 2022, CORY AND JARIS SHELMAN filed an application to change the places of use under Certificates 20698 and 20703. The Department assigned the application number T-13989.
2. Notice of the application for transfer was published on July 26, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 9, 2024, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to approve Transfer Application T-13989. The draft Preliminary Determination cover letter provided a deadline of June 1, 2024, for the applicants to respond and submit the required information. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

4. On May 5, 2025, the Department issued a Preliminary Determination to the applicants, proposing to approve Transfer Application T-13989. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 6, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The portion of the first right to be transferred is as follows:

**Certificate:** 20698 in the name of GLEN CLEMENS (confirmed by Mill & Coffee Pot Creeks)

**Use:** IRRIGATION OF 160.0 ACRES

**Priority Date:** 1886 FOR TRACT NO. 1

**Rate:** ONE-FORTIETH OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING EACH YEAR, WITH A TOTAL LIMITATION OF 2.5 ACRE-FEET FOR EACH ACRE IRRIGATED.

**Source:** MILL and COFFEE POT CREEKS

**Authorized Point of Diversion:**

| Twp                          | Rng | Mer | Sec | Q-Q | Acres |
|------------------------------|-----|-----|-----|-----|-------|
| NOT DESCRIBED IN CERTIFICATE |     |     |     |     |       |

**Authorized Place of Use:**

| IRRIGATION – TRACT NO. 1 |      |     |     |       |       |
|--------------------------|------|-----|-----|-------|-------|
| Twp                      | Rng  | Mer | Sec | Q-Q   | Acres |
| 22 S                     | 32 E | WM  | 35  | NE NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | NW NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | SW NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | SE NE | 40.0  |
| TOTAL                    |      |     |     |       | 160.0 |

6. Transfer Application T-13989 proposes to change the place of use of the right to:

| IRRIGATION – TRACT NO. 1 |      |     |     |       |       |
|--------------------------|------|-----|-----|-------|-------|
| Twp                      | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S                     | 32 E | WM  | 1   | NW NW | 39.6  |
| 23 S                     | 32 E | WM  | 1   | SW NW | 40.0  |
| 23 S                     | 32 E | WM  | 1   | SE NW | 15.1  |
| 23 S                     | 32 E | WM  | 1   | NE SW | 21.4  |
| 23 S                     | 32 E | WM  | 1   | NW SW | 35.0  |
| 23 S                     | 32 E | WM  | 1   | SW SW | 0.4   |
| 23 S                     | 32 E | WM  | 1   | SE SW | 8.5   |
| TOTAL                    |      |     |     |       | 160.0 |

7. The portion of the second right to be transferred is as follows:

**Certificate:** 20703 in the name of EARL W. and EDNA G. WITHERS (confirmed by Mill & Coffee Pot Creeks (F))  
**Use:** IRRIGATION OF 160.0 ACRES  
**Priority Date:** 1884  
**Rate:** ONE-FORTIETH OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING EACH YEAR, WITH A TOTAL LIMITATION OF 2.5 ACRE-FEET FOR EACH ACRE IRRIGATED.  
**Source:** MILL AND COFFEE POT CREEKS

**Authorized Points of Diversion:**

| Twp                          | Rng | Mer | Sec | Q-Q | Acres |
|------------------------------|-----|-----|-----|-----|-------|
| NOT DESCRIBED IN CERTIFICATE |     |     |     |     |       |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S       | 32 E | WM  | 1   | NW NW | 39.6  |
| 23 S       | 32 E | WM  | 1   | SW NW | 40.0  |
| 23 S       | 32 E | WM  | 1   | SE NW | 15.1  |
| 23 S       | 32 E | WM  | 1   | NE SW | 21.4  |
| 23 S       | 32 E | WM  | 1   | NW SW | 35.0  |
| 23 S       | 32 E | WM  | 1   | SW SW | 0.4   |
| 23 S       | 32 E | WM  | 1   | SE SW | 8.5   |
| TOTAL      |      |     |     |       | 160.0 |

8. The Department received information from the applicant that better describes the authorized point of diversion as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances |
|------|------|-----|-----|-------|--------------------|
| 23 S | 32 E | WM  | 26  | NW NE | NONE DESCRIBED     |

9. Transfer Application T-13989 proposes to change the place of use to:

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 22 S       | 32 E | WM  | 35  | NE NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | NW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SE NE | 40.0  |
| TOTAL      |      |     |     |       | 160.0 |

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2200]**

10. Water has been used within the five-year period prior to submittal of Transfer Application T-13989 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

11. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13989.
12. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed change, as conditioned, would not result in enlargement of the rights.
14. The proposed change, as conditioned, would not result in injury to other existing water rights.
15. All other application requirements are met.

### **Conclusions of Law**

The change in place of use proposed in Transfer Application T-13989 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in places of use proposed in Transfer Application T-13989 is approved.
2. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 20698, 20703 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.
4. Water right Certificates 20698 and 20703 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
5. The former places of use of the transferred rights shall no longer receive water under the rights.
6. Water Use Measurement Conditions:
  - a. Before water use may begin under this order, the water user shall install a Parshall flume, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the flume or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the flume or measuring devices; provided however, where the flume or measuring devices are located

within a private structure, the Watermaster shall request access upon reasonable notice.

7. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **JUL 25 2025**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing Date: JUL 28 2025

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLEN CLEMENS  
BURNS, OREGON

confirms the right to use the waters of MILL and COFFEE POT CREEKS for the purposes of IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 14, at Page 531. The priority of the right thereby confirmed dates from 1888 for Tract No. 2.

The amount of water to which such right is entitled for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated during each year, with a total limitation of 2.5 acre-feet for each acre irrigated.

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

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

| IRRIGATION |      |     |     |       |       |       |
|------------|------|-----|-----|-------|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Tract | Acres |
| 22 S       | 32 E | WM  | 35  | NE SE | 2     | 40.0  |
| 22 S       | 32 E | WM  | 35  | NW SE | 2     | 8.3   |
| 22 S       | 32 E | WM  | 35  | SW SE | 2     | 3.0   |
| 22 S       | 32 E | WM  | 35  | SE SE | 2     | 33.5  |
| TOTAL      |      |     |     |       |       | 84.8  |

This certificate describes that portion of water right Certificate 20698, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 25 2025, approving Transfer Application T-13989.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JUL 25 2025.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EARL W. AND EDNA G. WITHERS  
BURNS, OREGON

confirms the right to use the waters of MILL and COFFEE POT CREEKS for the purpose of IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 14, at Page 531. The priority of the right thereby confirmed dates from 1884.

The amount of water to which such right is entitled for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated during each year, with a total limitation of 2.5 acre-feet for each acre irrigated.

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

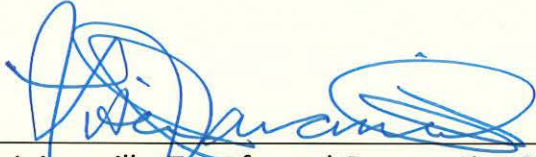
| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S       | 32 E | WM  | 1   | NE NE | 18.8  |
| 23 S       | 32 E | WM  | 1   | NW NE | 8.8   |
| 23 S       | 32 E | WM  | 1   | SW NE | 0.3   |
| 23 S       | 32 E | WM  | 1   | SE NE | 14.2  |
| 23 S       | 32 E | WM  | 1   | NE NW | 30.0  |
| 23 S       | 32 E | WM  | 1   | SE NW | 5.9   |
| 23 S       | 32 E | WM  | 1   | NE SE | 7.0   |
| 23 S       | 32 E | WM  | 1   | NW SE | 33.4  |
| 23 S       | 32 E | WM  | 1   | SW SE | 19.5  |
| 23 S       | 32 E | WM  | 1   | SE SE | 14.2  |
| TOTAL      |      |     |     |       | 152.1 |

This certificate describes that portion of water right Certificate 20703, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 25 2025, approving Transfer Application T-13989.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JUL 25 2025.



\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department



# 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)

May 5, 2025

VIA CERTIFIED MAIL AND E-MAIL

CORY AND JARIS SHELMAN

35999 HWY 20 E

BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-13989

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13989. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please don't hesitate to contact me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov), if I may be of assistance.

Sincerely,

Kim French

Transfer Specialist

Transfer and Conservation Section

BEFORE THE WATER RESOURCES DEPARTMENT

OF THE

STATE OF OREGON

|                                       |   |                                   |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION         |
| T-13989, Harney County                | ) | PROPOSING APPROVAL OF A CHANGE IN |
|                                       | ) | PLACES OF USE                     |

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

CORY AND JARIS SHELMAN  
35999 HWY 20 E  
BURNS OR 97720

**Findings of Fact**

1. On April 18, 2022, CORY AND JARIS SHELMAN filed an application to change the places of use under Certificates 20698 and 20703. The Department assigned the application number T-13989.
2. Notice of the application for transfer was published on July 26, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 9, 2024, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to approve Transfer Application T-13989. The draft Preliminary Determination cover letter provided a deadline of June 1, 2024, for the applicants to respond and submit the required information. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

|                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

4. The portion of the first right to be transferred is as follows:

**Certificate:** 20698 in the name of GLEN CLEMENS (confirmed by Mill & Coffee Pot Creeks)  
**Use:** IRRIGATION OF 160.0 ACRES  
**Priority Date:** 1886 FOR TRACT NO. 1  
**Rate:** ONE-FORTIETH OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING EACH YEAR, WITH A TOTAL LIMITATION OF 2.5 ACRE-FEET FOR EACH ACRE IRRIGATED.  
**Source:** MILL and COFFEE POT CREEKS

**Authorized Point of Diversion:**

| Twp                          | Rng | Mer | Sec | Q-Q | Acres |
|------------------------------|-----|-----|-----|-----|-------|
| NOT DESCRIBED IN CERTIFICATE |     |     |     |     |       |

**Authorized Place of Use:**

| IRRIGATION – TRACT NO. 1 |      |     |     |       |       |
|--------------------------|------|-----|-----|-------|-------|
| Twp                      | Rng  | Mer | Sec | Q-Q   | Acres |
| 22 S                     | 32 E | WM  | 35  | NE NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | NW NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | SW NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | SE NE | 40.0  |
| TOTAL                    |      |     |     |       | 160.0 |

5. Transfer Application T-13989 proposes to change the place of use of the right to:

| IRRIGATION – TRACT NO. 1 |      |     |     |       |       |
|--------------------------|------|-----|-----|-------|-------|
| Twp                      | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S                     | 32 E | WM  | 1   | NW NW | 39.6  |
| 23 S                     | 32 E | WM  | 1   | SW NW | 40.0  |
| 23 S                     | 32 E | WM  | 1   | SE NW | 15.1  |
| 23 S                     | 32 E | WM  | 1   | NE SW | 21.4  |
| 23 S                     | 32 E | WM  | 1   | NW SW | 35.0  |
| 23 S                     | 32 E | WM  | 1   | SW SW | 0.4   |
| 23 S                     | 32 E | WM  | 1   | SE SW | 8.5   |
| TOTAL                    |      |     |     |       | 160.0 |

6. The portion of the second right to be transferred is as follows:

**Certificate:** 20703 in the name of EARL W. and EDNA G. WITHERS (confirmed by Mill & Coffee Pot Creeks (F))  
**Use:** IRRIGATION OF 160.0 ACRES  
**Priority Date:** 1884  
**Rate:** ONE-FORTIETH OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING EACH YEAR, WITH A TOTAL LIMITATION OF 2.5 ACRE-FEET FOR EACH ACRE IRRIGATED.

**Source:** MILL AND COFFEE POT CREEKS

**Authorized Points of Diversion:**

| Twp                          | Rng | Mer | Sec | Q-Q | Acres |
|------------------------------|-----|-----|-----|-----|-------|
| NOT DESCRIBED IN CERTIFICATE |     |     |     |     |       |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S       | 32 E | WM  | 1   | NW NW | 39.6  |
| 23 S       | 32 E | WM  | 1   | SW NW | 40.0  |
| 23 S       | 32 E | WM  | 1   | SE NW | 15.1  |
| 23 S       | 32 E | WM  | 1   | NE SW | 21.4  |
| 23 S       | 32 E | WM  | 1   | NW SW | 35.0  |
| 23 S       | 32 E | WM  | 1   | SW SW | 0.4   |
| 23 S       | 32 E | WM  | 1   | SE SW | 8.5   |
| TOTAL      |      |     |     |       | 160.0 |

7. The Department received information from the applicant that describes the authorized point of diversion for Certificate 20703 as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances |
|------|------|-----|-----|-------|--------------------|
| 23 S | 32 E | WM  | 26  | NW NE | NONE DESCRIBED     |

8. Transfer Application T-13989 proposes to change the place of use of Certificate 20703 to:

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 22 S       | 32 E | WM  | 35  | NE NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | NW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SE NE | 40.0  |
| TOTAL      |      |     |     |       | 160.0 |

***Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2200]***

9. Water has been used within the five-year period prior to submittal of Transfer Application T-13989 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13989.
11. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed change, as conditioned, would not result in enlargement of the rights.

13. The proposed change, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.

#### **Determination and Proposed Action**

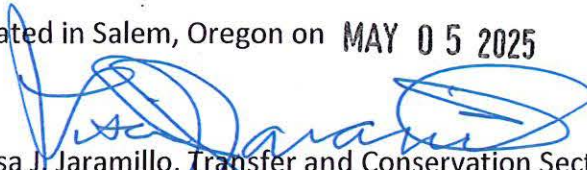
The change in place of use proposed in Transfer Application T-13989 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13989 is approved, the final order will include the following:*

1. *The change in places of use proposed in Transfer Application T-13989 is approved.*
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 Certificates 20698, 20703 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.*
4. *Water right Certificates 20698 and 20703 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
5. *The former places of use of the transferred rights shall no longer receive water under the rights.*
6. *Water Use Measurement Conditions:*
  - a. *Before water use may begin under this order, the water user shall install a Parshall flume, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
  - b. *The water user shall maintain the flume or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the flume or measuring devices; provided however, where the flume or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.*

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **MAY 05 2025**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov).

## Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

### **Requests for Standing**

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050,

the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

BEFORE THE WATER RESOURCES DEPARTMENT

OF THE

STATE OF OREGON

In the Matter of Transfer Application  
T-13989, Harney County

)  
)  
)  
)  
)  
)  
)

R E V I S E D

D R A F T

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A CHANGE IN  
PLACES OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

CORY AND JARIS SHELMAN  
35999 HWY 20 E  
BURNS OR 97720

**Findings of Fact**

1. On April 18, 2022, CORY AND JARIS SHELMAN filed an application to change the places of use under Certificates 20698 and 20703. The Department assigned the application number T-13989.
2. Notice of the application for transfer was published on July 26, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 9, 2024, the Department sent a copy of a draft Preliminary Determination to the applicants, proposing to approve Transfer Application T-13989. The draft Preliminary Determination cover letter provided a deadline of June 1, 2024, for the applicants to respond and submit the required information.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

4. However, after further review on August 1, 2024, the Department determined that a scrivener's error was made in the description of the rate under Certificates 20698 and 20703. This revised draft Preliminary Determination is being issued to correct the description of the rate.

5. The portion of the first right to be transferred is as follows:

**Certificate:** 20698 in the name of GLEN CLEMENS (confirmed by Mill & Coffee Pot Creeks)  
**Use:** IRRIGATION OF 160.0 ACRES  
**Priority Date:** 1886 FOR TRACT NO. 1  
**Rate:** ONE-FORTIETH OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING EACH YEAR, WITH A TOTAL LIMITATION OF 2.5 ACRE-FEET FOR EACH ACRE IRRIGATED.  
**Source:** MILL and COFFEE POT CREEKS

**Authorized Point of Diversion:**

| Twp                          | Rng | Mer | Sec | Q-Q | Acres |
|------------------------------|-----|-----|-----|-----|-------|
| NOT DESCRIBED IN CERTIFICATE |     |     |     |     |       |

**Authorized Place of Use:**

| IRRIGATION – TRACT NO. 1 |      |     |     |       |       |
|--------------------------|------|-----|-----|-------|-------|
| Twp                      | Rng  | Mer | Sec | Q-Q   | Acres |
| 22 S                     | 32 E | WM  | 35  | NE NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | NW NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | SW NE | 40.0  |
| 22 S                     | 32 E | WM  | 35  | SE NE | 40.0  |
| TOTAL                    |      |     |     |       | 160.0 |

6. Transfer Application T-13989 proposes to change the place of use of the right to:

| IRRIGATION – TRACT NO. 1 |      |     |     |       |       |
|--------------------------|------|-----|-----|-------|-------|
| Twp                      | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S                     | 32 E | WM  | 1   | NW NW | 39.6  |
| 23 S                     | 32 E | WM  | 1   | SW NW | 40.0  |
| 23 S                     | 32 E | WM  | 1   | SE NW | 15.1  |
| 23 S                     | 32 E | WM  | 1   | NE SW | 21.4  |
| 23 S                     | 32 E | WM  | 1   | NW SW | 35.0  |
| 23 S                     | 32 E | WM  | 1   | SW SW | 0.4   |
| 23 S                     | 32 E | WM  | 1   | SE SW | 8.5   |
| TOTAL                    |      |     |     |       | 160.0 |

7. The portion of the second right to be transferred is as follows:

**Certificate:** 20703 in the name of EARL W. and EDNA G. WITHERS (confirmed by Mill & Coffee Pot Creeks (F))  
**Use:** IRRIGATION OF 160.0 ACRES  
**Priority Date:** 1884

**Rate:** ONE-FORTIETH OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING EACH YEAR, WITH A TOTAL LIMITATION OF 2.5 ACRE-FEET FOR EACH ACRE IRRIGATED.

**Source:** MILL AND COFFEE POT CREEKS

**Authorized Points of Diversion:**

| Twp                          | Rng | Mer | Sec | Q-Q | Acres |
|------------------------------|-----|-----|-----|-----|-------|
| NOT DESCRIBED IN CERTIFICATE |     |     |     |     |       |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S       | 32 E | WM  | 1   | NW NW | 39.6  |
| 23 S       | 32 E | WM  | 1   | SW NW | 40.0  |
| 23 S       | 32 E | WM  | 1   | SE NW | 15.1  |
| 23 S       | 32 E | WM  | 1   | NE SW | 21.4  |
| 23 S       | 32 E | WM  | 1   | NW SW | 35.0  |
| 23 S       | 32 E | WM  | 1   | SW SW | 0.4   |
| 23 S       | 32 E | WM  | 1   | SE SW | 8.5   |
| TOTAL      |      |     |     |       | 160.0 |

8. The Department received information from the applicant that describes the authorized point of diversion for Certificate 20703 as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances |
|------|------|-----|-----|-------|--------------------|
| 23 S | 32 E | WM  | 26  | NW NE | NONE DESCRIBED     |

9. Transfer Application T-13989 proposes to change the place of use of Certificate 20703 to:

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 22 S       | 32 E | WM  | 35  | NE NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | NW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SE NE | 40.0  |
| TOTAL      |      |     |     |       | 160.0 |

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2200]**

- Water has been used within the five-year period prior to submittal of Transfer Application T-13989 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13989.
- The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

13. The proposed change, as conditioned, would not result in enlargement of the rights.
14. The proposed change, as conditioned, would not result in injury to other existing water rights.
15. All other application requirements are met.

#### **Determination and Proposed Action**

The change in place of use proposed in Transfer Application T-13989 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13989 is approved, the final order will include the following:*

1. *The change in places of use proposed in Transfer Application T-13989 is approved.*
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 Certificates 20698, 20703 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.*
4. *Water right Certificates 20698 and 20703 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
5. *The former places of use of the transferred rights shall no longer receive water under the rights.*
6. *Water Use Measurement Conditions:*
  - a. *Before water use may begin under this order, the water user shall install a Parshall flume, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
  - b. *The water user shall maintain the flume or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the flume or measuring devices; provided however, where the flume or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

7. *Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov).



# 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)

May 10, 2023

VIA E-MAIL

### Applicant

CORY & JANIS SHELMAN

35999 HWY 20 E

BURNS, OR 97720

Reference: Water Right Transfer Application T-13989

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13989. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by June 10, 2024.

### ***Required items needing your immediate attention:***

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by JUNE 10, 2024, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
    - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

**Conditions of your water right...**

The Watermaster has required a water measurement device at the diversion points prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

**Please note the proposed date by which all conditions must be met: October 1, 2025.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

**What happens next...**

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

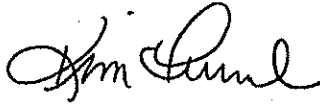
Issuance of the Preliminary Determination will occur shortly after we receive:

- 1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
- 2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive the items listed above by June 10, 2024, a Preliminary Determination may be issued denying the application as incomplete.**

Please don't hesitate to contact me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov) if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim French", written in a cursive style.

Kim French  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13989  
Dally Swindlehurst, District 10 Watermaster *(via e-mail)*  
Scott D. Montgomery, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13989, Harney County

)  
)  
)  
)  
)

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A CHANGE IN  
PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

CORY AND JANIS SHELMAN  
35999 HWY 20 E  
BURNS OR 97720

**Findings of Fact**

1. On April 18, 2022, CORY AND JANIS SHELMAN filed an application to change the place of use under Certificates 20698 and 20703. The Department assigned the application number T-13989.

2. Notice of the application for transfer was published on July 26, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. The portion of the first right to be transferred is as follows:

**Certificate:** 20698 in the name of GLEN CLEMENS (confirmed by Mill & Coffee Pot Creeks)

**Use:** IRRIGATION OF 160.0 ACRES

**Priority Date:** 1886

**Rate:** 4.0 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed ONE-FORTIETH of one cubic foot per second

per acre irrigated during each year, with a total limitation of 2.5 acre-feet for each acre irrigated.

**Source:** MILL and COFFEE POT CREEKS

Certificate 20698 does not describe the location of the authorized points of diversion.

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 22 S       | 32 E | WM  | 35  | NE NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | NW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SE NE | 40.0  |
| TOTAL      |      |     |     |       | 160.0 |

4. Transfer Application T-13989 proposes to change the place of use of Certificate 20698 to:

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S       | 32 E | WM  | 1   | NW NW | 39.6  |
| 23 S       | 32 E | WM  | 1   | SW NW | 40.0  |
| 23 S       | 32 E | WM  | 1   | SE NW | 15.1  |
| 23 S       | 32 E | WM  | 1   | NE SW | 21.4  |
| 23 S       | 32 E | WM  | 1   | NW SW | 35.0  |
| 23 S       | 32 E | WM  | 1   | SW SW | 0.4   |
| 23 S       | 32 E | WM  | 1   | SE SW | 8.5   |
| TOTAL      |      |     |     |       | 160.0 |

5. The portion of the second right to be transferred is as follows:

**Certificate:** 20703 in the name of EARL W. and EDNA G. WITHERS (confirmed by Mill & Coffee Pot Creeks (F))

**Use:** IRRIGATION OF 160.0 ACRES

**Priority Date:** 1884

**Rate:** 4.0 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated during each year, with a total limitation of 2.5 acre-feet for each acre irrigated.

**Source:** MILL AND COFFEE POT CREEKS

Certificate 20703 does not describe the location of the authorized points of diversion.

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S       | 32 E | WM  | 1   | NW NW | 39.6  |
| 23 S       | 32 E | WM  | 1   | SW NW | 40.0  |
| 23 S       | 32 E | WM  | 1   | SE NW | 15.1  |
| 23 S       | 32 E | WM  | 1   | NE SW | 21.4  |
| 23 S       | 32 E | WM  | 1   | NW SW | 35.0  |
| 23 S       | 32 E | WM  | 1   | SW SW | 0.4   |
| 23 S       | 32 E | WM  | 1   | SE SW | 8.5   |
| TOTAL      |      |     |     |       | 160.0 |

6. Transfer Application T-13989 proposes to change the place of use of Certificate 20703 to:

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 22 S       | 32 E | WM  | 35  | NE NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | NW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SW NE | 40.0  |
| 22 S       | 32 E | WM  | 35  | SE NE | 40.0  |
| TOTAL      |      |     |     |       | 160.0 |

***Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]***

7. Water has been used within the five-year period prior to submittal of Transfer Application T-13989 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13989.
9. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed change, as conditioned, would not result in enlargement of the rights.
11. The proposed change, as conditioned, would not result in injury to other existing water rights.
12. All other application requirements are met.

**Determination and Proposed Action**

The change in place of use proposed in Transfer Application T-13989 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13989 is approved, the final order will include the following:*

- 1. The change in place of use proposed in Transfer Application T-13989 is approved.*
- 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 Certificates 20698 and 20703 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.*
- 4. Water right Certificates 20698 and 20703 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.*
- 5. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 6. Water Use Measurement Conditions:*
  - a. Before water use may begin under this order, the water user shall install a Parshall flume, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
  - b. The water user shall maintain the flume or measuring devices in good working order.*
  - c. The water user shall allow the Watermaster access to the flume or measuring devices; provided however, where the flume or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 7. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

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

This draft Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov).

## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 13989

☒ In order to avoid enlargement of the right or injury to other rights, a headgate 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: Dally SwindlehurstDistrict: 10Address: 450 N Buena VistaCity/State/Zip: Burns OR 97720Phone: 541-573-2591Email: donald.s.swindlehurst@water.oregon.gov

**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:

---



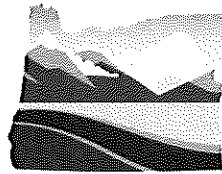
---

\_\_\_\_\_  
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

# Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- 13989

Review Due Date: \_\_\_\_\_

Applicant Name: Cory & Janis Shelman

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

Reviewer(s): Dally Swindlehurst

Date of Review: 10/18/22

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: regulated for priority date
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: \_\_\_\_\_. ☐ 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 add text here
- 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: a drop board dam or headgate

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

☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: \_\_\_\_\_

# Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 13989

- ☒ In order to avoid enlargement of the right or injury to other rights, a headgate 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: Dally Swindlehurst

District: 10

Address: 450 N Buena Vista

City/State/Zip: Burns OR 97720

Phone: 541-573-2591

Email: donald.s.swindlehurst@water.oregon.gov

**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



ALL POINTS  
ENGINEERING & SURVEYING  
P.O. Box 767 (CRR)  
Terrebonne, Oregon 97760

RECEIVED  
MAY 15 2023  
OWRD

TRANSMITTAL

To:  
Oregon Water Resources Department  
725 Summer St. NE Suite A  
Salem, OR 97301-1266

Date: 5/10/2023 Job: 21-001  
Attention: Kim French  
Re: T-13989

☒ Prints ☐ Plans ☒ Map/Plat ☐ Specifications ☐ Change order ☐ Other

| Copies | No. | Description                      |
|--------|-----|----------------------------------|
| 1      | 1   | Revised map (1 sheet legal bond) |
| 1      | 2   |                                  |
| 1      | 3   |                                  |
| 1      | 4   |                                  |
| 1      | 5   |                                  |
| 1      | 6   |                                  |

These are transmitted as checked below:

☒ For OWRD approval ☐ Approved as submitted ☐ Approved as noted  
☐ Copies for distribution ☐ Returned for corrections ☐ Returned corrected prints  
☒ Review and comment ☐ For bids due ☐ Other

Remarks:

Please find attached the revised map per comments by email dated 5/4/2023.

Thanks, and if you have questions please don't hesitate to call (541) 548-5833.

Signed:  \_\_\_\_\_

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13989

Transfer Specialist:

Transfer Type: Regular Transfer

|                                                                                                             |  |                                                                                                                                      |  |
|-------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Applicant:</b><br>CORY & JANIS SHELMAN<br>35999 HWY 20 E<br>BURNS, OR 97720<br>Email: _____ Phone: _____ |  | <b>Agent:</b> <input type="checkbox"/> N/A<br>SCOTT D. MONTGOMERY<br>PO BOX 767<br>TERREBONNE, OR 97760<br>Email: _____ Phone: _____ |  |
| <b>Irrigation District:</b> <input type="checkbox"/> N/A<br>Email: _____                                    |  | <b>CWRE:</b> <input type="checkbox"/> N/A<br>Email: _____                                                                            |  |
| <b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A<br>Email: _____                                  |  | <b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email: _____                                            |  |
| <b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A<br>Email: _____              |  | <b>Receiving Landowner:</b> <input type="checkbox"/> N/A<br>Email: _____                                                             |  |

## Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit            | Certificate | RR/CR Needed                                             | RR/CR Nos. |
|--------------------------|----------------------------|-------------------|-------------|----------------------------------------------------------|------------|
| <input type="checkbox"/> | DECREE                     | MILL & COFFEE POT | 20703       | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/> | DECREE                     | MILL & COFFEE POT | 20698       | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/> |                            |                   |             | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |

## Key Dates & Initial Actions:

|                                                        |                                                   |                                              |
|--------------------------------------------------------|---------------------------------------------------|----------------------------------------------|
| Rec'd: April 18, 2022                                  | Proposed Action(s): PLACE OF USE                  |                                              |
| Fees Pd: 3200.00                                       | WM District: 10                                   | ODFW District:                               |
| Initial Public Notice: May 3, 2022                     | WM Review sent:                                   | ODFW Review sent:                            |
| Acknowledgement Letter Sent <input type="checkbox"/>   |                                                   | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/> | BOR notified (date): <input type="checkbox"/> N/A |                                              |
| Newspaper quote requested:                             | Request for news \$ sent:                         | News \$ received:                            |
| Request to publish sent:                               | Affidavit of publication received:                | Last day of publication:                     |

| Document | Drafted                        | Peer Review                    | Changes Made                   | Coordinator                    | Changes Made                   | Signature Bin  | Signature Date |
|----------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|----------------|----------------|
| DPD      | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | CW Sent: _____ | N/A            |
| PD       | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____    | Date: _____    |
| FO       | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____    | Date: _____    |

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

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **137948**

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

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

RECEIVED FROM: Cory D Shelman  
BY: \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION |         |
| PERMIT      |         |
| TRANSFER    | T-13989 |

CASH: ☐ CHECK: # 627 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3,200.00

**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 \$ 0202 \$  
0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$ 3,200.00

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$ 0219 \$  
LANDOWNER'S PERMIT 0220 \$

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

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

0211 WELL CONST START FEE \$ CARD#  
0210 MONITORING WELLS \$ CARD#

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: **137948**

DATED: 4-18-2022

By: Mindy C. Corder

**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 # **138198**

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

RECEIVED FROM: Cory D. Shelman  
BY: Javis J. Shelman

|             |         |
|-------------|---------|
| APPLICATION |         |
| PERMIT      |         |
| TRANSFER    | T-13989 |

CASH: ☐ CHECK: # 1664 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2,050.00

**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** 46110

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \_\_\_\_\_ \$ \_\_\_\_\_

**WATER RIGHTS:**

| EXAM FEE           |      |          |
|--------------------|------|----------|
| \$ _____           | 0202 | \$ _____ |
| \$ _____           | 0204 | \$ _____ |
| \$ <u>2,050.00</u> |      |          |

**WELL CONSTRUCTION**

| EXAM FEE |      |          |
|----------|------|----------|
| \$ _____ | 0219 | \$ _____ |
|          | 0220 | \$ _____ |

0201 SURFACE WATER  
0203 GROUND WATER  
0205 TRANSFER  
0218 WELL DRILL CONSTRUCTOR  
LANDOWNER'S PERMIT  
OTHER (IDENTIFY) \_\_\_\_\_

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

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
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: **138198**

DATED: 5-19-2022 BY: [Signature]

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer 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.

RECEIVED

APR 18 2022

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

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer 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 Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: C20703 & C20698**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☐ ☒ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (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: \_\_\_\_/\_\_\_\_/\_\_\_\_

13989

## Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- ☐ ☒ 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 good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is 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) are required. Tax lot numbers are recommended.
- ☒ 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.
- ☒ 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 Proposed 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.
- ☒ Existing 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 or permit.
- ☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed 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°).

# Part 3 of 5 – Fee Worksheet

| FEE WORKSHEET for PERMANENT TRANSFER (except Substitution) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |   |                |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------------|
| 1                                                          | Base Fee (includes one type of change to one water right for up to 1 cfs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1 | \$1,360        |
| 2                                                          | Types of change proposed:<br><input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = <u>1 (2a)</u><br>Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i><br>Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                          | 2 | 0              |
| 3                                                          | Number of water rights included in transfer <u>2 (3a)</u><br>Subtract 1 from the number in 3a above: <u>1 (3b)</u> <i>If only one water right this will be 0</i><br>Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                | 3 | \$610          |
| 4                                                          | Do you propose to add or change a well, or change from a surface water POD to a well?<br><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 _____ (4a)<br>Do you propose to add or change additional wells?<br><input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)<br>Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » » » » » » »                                                | 4 | 0              |
| 5                                                          | Do you propose to change the place of use or character of use?<br><input type="checkbox"/> No: enter 0 on line 5<br><input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>4 (5a)</u><br>Subtract 1.0 from the number in 5a above: <u>3 (5b)</u><br>If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply<br>5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » » » » » » » » | 5 | \$1,230        |
| 6                                                          | Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 6 | \$3,200        |
| 7                                                          | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »<br>If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » » » » »                                                                                                            | 7 | 0              |
| 8                                                          | Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 8 | <b>\$3,200</b> |

RECEIVED  
APR 18 2022  
OWRD

**\*Example for Line 5a calculation** to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- For irrigation calculate cfs for each water right involved as follows:
  - Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
- Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

| FEE WORKSHEET for SUBSTITUTION |                                                                                                                                                                                                                                     |   |          |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 1                              | Base Fee (includes change to one well)                                                                                                                                                                                              | 1 | \$990.00 |
| 2                              | Number of wells included in substitution _____ (2a)<br>Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i><br>Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » » » » » » » » | 2 |          |
| 3                              | Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>                                                                                                                                                     | 3 |          |

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|                                                                                                                                                                                    |                    |                                   |                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Cory and Janis Shelman</b>                                                                                                                           |                    | PHONE NO.<br><b>541) 493-2672</b> | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>5999 Hwy 20 E</b>                                                                                                                                                    |                    | FAX NO.                           |                        |
| CITY<br><b>Burns</b>                                                                                                                                                               | STATE<br><b>OR</b> | ZIP<br><b>97720</b>               | E-MAIL                 |
| <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.</b> |                    |                                   |                        |

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

|                                                                                                                                                                                    |                    |                                  |                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------|-----------------------------------------------|
| AGENT/BUSINESS NAME<br><b>All Points Engineering and Surveying, Inc</b>                                                                                                            |                    | PHONE NO.<br><b>541-548-5833</b> | ADDITIONAL CONTACT NO.<br><b>541-420-0401</b> |
| ADDRESS<br><b>PO Box 767</b>                                                                                                                                                       |                    | FAX NO.                          |                                               |
| CITY<br><b>Terrebonne</b>                                                                                                                                                          | STATE<br><b>OR</b> | ZIP<br><b>97760</b>              | E-MAIL<br><b>scott@apeands.com</b>            |
| <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.</b> |                    |                                  |                                               |

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

Change place of use for senior rights to a location where water is more accessible and existing junior rights are currently located. The junior rights will replace the existing location of the senior rights that are moved.

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

### Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED

APR 18 2022

OWRD

13989

☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

|                                       |         |     |
|---------------------------------------|---------|-----|
| IRRIGATION DISTRICT NAME<br><b>NA</b> | ADDRESS |     |
| CITY                                  | STATE   | ZIP |

☐ 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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

|                          |         |     |
|--------------------------|---------|-----|
| ENTITY NAME<br><b>NA</b> | ADDRESS |     |
| CITY                     | STATE   | ZIP |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

RECEIVED

APR 18 2022

OWRD

13989

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|                                                                                                                                                                             |                    |                                    |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Cory and Janis Shelman</b>                                                                                                                    |                    | PHONE NO.<br><b>(541) 493-2672</b> | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>35999 Hwy 20 E</b>                                                                                                                                            |                    | FAX NO.                            |                        |
| CITY<br><b>Burns</b>                                                                                                                                                        | STATE<br><b>OR</b> | ZIP<br><b>97720</b>                | E-MAIL                 |
| 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<br><b>All Points Engineering and Surveying, Inc.</b>                                                                                                    |                    | PHONE NO.<br><b>(541) 548-5833</b> | ADDITIONAL CONTACT NO.<br><b>541-420-0401</b> |
| ADDRESS<br><b>PO Box 767</b>                                                                                                                                                |                    | FAX NO.                            |                                               |
| CITY<br><b>Terrebonne</b>                                                                                                                                                   | STATE<br><b>OR</b> | ZIP<br><b>97760</b>                | E-MAIL<br><b>scott@apeands.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:  
Change place of use for senior rights to a location where water is more accessible and existing junior rights are currently located. The junior rights will replace the existing location of the senior rights that are moved.  
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

### Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED  
APR 18 2022

By my signature below, I confirm that I understand:

OWRD

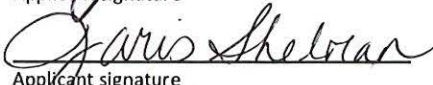
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Burns Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

  
Applicant signature

Cory Shelman, Owner  
Print Name (and Title if applicable)

4-10-2022  
Date

  
Applicant signature

Janis Shelman, Owner  
Print Name (and Title if applicable)

4-10-2022  
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

APR 18 2022

**Description of Water Delivery System**

System capacity: 4 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 diverted from Coffee Pot Creek into the existing ditch system and through culverts under Highway 20 is diked up into a flood irrigation field.

**Table 1. Location of Authorized and Proposed 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 Proposed?                    | 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                    | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                    | 22 S | 32 E | 26  | NW NE | 1100                      | Not specified                                        |

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

13989

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 20698**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |    |     |    |     |    |         |                      |       |                                         |                                                         | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |              |     |    |     |   |     |    |         |                      |       |                    |                                                      |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|----|-----|----|---------|----------------------|-------|-----------------------------------------|---------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--------------|-----|----|-----|---|-----|----|---------|----------------------|-------|--------------------|------------------------------------------------------|------------------|
| Twp                                                                                                                                                                                      | Rng |    | Sec |    | ¼ ¼ |    | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) |                                                               | Priority<br>Date                                                                                        | Twp          | Rng |    | Sec |   | ¼ ¼ |    | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date |
| 22                                                                                                                                                                                       | S   | 32 | E   | 35 | NE  | NE | 100     |                      | 40.0  | IR                                      | POD                                                     | 1886                                                          | POU                                                                                                     | 23           | S   | 32 | E   | 1 | NW  | NW | 100     | 4                    | 39.6  | IR                 | CPC                                                  | 1884             |
|                                                                                                                                                                                          |     |    |     |    | NW  | NE |         |                      | 40.0  |                                         |                                                         |                                                               |                                                                                                         |              |     |    |     |   | SW  | NW |         |                      | 40.0  |                    |                                                      |                  |
|                                                                                                                                                                                          |     |    |     |    | SW  | NE |         |                      | 40.0  |                                         |                                                         |                                                               |                                                                                                         |              |     |    |     |   | SE  | NW |         |                      | 15.1  |                    |                                                      |                  |
|                                                                                                                                                                                          |     |    |     |    | SE  | NE |         |                      | 40.0  |                                         |                                                         |                                                               |                                                                                                         |              |     |    |     |   | NE  | SW |         |                      | 21.4  |                    |                                                      |                  |
|                                                                                                                                                                                          |     |    |     |    |     |    |         |                      |       |                                         |                                                         |                                                               |                                                                                                         |              |     |    |     |   | NW  | SW |         |                      | 35.0  |                    |                                                      |                  |
|                                                                                                                                                                                          |     |    |     |    |     |    |         |                      |       |                                         |                                                         |                                                               |                                                                                                         |              |     |    |     |   | SW  | SW |         |                      | 0.4   |                    |                                                      |                  |
|                                                                                                                                                                                          |     |    |     |    |     |    |         |                      |       |                                         |                                                         |                                                               |                                                                                                         |              |     |    |     |   | SE  | SW |         |                      | 8.5   |                    |                                                      |                  |
|                                                                                                                                                                                          |     |    |     |    |     |    |         |                      |       |                                         |                                                         |                                                               |                                                                                                         |              |     |    |     |   |     |    |         |                      |       |                    |                                                      |                  |
| TOTAL ACRES:                                                                                                                                                                             |     |    |     |    |     |    |         |                      | 160.0 |                                         |                                                         |                                                               |                                                                                                         | TOTAL ACRES: |     |    |     |   |     |    |         |                      | 160.0 |                    |                                                      |                  |

Additional remarks:\_\_\_\_\_.

1398968681

RECEIVED

APR 18 2022

OWRD

**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

RECEIVED

APR 18 2022

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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 proposed 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/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**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 the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well: OWRD Well ID Tag No. L-____ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well-specific rate (cfs or gpm). If less than full rate of water right |
|-------------------------------------------|------------------------------------|--------------------------------------------------|------------------|-----------------|-------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|------------------------------------------------------------------------|
| NA                                        |                                    |                                                  |                  |                 |                         |                           |                                            |                                                |                                             |                                                                        |

13989

## Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 20703

RECEIVED

### Description of Water Delivery System

System capacity: 4 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

APR 18 2022

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 diverted from Coffee Pot Creek into the existing ditch system and through culverts under Highway 20 is diked up into a flood irrigation field.

**Table 1. Location of Authorized and Proposed 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 Proposed?                    | 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) |
|------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|------|------|-----|-----|---------------------------|------------------------------------------------------|
| CPC                    | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                    | 23 S | 32 E | 1   |     | 100                       | Not specified                                        |

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

13989

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 20703**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |   |         |                      |       |                                         |                                                         |                  |     | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |              |     |    |         |                      |       |                    |                                                      |                  |       |    |  |      |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|---|---------|----------------------|-------|-----------------------------------------|---------------------------------------------------------|------------------|-----|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--------------|-----|----|---------|----------------------|-------|--------------------|------------------------------------------------------|------------------|-------|----|--|------|--|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ |   | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date | Twp |                                                               | Rng                                                                                                     | Sec          | ¼ ¼ |    | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date |       |    |  |      |  |
| 23                                                                                                                                                                                       | S   | 32  | E   | 1 | NW      | NW                   | 100   | 4                                       | 39.6                                                    | IR               | CPC | 1884                                                          | POU                                                                                                     | 22           | S   | 32 | E       | 35                   | NE    | NE                 | 100                                                  |                  | 40.0  | IR |  | 1884 |  |
|                                                                                                                                                                                          |     |     |     |   | SW      | NW                   |       |                                         | 40.0                                                    |                  |     |                                                               |                                                                                                         |              |     |    |         |                      | NW    | NE                 |                                                      |                  | 40.0  |    |  |      |  |
|                                                                                                                                                                                          |     |     |     |   | SE      | NW                   |       |                                         | 15.1                                                    |                  |     |                                                               |                                                                                                         |              |     |    |         |                      | SW    | NE                 |                                                      |                  | 40.0  |    |  |      |  |
|                                                                                                                                                                                          |     |     |     |   | NE      | SW                   |       |                                         | 21.4                                                    |                  |     |                                                               |                                                                                                         |              |     |    |         |                      | SE    | NE                 |                                                      |                  | 40.0  |    |  |      |  |
|                                                                                                                                                                                          |     |     |     |   | NW      | SW                   |       |                                         | 35.0                                                    |                  |     |                                                               |                                                                                                         |              |     |    |         |                      |       |                    |                                                      |                  |       |    |  |      |  |
|                                                                                                                                                                                          |     |     |     |   | SW      | SW                   |       |                                         | 0.4                                                     |                  |     |                                                               |                                                                                                         |              |     |    |         |                      |       |                    |                                                      |                  |       |    |  |      |  |
|                                                                                                                                                                                          |     |     |     |   | SE      | SW                   |       |                                         | 8.5                                                     |                  |     |                                                               |                                                                                                         |              |     |    |         |                      |       |                    |                                                      |                  |       |    |  |      |  |
| TOTAL ACRES:                                                                                                                                                                             |     |     |     |   |         |                      |       |                                         | 160.0                                                   |                  |     |                                                               |                                                                                                         | TOTAL ACRES: |     |    |         |                      |       |                    |                                                      |                  | 160.0 |    |  |      |  |

Additional remarks:\_\_\_\_\_.

13989

RECEIVED

APR 1.8 2022

OWRD

**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☒ No

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

RECEIVED

APR 18 2022

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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 proposed 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/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**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 the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well: OWRD Well ID Tag No. L-_____ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well-rate (gpm) than 1 of wal |
|-------------------------------------------|------------------------------------|---------------------------------------------------|------------------|-----------------|-------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|-------------------------------|
| NA                                        |                                    |                                                   |                  |                 |                         |                           |                                            |                                                |                                             |                               |

13989

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

I, CORY SHELMAN, in my capacity as OWNER,

mailing address 35999 Hwy 20E, BURNS, OR 97720

telephone number (208)539-1567, being first duly sworn depose and say:

RECEIVED

APR 18 2022

OWRD

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 # C-20703 & 20698; 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<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|-------|-----|-----|-----|---------------------|--------------------------|
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |

OR

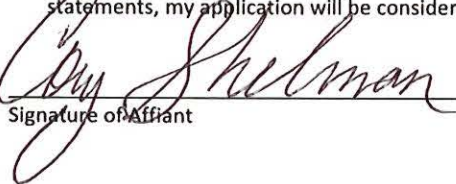
- ☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for  
transfer was not leased, additional 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)

13989

3. The water right was used for: (e.g., crops, pasture, etc.): \_\_\_\_\_

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 of Affiant

April 13, 2022  
Date

Signed and sworn to (or affirmed) before me this 13 day of April, 2022



  
Notary Public for Oregon

My Commission Expires: 7.2.23

| 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 checked="" 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.<br/>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>Sources for aerial photos:<br/>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br/>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br/>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br/>TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years                                                            | Copy of instream lease or lease number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

RECEIVED

APR 18 2022

OWRD

Brad Mastre

68174 S Harney RD

Burns OR 97720

541 493 2373

RECEIVED

APR 18 2022

OWRD

# Invoice

7/22/2020

**Invoice for**

Cory Shelman

**Payable to**

Brad Mastre

**Invoice #**

**Project**

haying

**Due date**

upon receipt

| Description                      | Qty | Unit price | Total price |
|----------------------------------|-----|------------|-------------|
| custom raking and baling per ton | 85  | \$35.00    | \$2,975.00  |

Notes:

Subtotal

**\$2,975.00**

**\$2,975.00**

pd. Selco Acct.  
Ch# 552  
7-28-2020

13989



ALL POINTS  
ENGINEERING & SURVEYING, INC.  
P.O. Box 767 (CRR)  
Terrebonne, Oregon 97760

RECEIVED

APR 18 2022

OWRD

TRANSMITTAL

To: Oregon Water Resources Dept  
725 Summer St NE, Suite A  
Salem, OR 97301-1266

Date: 4/14/2022  
Attention: Transfer  
RE:

☒ Prints ☐ Plans ☐ Plat ☐ Specifications.

Attached is an Application for Transfer on certificates 20703 & 20698.

If you have any questions, please don't hesitate to call or email me.

| Copies | No. | Description                                            |
|--------|-----|--------------------------------------------------------|
| 1      | 1   | Application for Transfer (12 pages letter bond)        |
| 1      | 2   | Final Proof map (1 page mylar)                         |
| 1      | 3   | Evidence of Use w/supporting doc (2 pages letter bond) |
| 1      | 4   | Check for \$3200                                       |

Signed: Deise Montoya

13989

## STATE OF OREGON

COUNTY OF HARNEY

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That EARL W. AND EDNA G. WITHERS

of ~~SE~~ Burns, State of Oregon, has a right to the use of  
the waters of Mill and Coffee Pot Creeks  
for the purpose of irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Harney County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 14, at page 531; that the priority of the right thereby  
confirmed dates from 1884;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of one  
cubic foot per second per acre irrigated during each year, with a total limi-  
tation of 2½ acre-feet for each acre irrigated.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

18.8 acres in NE¼ NE¼  
8.8 acres in NW¼ NE¼  
0.3 acre in SW¼ NE¼  
14.2 acres in SE¼ NE¼  
30.0 acres in NE¼ NW¼  
39.6 acres in NW¼ NW¼  
40.0 acres in SW¼ NW¼  
21.0 acres in SE¼ NW¼  
21.4 acres in NE¼ SW¼  
35.0 acres in NW¼ SW¼  
0.4 acre in SW¼ SW¼  
8.5 acres in SE¼ SW¼  
7.0 acres in NE¼ SE¼  
33.4 acres in NW¼ SE¼  
19.5 acres in SW¼ SE¼  
14.2 acres in SE¼ SE¼

Section 1

T. 23 S., R. 32 E., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.  
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 23rd day of February, 1955.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20703 13989

## DAVIS Arla L \* WRD

---

**From:** Neecee <Neecee@apeands.com>  
**Sent:** Wednesday, April 20, 2022 12:13 PM  
**To:** DAVIS Arla L \* WRD; Scott  
**Subject:** Re: Transfer Application for Cory and Janis Shelman

I am going to have Scott look at this when he gets back from burns

Get Outlook for iOS

---

**From:** DAVIS Arla L \* WRD <Arla.L.DAVIS@water.oregon.gov>  
**Sent:** Wednesday, April 20, 2022 11:21:05 AM  
**To:** Neecee <Neecee@apeands.com>; Scott <Scott@apeands.com>  
**Subject:** Transfer Application for Cory and Janis Shelman

Good Morning,

Denise thank you for calling me back. Below is the information for the application. The missing amount of fees is \$2870.00.

Application for Permanent WR transfer Application for Certificates 20703 and 20698:

Base Fee: \$1360

Total WR in application: 2 – fee for more than 1 right – \$610.00

Total CFS for transfer:  $10.433835 - 11.0 \text{ cfs} - 1.0 = 10.0 \text{ cfs} \times 410 = \$4100.00$

Total is \$6070

The amount received with application was \$3200 and is described below:

Base Fee: \$1360

Total WR in application: 2 – fee for more than 1 right – \$610.00

Total CFS for transfer:  $4 - 1.0 = 3.0 \text{ cfs} \times 410 = \$1230$

Total is \$3200

Arla L. Davis

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

## STATE OF OREGON

COUNTY OF HARNEY

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That GLEN CLEMENS

of Burns, State of Oregon, has a right to the use of  
the waters of Mill and Coffee Pot Creeks  
for the purpose of irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Harney County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 14, at page 531, that the priority of the right thereby  
confirmed dates from 1886 for Tract No. 1; 1888 for Tract No. 2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of one  
cubic foot per second per acre irrigated during each year, with a total limi-  
tation of 2½ acre-feet for each acre irrigated.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT NO. 1

40.0 acres in NE¼ NE¼  
40.0 acres in NW¼ NE¼  
40.0 acres in SW¼ NE¼  
40.0 acres in SE¼ NE¼  
Section 35,  
T. 22 S., R. 32 E., W.M.

TRACT NO. 2

40.0 acres in NE¼ SE¼  
8.3 acres in NW¼ SE¼  
3.0 acres in SW¼ SE¼  
33.5 acres in SE¼ SE¼  
Section 35,  
T. 22 S., R. 32 E., W.M.

And said right shall be subject to all other conditions and limitations contained in said decree.  
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 23rd day of February, 19 55.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20698.

13989

Oregon Water Resources Department  
Transfer Fee Calculation for Permanent (Non-District) Transfer

- Main
- Help
- Return
- Contact Us

Today's Date: Wednesday, April 20, 2022

Fee Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs) \$1,360.00

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

Types of Change Proposed:

- Place of Use
- Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD
- Character of Use

\$0.00

Enter total number of water rights included in transfer. 2

\$610.00

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

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

\$0.00

Check this box if you propose to change the place of use or character of use for a NON-irrigation right.

Check this box if you propose to change the place of use or character of use for an irrigation right.

Enter the following for the primary certificates on the land included in the transfer.  
(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

| Certificate # | Total acres in the water right | # of acres to be transferred | Total cfs in the water right certificate | OR If certificate does not list cfs, enter 1/___ cfs per acre | Transfer cfs |
|---------------|--------------------------------|------------------------------|------------------------------------------|---------------------------------------------------------------|--------------|
| 20703         | 312.1                          | 160                          | 12.55                                    | 40                                                            | 6.433835     |
| 20698         | 244.8                          | 160                          | 6.12                                     | 40                                                            | 4.0          |
|               |                                |                              |                                          |                                                               |              |

13989

|             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|
| <div></div> | <div></div> | <div></div> | <div></div> | <div></div> | <div></div> |
| <div></div> | <div></div> | <div></div> | <div></div> | <div></div> | <div></div> |
| <div></div> | <div></div> | <div></div> | <div></div> | <div></div> | <div></div> |
| <div></div> | <div></div> | <div></div> | <div></div> | <div></div> | <div></div> |
| <div></div> | <div></div> | <div></div> | <div></div> | <div></div> | <div></div> |
| <div></div> | <div></div> | <div></div> | <div></div> | <div></div> | <div></div> |

Total Transfer CFS(rounded up to the next whole cfs): 11.00 

\$4,100.00

Subtotal: 

\$6,070.00

Check each box that applies.

☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.

☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee: 

\$6,070.00

Return to Edit

Clear



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 4, 2022

CORY & JANIS SHELMAN  
35999 HWY 20 E  
BURNS, OR 97720

Reference: Application T-13989

On April 18, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3200.00. Our receipt number 137948 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.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water on the new place of use until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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) 979-9931.

Cc: Watermaster Dist. #10, J R. Johnson (*via email*)  
Scott D. Montgomery, Agent

Enclosure

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13985

|                                                                                           |                                                                    |                                             |                         |                                         |     |      |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------|-------------------------|-----------------------------------------|-----|------|
| Checked by: <u>Cula</u>                                                                   | Type of Change(s)<br><b>Proposed:</b><br>Mark the Proposed Changes | Substitution                                | Supplemental to Primary | <input checked="" type="checkbox"/> POU | POD | APOD |
| Date: <u>4/20/22</u>                                                                      |                                                                    | Gov Action                                  | Surface to Ground       | USE                                     | POA | APOA |
| Fee Received:<br><u>\$3200</u>                                                            |                                                                    |                                             |                         |                                         |     |      |
| Calculated Fee:<br><u>\$5250</u>                                                          |                                                                    |                                             |                         |                                         |     |      |
| Additional Observations:<br><u>Applicant will send in</u><br><u>Ad'l fees - see email</u> |                                                                    | How many rights to be Transferred? <u>2</u> |                         |                                         |     |      |
|                                                                                           |                                                                    | Certificate # <u>20703</u><br><u>20698</u>  |                         |                                         |     |      |

If OK and complete, check box to the left; if **NOT**, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?  
If no, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.  
Name of the district: \_\_\_\_\_
- ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?  
If no, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. Is there only one (1) water right included in this transfer application?  
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No Yes  
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
- ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?  
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
- ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?  
If no, what is missing? \_\_\_\_\_. Map waiver included? ☐ Yes ☒ No
- ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☐ N/A.
- ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☐ N/A.
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.  
Put this application intake completeness check sheet in the transfer folder.

OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.  
It should be returned and the deficiencies listed in the "staff" section at the bottom of  
Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: \_\_\_\_\_ Date: \_\_\_\_\_

## Permanent Transfer Application Intake Completion Checklist

| <b>FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |          |                |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------|
| <b>1</b>                                                          | Base Fee (includes one type of change to one water right for up to 1 cfs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>1</b> | <b>\$1,360</b> |
|                                                                   | Types of change proposed:<br><input type="checkbox"/> Place of Use<br><input type="checkbox"/> Character of Use<br><input type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = _____ (2a)<br>Subtract 1 from the number in line 2a = _____ (2b) If only one change, this will be 0.<br><b>2</b> Multiply line 2b by \$1,090 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                 | <b>2</b> | <b>0</b>       |
| <b>3</b>                                                          | Number of water rights included in transfer _____ (3a)<br>Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0<br>Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                             | <b>3</b> | <b>0</b>       |
| <b>4</b>                                                          | Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right?<br><input type="checkbox"/> No: enter 0 » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes = <b>\$480 (4a)</b><br>If YES: enter the number of wells being proposed: _____ (4b)<br>Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0.<br>Multiply line 4c by \$410 = _____ (4d)<br>Add lines 4a and 4d and enter » » » » » » » » » » » » » » » »                                        | <b>4</b> | <b>0</b>       |
| <b>5</b>                                                          | Do you propose to change the place of use or character of use?<br><input type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a)<br>Subtract 1.0 from the number in 5a above: _____ (5b)<br>If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » »<br>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » » | <b>5</b> | <b>0</b>       |
| <b>6</b>                                                          | Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>6</b> | <b>0</b>       |
| <b>7</b>                                                          | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » »<br>If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »                                                                                                                         | <b>7</b> | <b>0</b>       |
| <b>8</b>                                                          | Subtract line 7 from line 6 » » » » » » » » » » » » Transfer Fee:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>8</b> |                |