

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



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

A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
Claims received without the correct fee of \$200 will be returned.

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

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**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION # R-87289	PERMIT # (IF APPLICABLE) R-14736	PERMIT AMENDMENT # (IF APPLICABLE)
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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME David K. Knieling and Rebecca L. Knieling, Co- Trustees or Successors of the David K. Knieling Trust April 12, 2001		PHONE NO. 503.932.2198	ADDITIONAL CONTACT NO.
ADDRESS PO Box 5113			
CITY Salem	STATE Oregon	ZIP 97304	E-MAIL daveknieling@hotmail.com

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

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

PERMIT HOLDER OF RECORD Dave Knieling		
ADDRESS PO Box 5113		
CITY Salem	STATE Oregon	ZIP 97304

ADDITIONAL PERMIT HOLDER OF RECORD None		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

September 11, 2018 & September 2, 2023

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
David Knieling	September 11, 2018 & September 2, 2023	Property Owner/Permit Holder

6. County:

Polk

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

OWNER OF RECORD None		
ADDRESS		
CITY	STATE	ZIP

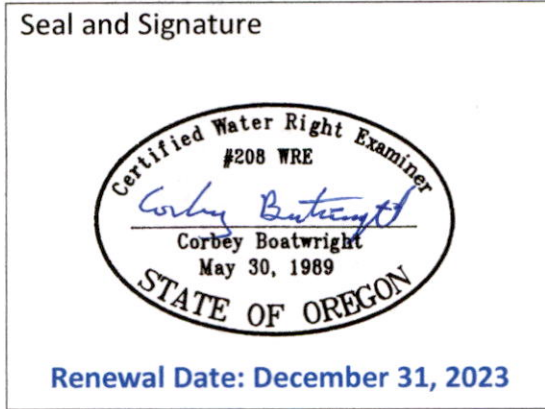
Add additional tables for owners of record as needed

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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 Corbey Boatwright		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS Boatwright Engineering, Inc. 2613 12th Street SE			
CITY Salme	STATE OREGON	ZIP 97302	E-MAIL corbey@boatwrightengr.com

Permit Holder's of Record Signature or Acknowledgement

Each permit or 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
	David Knieling	Permit Holder	9/8/23

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**SECTION 3
CLAIM DESCRIPTION**

1. Reservoir source and, if from surface water, the tributary:

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Reservoir B	Runoff	Spring Valley Creek

2. Developed use(s), period of use, and acre foot (af) for each use:

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Reservoir B	Multiple Purposes	Nov 1 – May 31	11.63
Total Quantity of Water Stored			11.63

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:

Water is collected from drain tiles in the adjacent up-gradient farm fields, which are under the same ownership and tax lot, and deposited into the reservoir by gravity.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **YES**

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

The permit allowed for the storage of 13.4 acre feet of water. The reservoir was developed to hold 11.63 acre feet.

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Reservoir B	13.4	11.63

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SECTION 4
SYSTEM DESCRIPTION

Are there multiple reservoirs?

NO

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

Reservoir B

A. Reservoir Location

1. Is the reservoir on-channel?

NO

2. Provide dam outlet location and/or point of diversion(s).

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
6S	4W	WM	25	SW-NE	----	50	1373' S & 3010' E of NW COR SEC 25

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

NO

6. Additional notes or comments related to the system:

Water from Reservoir A (constructed under Permit R-14735) is allowed to flow through an 8" PVC outlet pipe into this reservoir, from which it is pumped to irrigation.

C. 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

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
6"	PVC	150	1.72±	88'±	2%±	1.26

3. Provide calculations:

Flow could be controlled by the amount the valve is opened.

Q = VA
 $A = (\pi D^2)/4 = 0.1963 \text{ ft}^2$
 $r = D/4 = 0.125 \text{ ft}$
 $V = 1.31 (C) (r^{0.63}) (s^{0.54}) = 6.41 \text{ ft/s}$
 $Q = 6.41 \times 0.1963 = 1.26 \text{ cfs}$

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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)
None			

Attach measurement notes.

D. 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?

NO

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

NO

If "NO", skip items 2; answer items 3 through 8.

2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED
----	----	----	----

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
5.94'	3.63'±	2.72	8.12

4. Provide reservoir volume calculations:

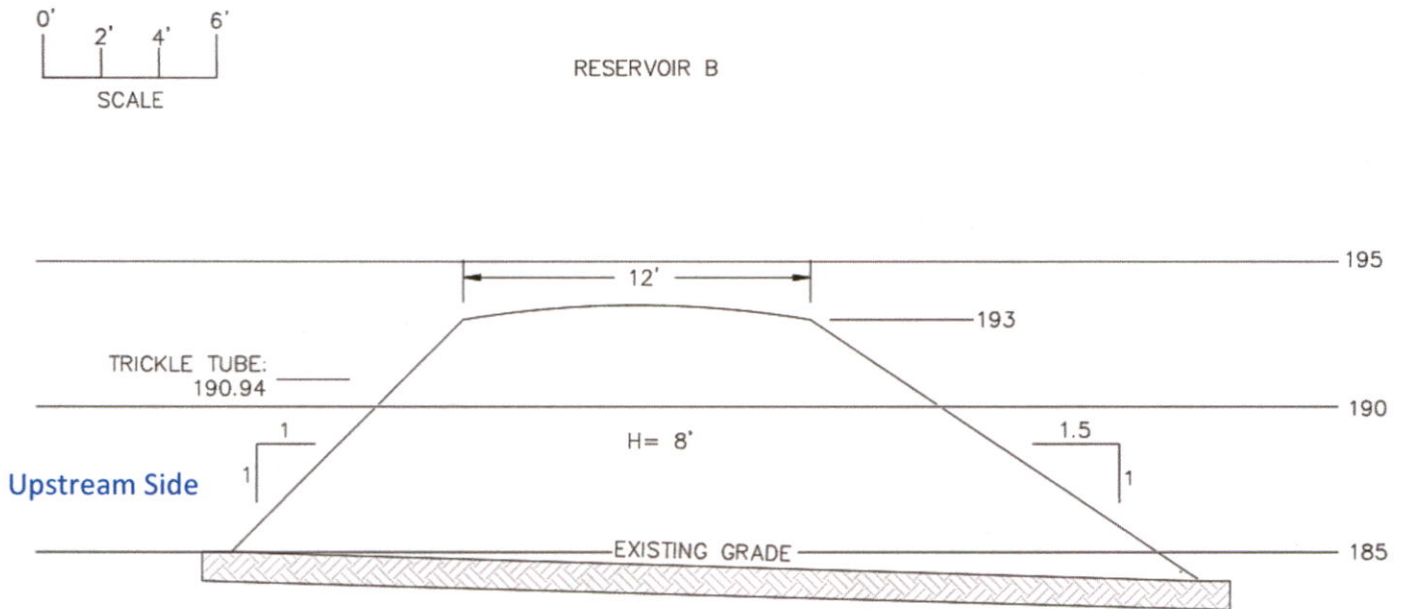
RESERVOIR B Lower East				
Contour Elev	Area (Ac)	Volume (AcFt)	Total (AcFt)	
185	NA	NA	NA	
186	0.433	0.000	0.00	
187	0.879	0.656	0.66	
188	1.381	1.130	1.79	
189	2.045	1.713	3.50	
190	2.376	2.211	5.71	
190.94	2.72	2.54	8.12	Water Surface @ Trickle Tube Rim
191	2.734	2.555	8.27	
192	3.196	2.965	11.23	
193	3.554	3.375	14.60	Top of Dam

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5. Provide the following information concerning the physical characteristics of the dam:

CREST WIDTH (W)	DAM HEIGHT AT CENTERLINE (H)	DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L)	DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U)	WATER LEVEL AT INSPECTION	DOWN-STREAM SLOPE	UP-STREAM SLOPE
12'	8'±	12'±	8'±	190.7	1.5:1	1:1

6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.



7. Describe the outlet works (size and type of the outlet conduit and location):

The outlet drain consists of an 8" PVC pipe with an 8" butterfly valve. An 8" PVC trickle tube tees into the outlet drain.

8. Describe the emergency spillway (dimensions and location):

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
20'±	40'±	1'±

There is no noticeable spillway. A low area at the southwest end of the dam allows sheet flow release. Water drains around the south end of the reservoir to an existing north-south ditch along the east property line. Water flows north, about 325', before draining due east in an existing ditch that bisects the neighboring property.

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SECTION 5 CONDITIONS

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

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	May 7, 2009		
BEGIN CONSTRUCTION (A)	None	-----	-----
COMPLETE CONSTRUCTION (B)	May 7, 2014	November 10, 2017	Reservoir construction completed and staff gage installed
	October 1, 2020 Extension of Time Order		
COMPLETE APPLICATION OF WATER (C)	May 7, 2014	May 31, 2018	Reservoir completed and authorized quantity of water stored in compliance with all permit conditions
	October 1, 2020 Extension of Time Order		

* must be within period between permit or any extension final order issuance and the date to completely apply water

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

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? YES

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
NA					

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES

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e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
Phillip C. Ward	Director	May 7, 2009 (Permit)

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
USGS Porcelain Enamel Iron Staff Gage, Style C	Working	November 10, 2017

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit? **NO, see below**

b. Has the outlet pipe been installed? **YES, see below**

c. Does the water user have other means to evacuate the reservoir? **YES**

DESCRIBE HOW THE WATER USER PLANS TO EVACUATE THE RESERVOIR	HAS THIS PLAN BEEN APPROVED BY THE DEPARTMENT?	BY WHOM?
An outlet pipe was required but the permit did not specify the size. An 8" outlet was installed.	NA	

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NO

6. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **NO**

7. 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**

8. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed? **YES**

b. Was a fishway required? **YES**

c. Was submittal of a letter from an engineer required prior to storage of water? **NO**

d. Was submittal of a water management and conservation plan required? **NO**

e. Other conditions? **NO**

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

8.a. "If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area . . ." In Compliance. No stream existed at this site. Therefore, no riparian area was disturbed during the development of the reservoir.

8.b. ". . . shall not construct or operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage of fish . . ." **In Compliance. See attached letter from Josie Thompson, ODFW fish biologist, dated December 12, 2017 stating fish passage is not required.**

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SECTION 6
ATTACHMENTS SECTION 6
ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use	Map
ODFW Letter	Josie Thompson, Fish Biologist, December 12, 2017

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 poly 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.

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.

[GPS used in conjunction with monuments from Polk County Survey Records: CS 2850, CS 12506 \(PP 1992-005\), CS 14730 \(PP 2005-0005\), & RE 10940, Google Earth Aerial Photo dated 7-20-2010.](#)

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Map Checklist

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

- 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
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- 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

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Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6201

FAX (503) 947-6202

www.dfw.state.or.us/

December 12, 2017

David Knieling
2831 Brush College Road, NW
Salem, Oregon 97304



RE: Fish Passage/Screening for Permits R-14735, R-14736, S-54619

To whom it may concern,

I am writing this letter in reference to Permits R-14735, R-14736, S-54619 in the name of David Knieling and under the address noted above. ODFW has determined that native migratory fish are not currently, nor were historically, present in the vicinity of the two neighboring reservoirs (located at N 45° 01' 30.57" and W 123° 07' 17.53"), to which all three of the permits under review are related. The reservoirs are filled by run-off water collected by drain tile systems, and are not connected to any stream flowing above or below the reservoirs. It is possible that a very small stream or wetland was once present at this location during the rainy season, but it would not have provided sufficient habitat for any native, migratory fish species. Therefore, ODFW does not require fish screening/passage for the ponds or pump systems related to Permits: R-14735, R-14736, or S-54619.

Please let me know if you have any questions or need any further clarification.

Sincerely,

Josie Thompson
Assistant District Fish Biologist
North Willamette Watershed District

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