



# Transfer Claims of Beneficial Use

October 2021



1



## Water Resources Lingo & Abbreviations

- Claim, CBU, COBU - Claim of Beneficial Use
- "C" Date – The date by which the transfer final order requires the change or changes to be completed by
- ODFW – Oregon Department of Fish and Wildlife
- POA – Point of Appropriation (typically a well)
- POD – Point of Diversion
- POU – Place of Use
- Transfer Final Order (TFO) – The order issued to approve a change or changes to a water right or rights
- WRD – Water Resources Department
- WRIS – Water Right Information System



2



## Claim of Beneficial Use

- What is a Claim of Beneficial Use (Claim, CBU, or COBU)?
  - A **report** that describes the extent of a change or changes completed under a transfer final order and timely compliance with conditions; and
  - A **map** that identifies the developed location of the new place of use, new or additional point(s) of diversion or appropriation, and the location of any measuring devices and fish protection devices required by the transfer final order.



3



## What is Beneficial Use under a Transfer?

- Beneficial Use under a transfer is:
    - The completion of the authorized change(s) while timely complying with the conditions of the transfer final order.
  - Completion of the change + Compliance = Beneficial Use
  - Completion of the change – Compliance ≠ Beneficial Use
- \*\*Important: Most conditions are time sensitive.



4



## Transfer Claims

- Claims only need to describe the change that was authorized under the transfer final order.
- See CWRE Resource Page for Claim forms or access the Forms page from our home page.
- Always download the most current version of the Claim form when beginning a new project.



5



## New POD/POA Only

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
New POD/POA	Only describe new POD/POA Compliance with conditions	Identify new POD/POA location by survey	Identify POU using record data at time of transfer final order (no new survey required)	Reduction in instantaneous rate if new POD/POA cannot produce the full rate authorized

POD – Point of Diversion  
POA – Point of Appropriation  
POU – Place of Use  
CBU – Claim of Beneficial Use



6



## Additional POD/POA Only

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Additional POD/POA	<p>Only describe additional POD/POA</p> <p>Compliance with conditions</p>	<p>Identify additional POD/POA location by survey</p> <p>Identify original POD/POA location using record data at time of transfer final order (no new survey required)</p>	Identify POU using record data at time of transfer final order (no new survey required)	<p>Reduction in instantaneous rate of the additional POD/POA only if it cannot produce the full rate authorized</p> <p>Original POD/POA will remain at the rate authorized by the transfer final order</p>

POD – Point of Diversion  
 POA – Point of Appropriation  
 POU – Place of Use  
 CBU – Claim of Beneficial Use



## Change in POU Only

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Change in POU only	<p>Only describe the extent of the new POU</p> <p>Compliance with conditions</p>	Identify original POD/POA location using record data at time of transfer final order (no new survey required)	Identify new POU based on a new survey of location	<p>Reduction in the POU if fewer acres or limited POU developed following issuance of the transfer final order</p> <p>Possible reduction in instantaneous rate based on the authorized rate limit from original right (1/40, 1/80, etc)</p>

POD – Point of Diversion  
 POA – Point of Appropriation  
 POU – Place of Use  
 CBU – Claim of Beneficial Use





## Character of Use Change Only

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Character of use change only	<p>Only describe the date that the new use made</p> <p>Compliance with conditions</p>	Identify original POD/POA location using record data at time of transfer final order (no new survey required)	Identify POU using record data at time of transfer final order (no new survey required)	Most likely no changes from transfer order

POD – Point of Diversion  
 POA – Point of Appropriation  
 POU – Place of Use  
 CBU – Claim of Beneficial Use



## Reservoir Character of Use Change

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Reservoir character of use change only	<p>Only describe the date that storage was made for the new use</p> <p>Compliance with conditions</p>	Identify original POD/POA location using record data at time of transfer final order (no new survey required)	Identify POU using record data at time of transfer final order (no new survey required)	Most likely no changes from transfer order

POD – Point of Diversion  
 POA – Point of Appropriation  
 POU – Place of Use  
 CBU – Claim of Beneficial Use





# Multiple Change Transfers

## New POD/POA and New POU

Types of Changes (Multiple)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
New POD/POA	Describe new POD/POA Compliance with conditions	Identify new POD/POA location by survey	See below for change in POU	Reduction in instantaneous rate if new POD/POA cannot produce the full rate authorized
<b>PLUS</b>				
Change in POU	Describe the extent of the new POU Compliance with conditions	See above for new POD/POA	Identify new POU based on a new survey of location	Reduction in the POU if fewer acres or limited POU developed following issuance of the transfer final order  Possible reduction in instantaneous rate based on authorized rate limit from original right (1/40, 1/80, etc)

POD – Point of Diversion  
 POA – Point of Appropriation  
 POU – Place of Use  
 CBU – Claim of Beneficial Use



# Multiple Change Transfers

## Additional POD/POA and New POU

Types of Changes (Multiple)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Additional POD/POA	Describe additional POD/POA Compliance with conditions	Identify additional POD/POA location by survey  Identify original POD/POA location using record data at time of transfer final order (no new survey required)	See below for change in POU	Reduction in instantaneous rate of the additional POD/POA only if it cannot produce the full rate authorized  Original POD/POA will remain at the record rate at the time of transfer final order
<b>PLUS</b>				
Change in POU	Describe the extent of the new POU Compliance with conditions	See above for additional POD/POA	Identify new POU based on a new survey of location	Reduction in the POU if fewer acres or limited POU developed following issuance of the transfer final order  Possible reduction in instantaneous rate based on the authorized rate limit from original right (1/40, 1/80, etc)

POD – Point of Diversion  
 POA – Point of Appropriation  
 POU – Place of Use  
 CBU – Claim of Beneficial Use





## Multiple Change Transfers

### New POD/POA, New POU, and Character of Use Change

Type of Changes (Multiple)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
New POD/POA	Describe new POD/POA Compliance with conditions	Identify new POD/POA location by survey	See below for change in POU	Reduction in instantaneous rate if new POD/POA cannot produce the full rate authorized
<b>PLUS</b>				
Change in POU	Describe the extent of the new POU Compliance with conditions	See above for new POD/POA	Identify new POU based on a new survey of location	Reduction in the POU if fewer acres or limited POU developed following issuance of the transfer final order  Possible reduction in instantaneous rate based on the authorized rate limit from original right (1/40, 1/80, etc)
<b>PLUS</b>				
Character of use change	Describe the date that the new use made Compliance with conditions	See above for new POD/POA	See above for change in POU	Most likely no changes from transfer order

POD – Point of Diversion  
 POA – Point of Appropriation  
 POU – Place of Use  
 CBU – Claim of Beneficial Use



13



## Purpose of a Transfer Claim

### Purpose of a Transfer:

To describe the extent that the changes authorized in the Transfer Final Order were accomplished.

- Change in PODs or POAs;
- Addition of a PODs or POAs;
- Changes in place of use developed;
- Changes in character of use developed; and
- Describe how conditions were satisfied.



14

## Claim VS Extension of Time

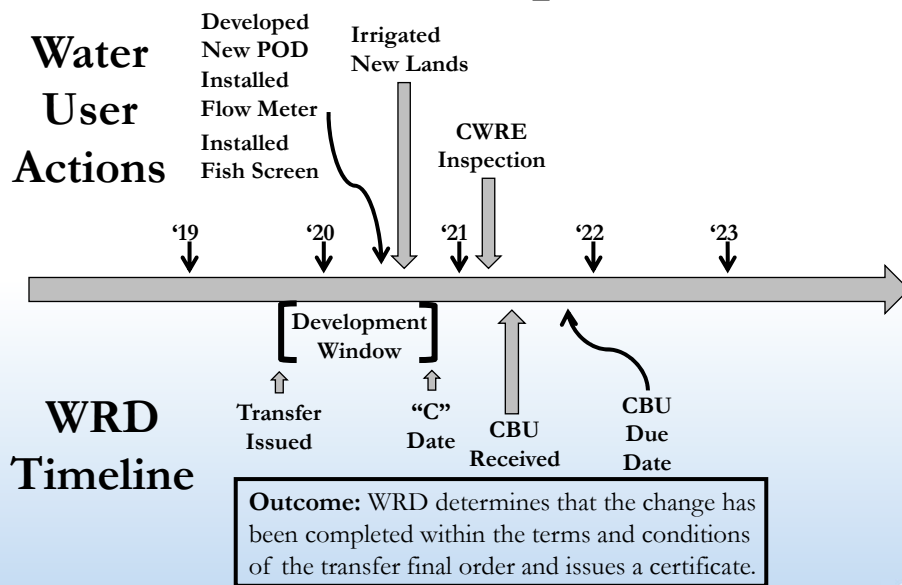
Should a Claim be submitted or is an Extension of Time needed?

- Has the water user completed the authorized change(s) within the authorized time limits?
- How do you decide if authorized the change(s) within the authorized time limits?
  - Review the transfer and records available from the water user.



15

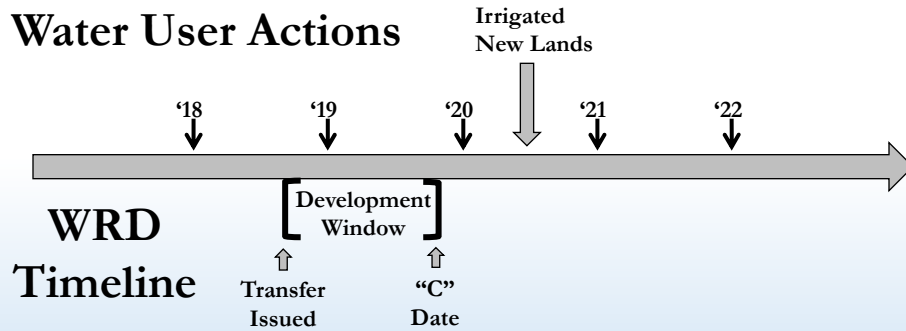
## Ideal Transfer Development Timeline



16

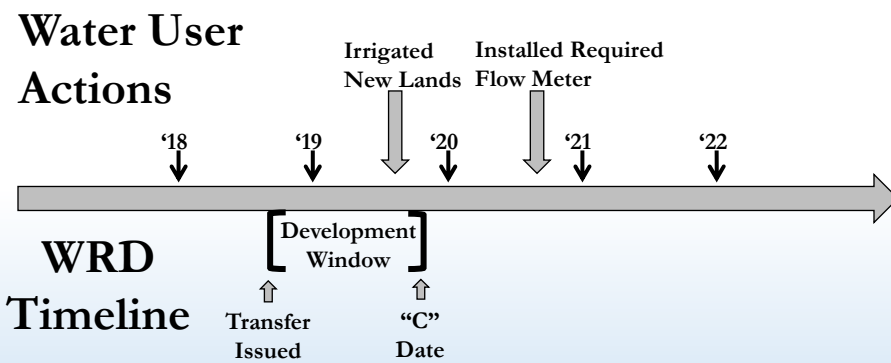


# Transfer Development Timeline Extension Needed



17

# Transfer Development Timeline Extension Needed



18



## Claim VS Extension of Time

- If you find that the water user did not complete the change or comply with conditions within the time period allowed in the transfer final order, an extension of time should be requested.
- If the Department reviews a Claim and finds that the change was not completed or conditions were not met within the authorized time period, the Department will move to cancel the transfer.



19



## Tips and Reminders

### Tips, Reminders, and Examples:

- Permit Amendments
- Fees
- Signatures
- Variations
- Calculations
- Conditions and Extensions
- Mapping



20



## Permit Amendments

### A note about Permit Amendments:

- A permit amendment is a process used to amend either the location of a point of diversion or appropriation and/or the place of use of a permit.
- This type of change is not a transfer.
- In completing a Claim for a permit that has been amended, you will select the Claim form from the list of Claims for permits, not transfers.



21



## Fees

- Not all Claims require a fee.
- To determine whether a fee is required for a transfer, you must look at the priority date(s) of the rights modified by the transfer.



22



## Claim of Beneficial Use No Fee Required

Claims for Transfers where all the rights being modified have priority dates prior to July 9, 1987

**No Fee**

**Example** - If the transfer involves 5 rights and all rights have priority dates prior to July 9, 1987, no fee is required.



23



## Claim of Beneficial Use Fee Required

Claims for Transfers that involve a right(s) with priority dates of July 9, 1987, or later (more recent). This includes District Transfers.

**\$230.00 Fee**

**Example** - If the transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or more recent, the fee is required.



24

## Signatures

- A Claim must be signed by all transfer holders of record.
- When a Claim is submitted that has not been signed by all transfer holders of record, the Claim is returned so that the required signatures can be obtained.



25

## Signatures

A Claim must be stamped and signed by the CWRE and signed by all transfer holders of record.

Signature  
page:

- CWRE Stamp, signature and contact information.
- transfer holder(s) of record signatures.
- Missing or incorrect signatures are the number one reason for the Department returning a Claim.



26

## Signatures

Be sure this section of the Claim is complete.

- Stamped and signed by you, the CWRE
- Signed by ***all*** transfer holders of record
  - Claim will be returned if not properly signed.
  - Include title of person signing the Claim.

Things to look for:

- “and”
- “or”
- Northwest Farm Credit Services



27

## Signatures

Check WRIS to confirm the current transfer holder(s).

- Newer Assignments are included in WRIS under “Scanned Documents”

It may be necessary to submit an Assignment either prior to, or concurrent with the Claim.



28

## Signatures – Partial Claim

### Partial Claim

- It is possible to submit a Claim for an individual transfer holder.
- Claim must clearly identify what portion of the transfer is included in the Claim.
- Claim must identify excluded property owners.
- Claim needs to be signed only by the owners of the portion being described in the Claim.
- The Department does not process a partial Claim unless:
  - It is at least one year past the “C” Date.



29

## Claims – Variations

Describe any variations from the transfer to the completed change. Examples:

- “The order allowed three new points of diversion. The water user only developed one of the points.”
- “The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.”
- “The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.”



30

## Claims – Calculations

- Provide a complete description and provide theoretical calculation of each new or additional POD or POA:

### 3. Motor Information

MANUFACTURER	HORSEPOWER

### 4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)

### 5. Provide pump calculations:

Calculations are required even if the system was operating, and a measurement was taken

### 6. 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)

31

## Claims – Calculations

- Provide a complete description and provide theoretical calculation of each new or additional POD or POA:

### D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe? YES NO

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

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)

3. Provide calculations:

Calculations are required even if a measurement was taken

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

32



## Claims – Calculations

- Provide a complete description and provide theoretical calculation of each new or additional POD or POA:

### E. Gravity Flow Canal or Ditch

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

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? **YES NO**

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

#### 2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)

#### 3. Provide calculations:

Calculations are required even if a measurement was taken

#### 4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

33

## Claims - Conditions

- The Claim must fully address compliance with conditions:

- Time Limits
- Measuring Devices
- Fish Protection Devices
- Well ID Tags
- Other Conditions

34

### Can you spot the problem?

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 AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	September 5, 2019	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2020	June 5, 2021 - New point of diversion developed, totalizing flow meter installed, and new lands irrigated.

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

### Problem Identified

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.

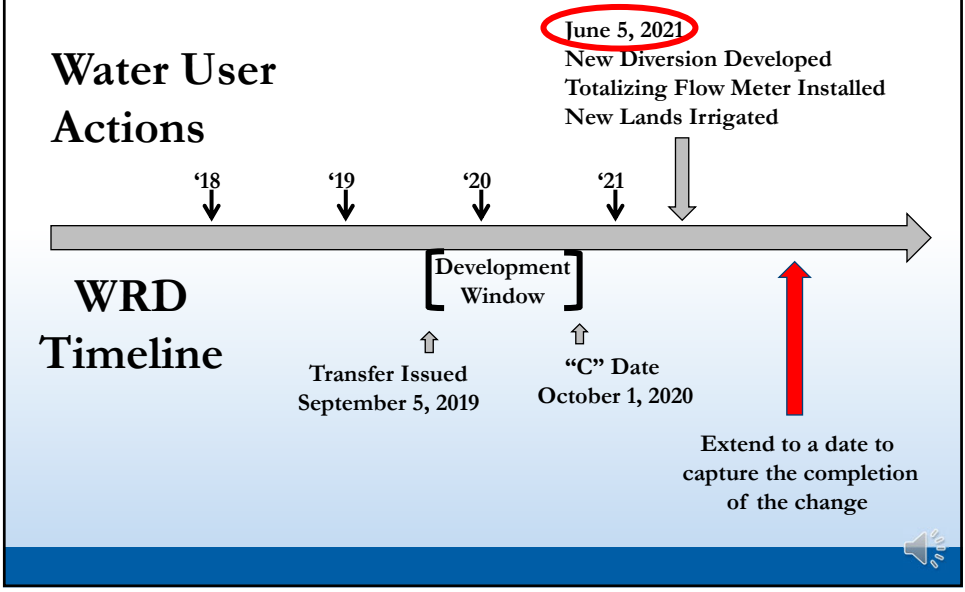
**1. Time Limits:**

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 AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	September 5, 2019	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2020	June 5, 2021 - New point of diversion developed, totalizing flow meter installed, and new lands irrigated.

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

# Solution – File an Extension



37



## Claims – Conditions - Time Limits

### Can you spot the problem?

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 AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	September 5, 2018	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2019	August 2019 - New lands irrigated July 2020 – Totalizing flow meter

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

38

### Problem Identified

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:

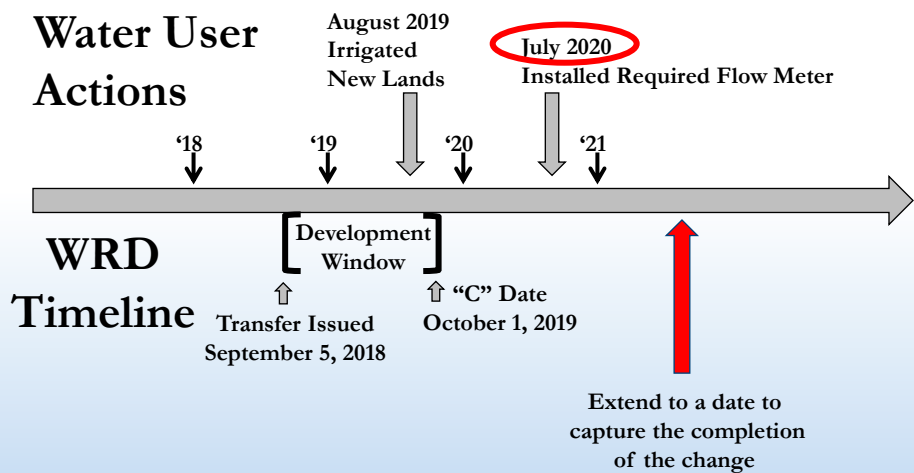
Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	September 5, 2018	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2019	August 2019 - New lands irrigated July 2020 - Totalizing flow meter

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

39

### Solution – File an Extension

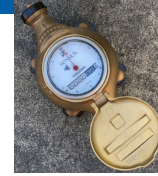


40

What measurement device is required?

- Meter vs Totalizing Flow Meter

- Totalizing flow meter is specific
  - Must be a totalizing flow meter
- Meter is generic
  - Could be:
    - Dedicated electrical meter
    - Instantaneous flow meter
    - Totalizing flow meter
    - Hour meter on a generator



41

What measurement device is required?

- Other suitable measuring devices

- Require approval by Watermaster
  - Example – A reservoir permit that requires a meter or other suitable measuring device. Watermaster would need to approve a Staff Gauge.

- Flow Restrictors

- Key questions to ask:

- When was the measuring device installed?



42

## Claims - Fish Protection Conditions

- Most likely will require Oregon Department of Fish and Wildlife approval or waiver in writing.
- For some older permits and transfers the water user may be able to self-certify the fish screen:
  - Must be for a pumped diversion;
  - Developed pumping capacity must be less than 225 gpm;
  - Only applies to permits and transfers issued prior to February 1, 2011.



43

## Claims - Well ID Tags

- Newer groundwater permits contain a condition that requires the water user to have a Well ID Tag assigned and permanently attached to the well prior to use of any water from the well.

★ This is a time sensitive condition. The condition should be addressed in the “Other Conditions” section of the Claim.



Groundwater Use Recording Fee  
Find a Well Report  
Find Groundwater Data  
Report a Dry Well  
Resources for Well Constructors  
Well Identification Program



44

# Claim of Beneficial Use Mapping Reminders/Examples



45



OREGON  
WATER  
RESOURCES  
DEPARTMENT

## Common Map Issues

- Here is a list of the most common mapping issues:
  - Maps not submitted on polyester film;
  - Scrivener's errors in application, permit, certificate or transfer numbers referenced on the map;
  - Scrivener's errors in the township, range and section on the map;
  - Scrivener's errors in the coordinates for points of diversion or appropriation;



46



## Common Map Issues Cont.

- Common mapping issues continued:
  - Measurement devices not identified on map;
  - Fish protection devices not identified on map;
  - Donation Land Claims and Government Lots not identified, and acreages not designated within projected quarter quarters; and
  - Maps not at authorized scale without an approved waiver request.



47



## Claim Map Coordinates

- Two acceptable location measurement descriptions for the point of diversion/appropriation:
  - Bearing and distance by reference to a recognized public land survey corner; or
  - Coordinates - distance north or south and distance east or west by reference to a recognized public land survey corner.
- See OAR 690-014-170 and OAR 690-310-050



48





## Claim Map Coordinates

- Point of Diversion or Point of Appropriation descriptions by coordinates on Claim map.
  - Should the location of a POD or POA be describes using cardinal directions or as description along section, donation land claim, quarter quarter, or government lot lines?
  - Cardinal directions should be used to identify the location of the POD or POA.



49



## Government Lots and DLCs

- The map must include Government Lots and Donation Land Claims, if applicable.
- Attach copies of the maps you used to lay out the section(s) where the use or point of diversion/appropriation is located.
- Copies of the Government Land Office records (GLOs) can be found through the Bureau of Land Management's web site at:
  - [www.blm.gov/or/landrecords/survey/ySrvy1.php](http://www.blm.gov/or/landrecords/survey/ySrvy1.php)



50



## Mapping Multiple Rights

- In the case of a transfer involving multiple rights, be sure to differentiate between the various rights involved in the transfer.
  - Important because:
    - Different priority dates;
    - Different rights; and
    - Different sources



53

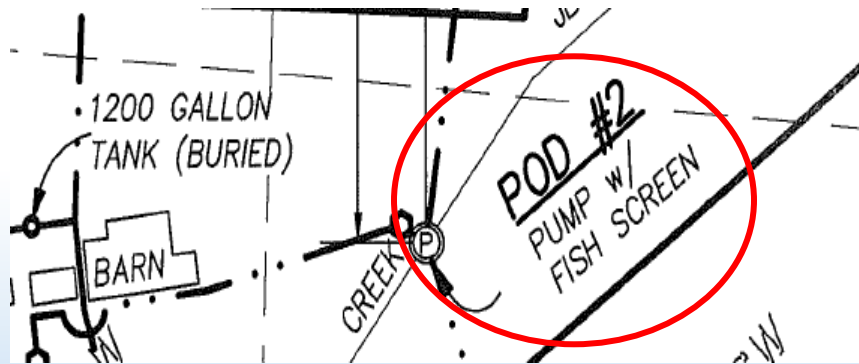
## Fish Screens and Measurement Devices

- The location of any required fish screens, fish by-pass devices, or fish passage devices are required to be identified on the Claim map in relationship to the point of diversion.
- The location of any required measurement devices are required to be identified on the Claim map in relationship to the point of diversion or appropriation.



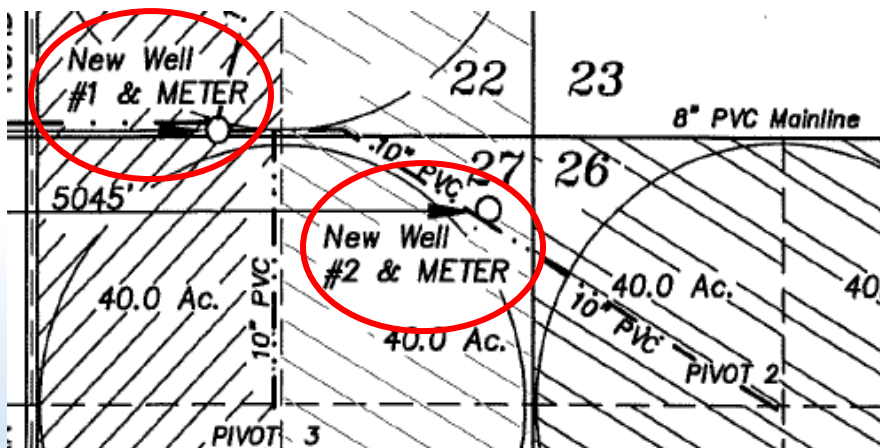
54

## Fish Screens



55

## Meters and Measuring Devices



56



## Summary – Claim Form

- Claims for a Transfer only need to describe the change or changes that authorized under the transfer final order;
- Completion of a change for a transfer involves both the timely completion of the change along with timely compliance to the conditions of the transfer;
- The Claim must address each condition of the transfer final order;



57



## Summary – Claim Form

- Claim forms can be found on our Forms Page;
- If ownership of the lands involved has changed, an Assignment may be necessary in order to file the Claim; and
- Always download the most current version of the Claim form when beginning a new project.



58



## Summary – Claim Map

- The map must be prepared on polyester film map;
- The map must include Government Lots, Donation Land Claims, or Home Entry Surveys;
- The map must identify the tax lots, by both the unique tax lot number(s) and location;
- If you need a different map scale, request a waiver;



59



## Summary – Claim Map

- The map must include the location of any required fish protection devices;
- The map must include the location of any required measurement devices; and
- The map must differentiate between the various rights involved in the transfer, and, if necessary, also by:
  - Different priority dates; and
  - Different sources



60



## Certificate Section Contacts

### Questions Related to Claims for Transfers?

Gerry Clark

Phone: 503-979-9103

e-mail: [Gerald.E.Clark@water.oregon.gov](mailto:Gerald.E.Clark@water.oregon.gov)

Jonnine Skaug

Phone: 503-979-3943

e-mail: [Jonnine.L.Skaug@water.oregon.gov](mailto:Jonnine.L.Skaug@water.oregon.gov)

Codi Holmes

Phone: 503-979-3184

e-mail: [Codi.N.Holmes@water.oregon.gov](mailto:Codi.N.Holmes@water.oregon.gov)

