

# CLAIM OF BENEFICIAL USE for Surface Water Permits claiming more than 0.1 cfs



**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 \$230 must accompany this form for permits  
with priority dates of July 9, 1987, or later.**

**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>

Go to "Resources for Water Right Examiners (CWRE)" Page  
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/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>

## SECTION 1 GENERAL INFORMATION

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**1. File Information:**

APPLICATION # <b>S-87290</b>	PERMIT # <b>S-54619</b>	PERMIT AMENDMENT # <b>T-</b>
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**2. Property Owner (current owner information)**

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

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 or holder of record (this may, or may not, be the current property owner):**

PERMIT HOLDER OF RECORD <b>David Knieling</b>		
ADDRESS <b>PO Box 5113</b>		
CITY <b>Salem</b>	STATE <b>Oregon</b>	ZIP <b>97304</b>

ADDITIONAL PERMIT HOLDER OF RECORD <b>None</b>		
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
<b>David Knieling</b>	<b>September 11, 2018 &amp; September 2, 2023</b>	<b>Property Owner/Permit Holder</b>

**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 <b>None</b>		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

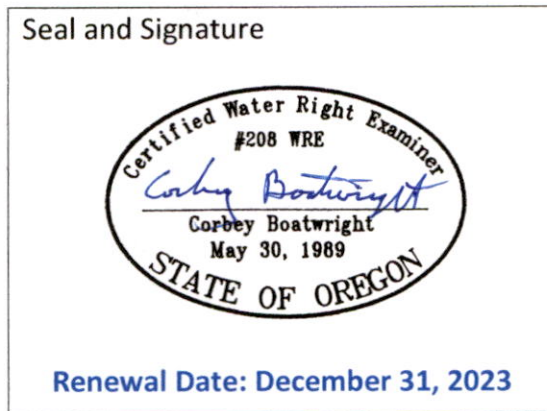
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**SECTION 2**

**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 <b>Corbey Boatwright</b>		PHONE NO. <b>503.363.9225</b>	ADDITIONAL CONTACT NO.	
ADDRESS <b>Boatwright Engineering, Inc. 12th Street SE</b>				
CITY <b>Salem</b>	STATE <b>OREGON</b>	ZIP <b>97302</b>	E-MAIL <b>corbey@boatwrightengr.com</b>	

Permit Holder of Record Signature or Acknowledgement

**Each** permit 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
	<b>David Knieling</b>	<b>Permit Holder</b>	<b>9/9/23</b>

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**SECTION 3**  
**CLAIM DESCRIPTION**

**1. Point of diversion name or number:**

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
<b>POD</b>

**2. Point of diversion source and tributary:**

POD NAME OR NUMBER	SOURCE	TRIBUTARY
<b>POD</b>	<b>Reservoir A (Permit R-14735)</b>	<b>Spring Valley Creek</b>
	<b>Reservoir B (Permit R-14736)</b>	<b>Spring Valley Creek</b>

**3. Developed use(s), period of use, and rate for each use:**

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
<b>POD</b>	<b>IR</b>	<b>Grass Seed</b>	<b>March 1 – Oct 31</b>	<b>2.5 AF Reservoir A</b>
				<b>11.63 AF Reservoir B</b>
<b>Total Quantity of Water Used</b>				<b>14.13 AF</b>

**4. Provide a general narrative description of the distribution works.** This description must trace the water system from each point of diversion to the place of use:

The owner has a portable diesel engine and pump on wheels along with a fuel tank on another set of wheels that is set up near the staff gage at the east middle of Reservoir B. Water is pumped through a 6" aluminum line. From the pump, a 6" aluminum line is laid above ground across the field which reduces to a 4" aluminum line. Application is done by a Big Gun and reel. When needed, water in Reservoir A is allowed to discharge through its outlet pipe into Reservoir B, from which it is withdrawn for irrigation.

**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).**

**5. Variations:**

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

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." Or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

The permit allowed for up to 51.9 acres of irrigation. The water user only developed 41.1 acres.

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**6. Claim Summary:**

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
<b>POD</b>	<b>None Specified</b>	<b>0.92 CFS IR application</b>	<b>Pump not running</b>	<b>IR</b>	<b>51.9</b>	<b>41.1</b>
	<b>Max. Volume: 15.9 AF</b>	<b>Actual Volume: 14.13 AF</b>				

## SECTION 4 SYSTEM DESCRIPTION

Are there multiple PODs?

**NO**

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):

<b>POD</b>
------------

### A. Place of Use

1. Is the right for municipal use?

**NO**

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
6S	4W	WM	24	SE-SW	----	50	IR	4.0	0
6S	4W	WM	24	SW-SE	----	50	IR	3.7	0
6S	4W	WM	25	NW-NE	----	50	IR	5.2	0
6S	4W	WM	25	SW-NE	----	50	IR	4.0	0
6S	4W	WM	25	NE-NW	----	50	IR	14.1	0
6S	4W	WM	25	SE-NW	----	50	IR	10.1	0
<b>Total Acres Irrigated</b>								<b>41.1</b>	<b>0</b>

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and 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 and apply the water from the point of diversion to the place of use.

1. Is a pump used?

**YES**

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Berkeley	B2-1/2JQBL	G020201	Centrifugal	4"	2 1/2"

3. Motor Information:

MANUFACTURER	HORSEPOWER
Perkins 4-cylinder diesel engine	50

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**4. Theoretical Pump Capacity:**

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
50	125	5'	34'	0.93

**5. Provide pump calculations:**

$$Q = \frac{50 (6.61)}{317.5 + 34 + 5} = 0.93 \text{ CFS}$$

$$2.54(125) = 317.5'$$

**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)
001710 x 1000	-----	-----	Pump not running

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

**7. Is the distribution system piped?**

YES

**8. Mainline Information:**

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6"	1250'	Aluminum	In field Above Ground
6"	1760' on hand	Aluminum	Stock pile Above Ground
4"	1320'	Aluminum	In field Above Gound
4"	1050' on hand	Aluminum	Stock pile Above Ground

**9. Lateral or Handline Information:**

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3"	900'	PE on reel	Above Ground
3"	950'	PE on reel	Above Ground
4"	480' on hand	Aluminum	Stock pile Above Ground
3"	1560' on hand	Aluminum	Stock pile Above Ground

**10. Sprinkler Information:**

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
0.80" Big Gun	125	206	2	2	412 gpm (0.92 cfs)

Reminder: For sprinkler output determination use the reference information at the end of this document.

**13. Pivot Information:**

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
None				

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### C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)? NO

### 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? NO

### 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? NO

Attach measurement notes.

### F. Additional notes or comments related to the system:

The pump was not running at the time of my visit, so I plotted the pump's output and the sprinkler output as a function of pressure and found where the two lines intersect. Based on the pump size value, the Big Gun output was extrapolated using the data as shown in the above charts, B.5. and B.10. The 3" hand line that was in a stock pile had 11/64" sprinkler heads and the 4" hand line that was in a stock pile had 3/16" sprinkle heads.

Note: Reservoir A empties into Reservoir B through an 8" gravity flow pipe with a valve. Calculations for this flow are described in the CBU for Permit R-14736. At the time of my visit, the water level in Reservoir A was below the level of the outlet pipe to Reservoir B.

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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 use 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 permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	December 3, 2009		
BEGIN CONSTRUCTION (A)	None		
COMPLETE CONSTRUCTION (B)	December 3, 2014	December 12, 2017	Delivery System in Place with Totalizing Flow Meter Installed
	October 1, 2020 Extension of Time Order		
COMPLETE APPLICATION OF WATER (C)	December 3, 2014	September 10, 2018	Water applied to authorized IR location 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

a. Did the Extension Final Order require the submittal of Progress Reports? NO

**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.**

b. Has a meter been installed? YES

**c. Meter Information**

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD	ARAD	15-150062323	Working	7009440	March 2005

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**4. Recording and reporting conditions:**

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

**5. Fish Screening:**

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

**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**

**7. 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 water management and conservation plan required? **NO**

d. 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):

**7.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 points of diversion.**

**7.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 and fish screens are not required.**

**SECTION 6  
ATTACHMENTS**

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

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

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## 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.**

### 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 or appropriation
- 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/](http://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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