

# CLAIM OF BENEFICIAL USE for Transfer New or Additional POD Only


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

**A fee of \$200 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.**

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

## SECTION 1

### GENERAL INFORMATION

#### Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in either point(s) of diversion or additional point(s) of diversion, or a combination of both.

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YES

*If additional changes were authorized, you will need to select a different form.*

#### 1. File Information

APPLICATION # <b>T-13151</b>
---------------------------------

#### 2a. Property Owner (current owner information) **TL 4 1E 31 800 – Convey and use**

APPLICANT/BUSINESS NAME <b>Warren H Bean and Bernice S Bean trustees of Bean Farm Trust U/T/A DTD 11-22-2019</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS <b>12909 SW 68<sup>th</sup> Pkwy Suite 430</b>			
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97223</b>	E-MAIL

#### 2b. Property Owner (current owner information) **TL 4 1E 31C 100 – Divert and convey**

APPLICANT/BUSINESS NAME <b>Carolyn Neuschwander Trustee of Carolyn Neuschwander Trust U/D/T dated March 18, 2009</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS <b>6097 S. Whiskey Hill Rd</b>			
CITY <b>Hubbard</b>	STATE <b>OR</b>	ZIP <b>97032</b>	E-MAIL

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

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3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD <b>Warren and Bernice Bean</b>		<b>OWRD</b>
ADDRESS <b>12909 SE 68<sup>th</sup> Parkway Suite 430</b>		
CITY <b>Tigard</b>	STATE <b>OR</b>	ZIP <b>97223</b>

4. Date of Site Inspection:

January 15, 2021

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Warren Bean	January 15, 2021, June 28, 2021	Owner / Operator

6. County

Clackamas

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD <b>NA</b>		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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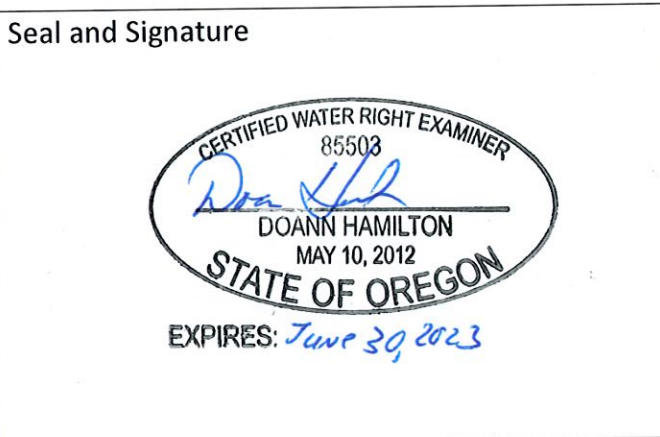
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**SECTION 2  
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>Doann Hamilton</b>		PHONE No. <b>(503) 632-5016</b>	ADDITIONAL CONTACT No. <b>(503) 349-6946</b>
ADDRESS <b>18487 S. Valley Vista Road</b>			
CITY <b>Mulino</b>	STATE <b>OR</b>	ZIP <b>97042</b>	E-MAIL <b>phgdmh@gmail.com</b>



Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Wallace Bean, Attorney in fact</i>	Wallace S. Bean for Bernice S. Bean	Attorney in Fact	07-13-2021
<i>WB</i>	Warren H. Bean		07-13-2021

**SECTION 3**

**CLAIM DESCRIPTION**

**Note:** The Claim only needs to describe the new or additional point(s) of diversion. This Claim does not need to provide information for the original point(s) of diversion unless the original point of diversion is either a new or additional point of diversion on another right involved in this transfer.

1. New or additional point of diversion name or number:

	POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
Certificate 90218 Certificate 94129	POD	Rock Creek a tributary of the Pudding River

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, **NO** or extension final? If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

None
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3. Claim Summary:

	NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Certificate 90218	POD	0.12 cfs	0.71 cfs	Not measured
Certificate 94129		0.03 cfs		

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Diversion (POD)s? NO **OWRD**

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

POD

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Berkeley	B3 ZPL	M25104	Centrifugal	4 inch	3 inch

2. Motor Information

MANUFACTURER	HORSEPOWER
Baldor-Reliance	25 Hp

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
25 HP	80 psi	10 feet	20 feet	0.71 cfs

4. Provide pump calculations:

$$Q \text{ Pump} = \frac{(25 \text{ Hp}) \times (6.61 \text{ ft}^4/\text{sec Hp})}{(30 \text{ ft lift} + 203.2 \text{ ft pressure head})} = 0.71 \text{ cfs}$$

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not running during site visit			

Reminder: For pump calculations use the reference information at the end of this document.



**B. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

NO

*If "NO", items 2 through 4 relating to this section may be deleted.*

**C. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

NO

*If "NO", items 2 through 4 relating to this section may be deleted.*

**D. Additional notes or comments related to the system:**

None
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**SECTION 5  
CONDITIONS**

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POD(S) WERE READY FOR USE <i>*THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"</i>
ISSUANCE DATE	<b>October 13, 2020</b>	
COMPLETENESS DATE FROM ORDER (C)	<b>October 1, 2021</b>	<b>June 2021</b>

\* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

NO

*If "NO", you may delete the following table.*

**3. Measurement Conditions:**

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

NO

*If "NO", items b through f relating to this section may be deleted.*

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#### 4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

*If "NO", item b relating to this section may be deleted.*

#### 5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES

*If "NO", items b through e relating to this section may be deleted.*

**Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.**

b. Has the fish screening been installed?

YES

c. When was the fish screening installed?

DATE	BY WHOM
April 2020	Ernst Irrigation

**Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.**

d. If the diversion **involves a pump *and* the total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NO**

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self-certification form needs to have been previously submitted or be attached to this form.**

e. If the diversion does **not involve a pump *or* the total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?

NA

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.**

#### 6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

*If "NO", items b and c relating to this section may be deleted.*



7. Other conditions required by the transfer final order or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed? NO
- b. Was a fishway required? NO
- c. Other conditions? NO

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If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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None
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**SECTION 6  
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use Map	Claim of Beneficial Use Map
Letter from ODFW, April 24, 2014	Letter stating a fish screen meets current fish screening criterial up to 485 gpm and no by-pass devise is required at the end of pipe screen.
Durable Power of Attorney	Legal document designating Wallace S. Bean as attorney-in-fact for Bernice S. Bean.

**SECTION 7  
CLAIM OF BENEFICIAL USE MAP**

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.



Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The COBU map was prepared using tax assessor's maps 4 1E 31 and 31C, overlain by a 2014 aerial photo titled USDA-FSA-APFO NAIP County Mosaic and obtained on line from the Natural Resources Conservation Service, Image Metadata:  
<http://datagateway.nrcs.usda.gov/Catalog/ProductDescription/NAIPM.html>

## Map Checklist

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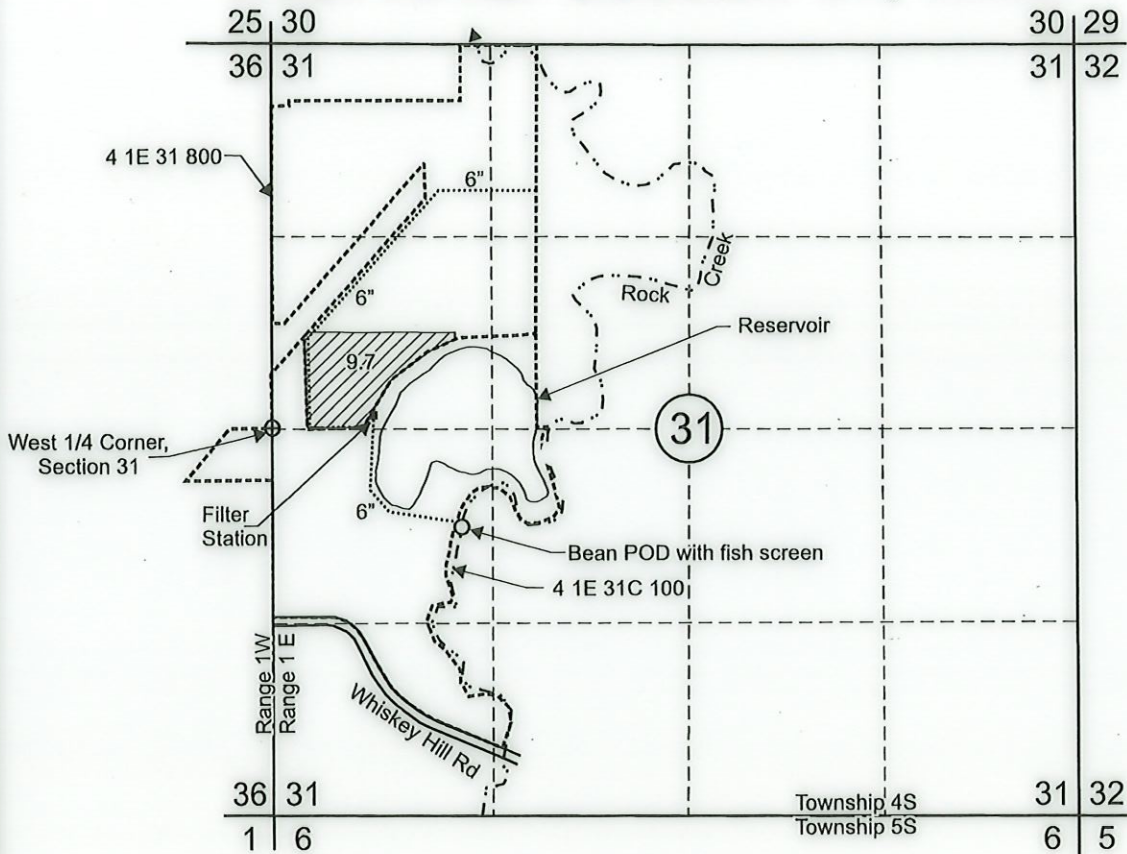
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Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

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- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) **\*Not required for this type of Claim of Beneficial Use**
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

# T.4S. R.1W. Section 36 & T.4S. R.1E. Section 31, W.M.



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Bean POD is located 675 feet south and 1,280 feet east from the West 1/4 corner, Section 31.

 Area (9.7 acres) irrigated under T-13151 (formerly Certificate 90218), priority date March 5, 1934.

----- Tax lot boundary

..... Mainline



EXPIRES: June 30, 2023

Scale: 1" = 1,320'



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Claim for Beneficial Use Map  
T-13151 formerly Certificate 90218

Warren H. and Bernice S. Bean  
T.4S. R.1W. Section 31, and  
T.4S. R.1E. Section 36, W.M

Pacific Hydro-Geology Inc.

07/2021

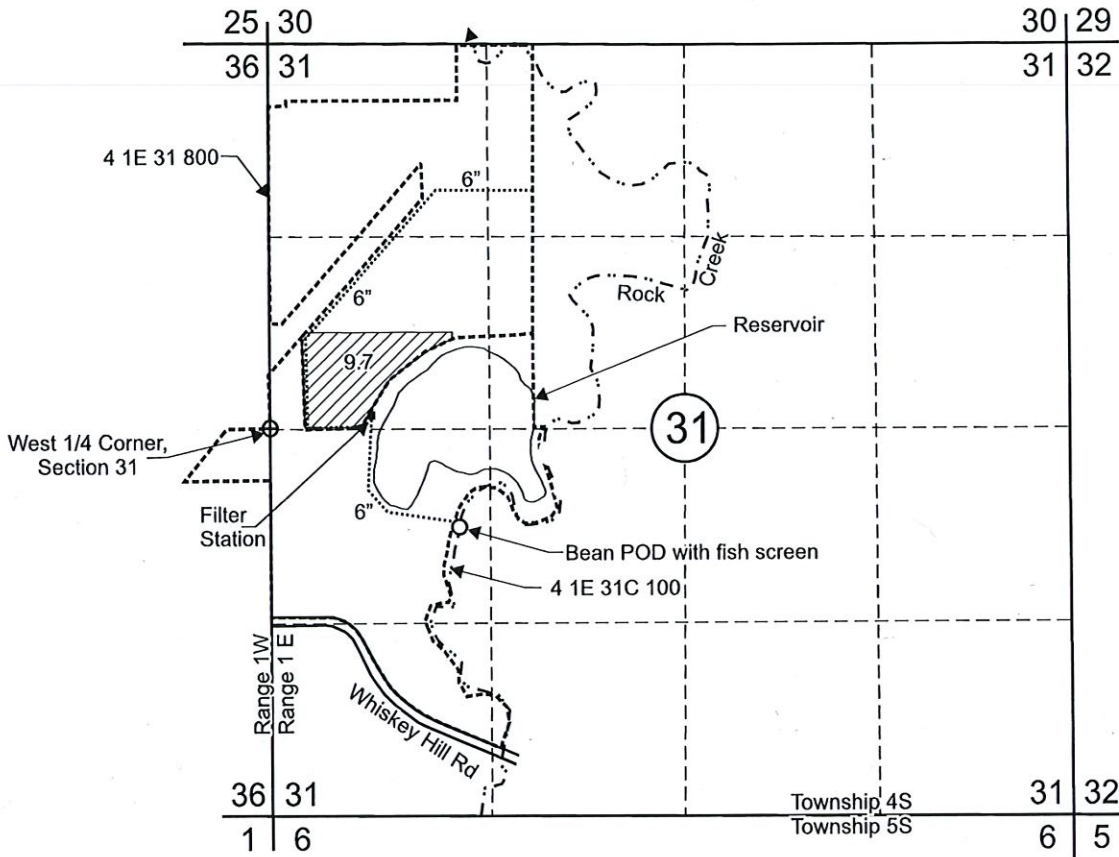


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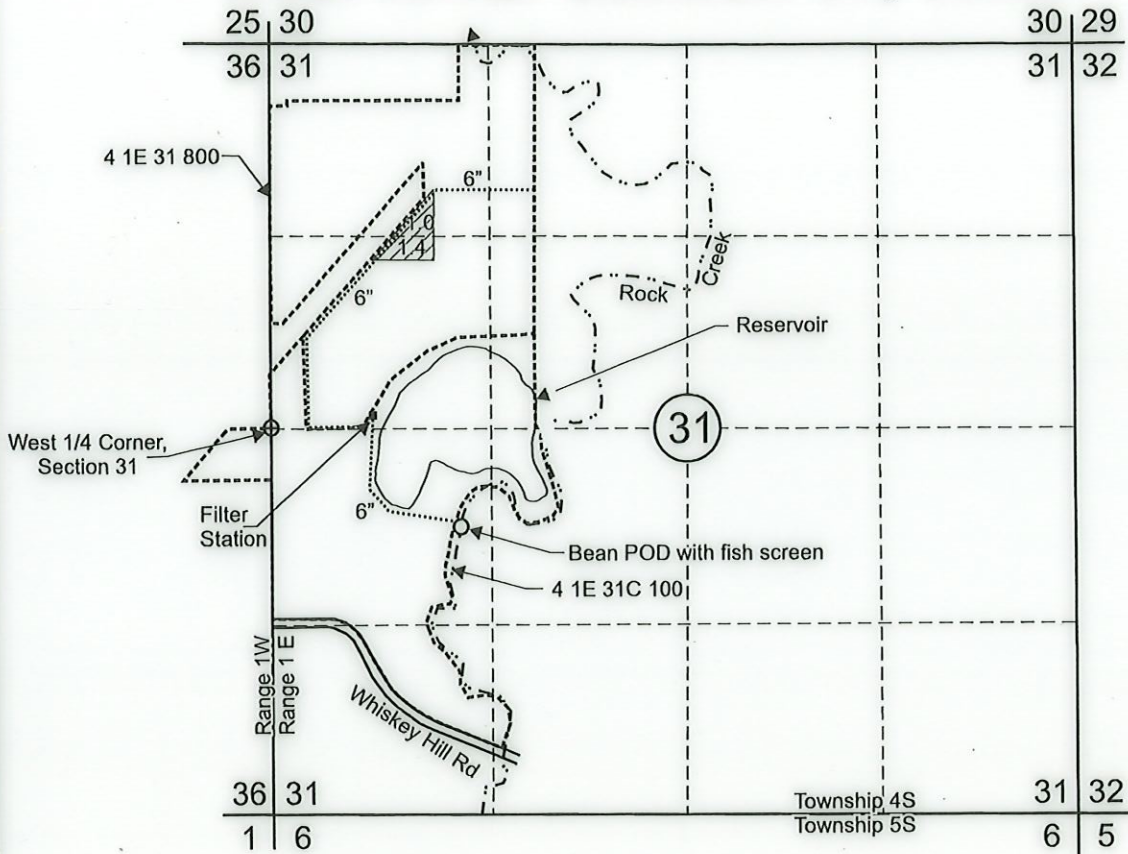
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Bean POD is located 675 feet south and 1,280 feet east from the West 1/4 corner, Section 31.

 Area (2.4 acres) irrigated under T-13151 (formerly Certificate 94129), priority date March 5, 1934.

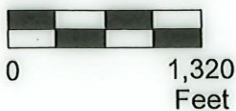
----- Tax lot boundary

..... Mainline



EXPIRES: *June 30, 2023*

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T-13151 formerly Certificate 94129

Warren H. and Bernice S. Bean  
T.4S. R.1W. Section 31, and  
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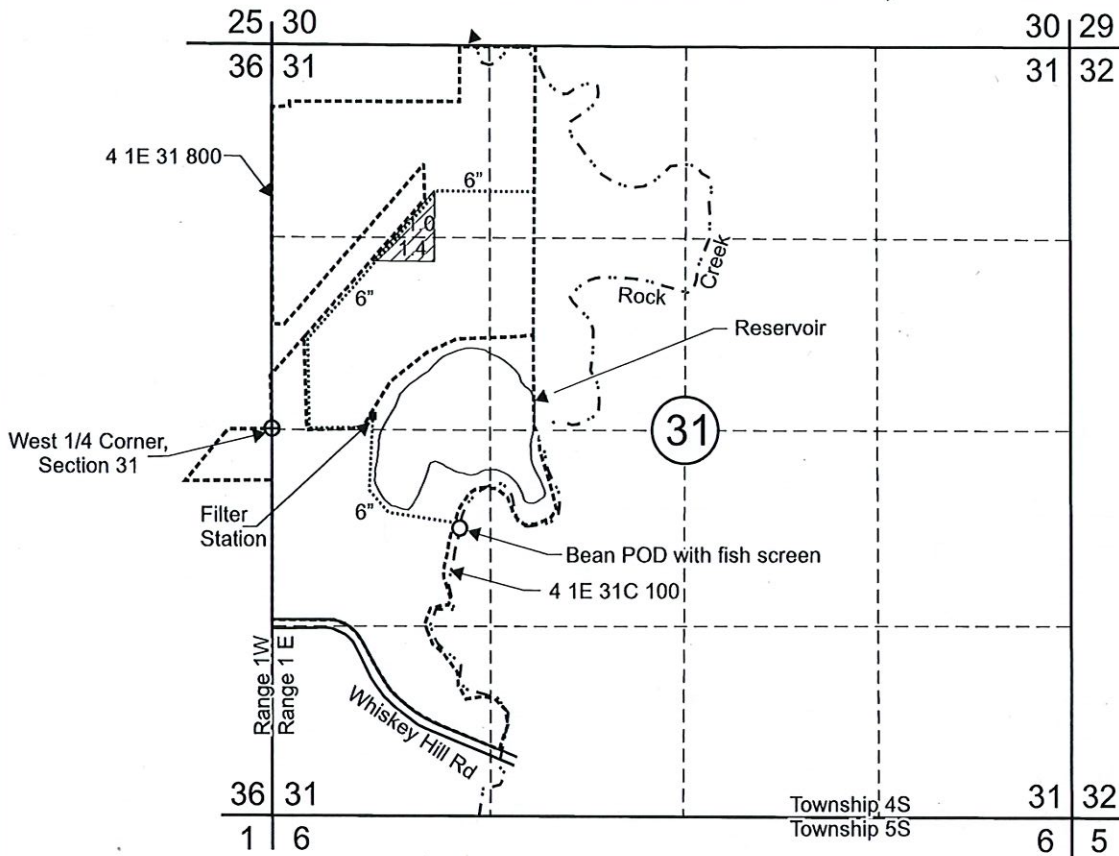
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- Tax lot boundary
- ..... Mainline



EXPIRES: *June 30, 2023*

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# Oregon

Kate Brown., Governor

Department of Fish and Wildlife

The Dalles Screen Shop

3561 Klindt Drive

The Dalles, OR 97058

(541) 296-8026

FAX (541) 296-7889

odfw.com



April 20, 2020

Warren Bean  
12909 SE 68<sup>th</sup> Parkway Ste 430  
Tigard, OR 97223

RE: OWRD Transfer Application T-13151

To Whom It May Concern,

This letter is in regards to fish screening and passage requirements set forth in Oregon Water Resources Department Transfer Application T-13151, which proposes a change in point of diversion (POD) on Rock Creek, tributary of the Pudding River, approximately 3.25 miles east of Hubbard, OR.

On April 17, 2020, Mr. Warren Bean provided photographs of the fish screen to be used at the POD associated with T-13151. The self-cleaning Clemons CW400 fish screen meets National Marine Fisheries Service fish screening criteria up to 485 gpm, or 1.08 cfs. With the proper use, care, and maintenance of this CW400, the fish screen requirement for T-13151 is satisfied. As this is an end of pipe screen, there are no bypass devices necessary.

If you have any questions in regards to this letter, please contact me at 541-296-8026.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilary A. Doulos".

Hilary A. Doulos  
Fish Screen and Passage Coordinator

CC: Greg Kupellis, Pacific Hydro-Geology



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## DURABLE POWER OF ATTORNEY

I, BERNICE S. BEAN, do hereby make, constitute and appoint WALLACE S. BEAN my true and lawful agent and attorney-in-fact. This is a durable power of attorney, and shall not be affected by my subsequent disability or incapacity. My attorney-in-fact shall have the power and authority, on behalf of me as an individual, and as an owner or manager of any business or business entity I manage or control.

To take any action or make any decision with respect to my interests in any business or business entity.

To demand, sue for, collect, recover and receive all claims, debts, moneys, securities for money, goods, chattels and personal property of every kind or nature to which I may now or hereafter be or become entitled, or which are now or may hereafter become due, owing or payable to me from any person or persons, firms or corporations whomsoever, including moneys on deposit with banks, and in my name to give effectual receipts and discharges for the same; to make, sign and deliver checks drawn against my account with any bank or banker or trust company, whether drawn to the individual order or tendered in payment of the individual obligations of my said attorney or otherwise, without inquiry as to the circumstances of their issue or the disposition of their proceeds, and to settle and adjust my accounts with any bank, banker or trust company;

To collect, receive, and hold any moneys, securities or other property, real or personal, to which I may at any time become entitled as heir-at-law or as beneficiary under the trust or the last will and testament of any decedent; to appear for and represent me in any proceeding, whether pending in any court or otherwise, relating to any trust or estate in which I may at any time be interested as a beneficiary, heir-at-law, legatee, devisee or otherwise, and to take all steps and proceedings in connection therewith as my said attorney deems necessary, proper or advisable;

To make, draw, execute, endorse, accept and deliver any and all bills of exchange, checks, drafts, notes and other commercial paper or evidences of indebtedness; to waive demand, notice and notice of protest, and to enter into and execute all contracts;

To pay all sums of money at any time or times that may now or may hereafter be owing by me irrespective as to the manner in which such indebtedness may arise or be incurred, or whether the same be evidenced by any note, check, draft or other written instrument or not;

To adjust, settle, compromise or submit to arbitration any accounts, debts, claims and demands, disputes and matters now subsisting or which may hereafter arise between me and any other person or persons, firms or corporations, or between my said attorneys and any other person or persons, firms or corporations;

To institute and prosecute any and all suits or proceedings of any kind or nature whatsoever for the collection of any claim or demand which may be due me or for establishing or enforcing any rights, claims, interests or liens in or to any property; to discontinue or dismiss any such action or proceedings; to appear in, answer or oppose all actions or other proceedings which may be instituted against me at any time or affecting any property or property right or interest which I now or hereafter may have of any kind or nature whatsoever;

To sell, mortgage or hypothecate any and all shares of stock, bonds or other securities or property now or hereafter belonging to me, and to make, execute and deliver any and all assignments of any such shares of stock, bonds or other securities or property, either absolutely or as collateral security;

To appear and represent me as my attorney and proxy and to exercise all voting power with respect to any shares of stock, interests in limited liability companies, or interests in other securities which I may now or may hereafter own, at any meeting or meetings of the stockholders or members of any corporation or limited liability company, domestic or foreign, in which I may own any such stock or interest, or at any meeting or meetings of any security holders or creditors; to execute and deliver any proxy or proxies or other instruments in my name and on my behalf, authorizing others to vote and act with respect to any such shares of stock or securities, and without limiting the generality of the foregoing, to vote on the reorganization of any corporation or limited liability company, or the sale, lease or other disposition of all of its property and assets, or of any substantial part thereof, and also upon the merger or consolidation with another corporation or other corporations, and also upon the matter of the liquidation or dissolution of any such corporation or limited liability company;

To waive notice of any meeting or meetings of stockholders, or of members of a limited liability company, and to sign or join with other stockholders or members in signing any consent to any action of whatever nature;

To deposit any and all moneys received with any bank or banker or trust company, broker or other agent, and to draw out such moneys from time to time, or to invest the same, and from time to time to sell, vary and dispose of such investments without being in any way liable or chargeable for any loss incurred by reason of making or retaining any such investment or investments;



To lease, let, bargain, sell, contract to sell, convey, exchange, release and dispose of any real or personal property of which I am now or hereafter may be possessed or in which I may have any right, title or interest, for any price or sum and upon such terms and conditions as my said attorney may deem proper;

To take possession of, manage, maintain, operate, repair and improve any and all real or personal property now or hereafter belonging to me, to pay the expense thereof, to insure and keep the same insured and to pay any and all taxes, charges and assessments that may be levied or imposed upon any thereof;

To prepare, or cause to be prepared, and to make, execute and file any and all income tax returns and other returns, refund claims, statements, schedules or documents which it may become necessary or desirable to file in my behalf, and to pay all taxes which may come due, or which may be assessed against me, together with all interest or penalties thereon; and to make any settlement or compromise with reference to any taxes; and to collect any and all refunds or other sums due me from any taxing authority;

To have access to any safe deposit box leased in my name and to withdraw therefrom any of its contents;

To receive, collect and acquire any payments, pensions, credits, vouchers or rights to which I may now or may hereafter be entitled from the Social Security Administration, any governmental or quasi-governmental institution or authority, or any previous employer, and to pay, remit, disburse or exercise the same in such manner as my said attorney shall deem proper;

To make gifts on my behalf to one or more of my descendants, and/or to one or more charitable organizations;

To transfer any property of mine to any trust for which I am the Trustor, and to execute and deliver all documents necessary or desirable to effect such a transfer;

To appoint and substitute any agents or attorneys for any or all of the purposes aforesaid and to revoke their authority at pleasure;

Without in any way limiting the foregoing, generally to do, execute and perform any other act, deed, matter or thing whatsoever, which in the opinion of my said attorney ought to be done, executed or performed, of every kind and nature whatsoever, as fully and effectually as I could do if personally present.

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I intend by this power of attorney to constitute and appoint the said WALLACE S. BEAN my universal attorney-in-fact, and to vest in him full and complete power and authority to deal with all of my real and personal property, both tangible and intangible; to sell and dispose of the same, and to execute all papers, documents, deeds or other instruments which my said attorney may deem necessary or proper in connection with the protection, management, sale or disposition of my estate or of any business or business entity in which I own an interest, and to do each and every act in and about my property which I may now own or which I may hereafter own, as fully as I might do if personally present, whether such acts are expressly hereinabove enumerated or not, and I do hereby ratify and confirm each and every act and thing which my said attorney may do in and about the premises by virtue of these presents.

Each and every act and thing which my said attorney may do or cause to be done in my name shall be conclusively deemed to be authorized by this instrument, whether such act or thing is hereinabove expressly enumerated or not.

This power of attorney revokes and supersedes all previous powers of attorney given by me.

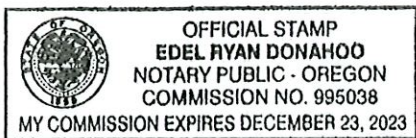
DATED: February 25, 2020.

Bernice S. Bean  
BERNICE S. BEAN

STATE OF OREGON     )  
                                  ) ss.  
County of Washington )

February 25, 2020

Personally appeared before me the above named BERNICE S. BEAN and acknowledged the foregoing instrument to be her voluntary act and deed.



Edell Donahoo  
Notary Public for Oregon  
My Commission Expires: December 23, 2023