

Application for a Permit to Use

Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Dave Knieling		PHONE (HM) 503.391.7108	
PHONE (WK)	CELL		FAX
ADDRESS PO box 5113			
CITY Salem	STATE Oregon	ZIP 97304	E-MAIL * daveknieling@hotmail.com

Organization

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME Jeanne Boatwright		PHONE 503.363.9225	FAX
ADDRESS Boatwright Engineering, Inc. 2613 12th Street SE			CELL
CITY Salem	STATE Oregon	ZIP 97302	E-MAIL * jeanne@boatwrightengr.com

Note: Attach multiple copies as needed


* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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


David Knieling
9/8/23

Applicant Signature Print Name and Title if applicable Date

Applicant Signature Print Name and Title if applicable Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
 YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
 NO, I do not currently have written authorization or easement permitting access.
 NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
 NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Reservoir 1	Tributary to: Spring Valley Creek
TRSQQ of POD: T6S, R4W, SEC 25, NE-NW	
Source 2: Reservoir 2	Tributary to: Spring Valley Creek
TRSQQ of POD: T6S, R4W, SEC 25, NE-NW	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Permits R-13984 & R-13985

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

- Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

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If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

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For Department Use: App. Number: _____

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

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SOURCE	USE	PERIOD OF USE	AMOUNT
Reservoir 1	Irrigation	March 1 – Oct 31	8.46 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Reservoir 2	Irrigation	March 1 – Oct 31	5.02 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: **52.5** Acres Supplemental: _____ Acres Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: **13.48**

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): 35 Horsepower, Centrifugal
 Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

A portable 35 horsepower centrifugal pump is already available for diversion.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Big gun sprinkler with an output of 0.70 CFS (315 gpm).

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Water will be used conservatively due to the limited reservoir volume and not having another source of water. Therefore, irrigation will only be applied at a rate commensurate with the plant uptake capacity. Plant health, soil moisture and weather conditions will dictate irrigation intervals.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

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- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: **The water source is an existing off-channel reservoir. No screening requirements are anticipated, but will be adhered to if ODFW requires**
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: **The reservoir does not have any riparian or streamside areas. Banks are grassy and will remain so. No disturbed area, therefore, no 1200-C permit is required.**
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation: **Intake pump does not access any live flow water. No additional permits are required.**
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: **Chemical products are used only as needed on crops/pasture and in compliance with application requirements and guidelines. Water application will not be allowed to erode or run-off in order to preserve the limited stored water volume and have it last for the entire irrigation season.**
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
None

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: **Permit issuance date - diversion, transport, and application system already exists from earlier permit**
- b) Date construction will be completed: **Permit issuance date - diversion, transport, and application system already exists from earlier permit**
- c) Date beneficial water use will begin: **Permit issuance date, or Irrigation season following the permit issuance date, if date is outside of authorized season.**

SECTION 9: WITHIN A DISTRICT

- Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name Perrydale Domestic Water Association	Address 11475 West Perrydale Road	
City Amity	State Oregon	Zip 97101

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (Attach additional sheets if necessary).

Perrydale Domestic Water Association does not provide irrigation water to any properties within its service area.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: **\$1835.00**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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nd Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: **DAVID K. KNIELING TRUST, DAVID K. KNIELING AND REBECCA L. KNIELING, CO-TRUSTEES**

Mailing Address: **PO BOX 5113**

SALEM
City

OREGON
State

97304
Zip

Daytime Phone: **503-932-2198**

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
6S	4W	24	SW-WW	6.4.24 203	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	24	SE-WW	6.4.24 203	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	25	NW-NW	6.4.25 203	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	25	NE-NW	6.4.25 203	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	25	NE-NW	6.4.25 200	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	25	SW-NW	6.4.25 203	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Polk County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: ~~4.4~~ **13.48** *jb 9-14-23*
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

Use water from an existing permitted storage reservoir for irrigation of farmland.

government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 2. →

Surface Water/1

Revised 7/1/2017

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant: **DAVID K. KNIELING TRUST, DAVID K. KNIELING AND REBECCA L. KNIELING, CO-TRUSTEES**

Mailing Address: **PO Box 5113**

SALEM
City

OREGON
State

97304
Zip

Daytime Phone: **503-932-2198**

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
6S	4W	24	SW-WW	6.4.24 203	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
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6S	4W	25	NW-NW	6.4.25 203	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	25	NE-NW	6.4.25 203	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	25	NE-NW	6.4.25 203	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	25	SW-NW	6.4.25 203	Agriculture/EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Polk County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: **4.4**
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

Use water from an existing permitted storage reservoir for irrigation of farmland.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZO 136.030(A)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

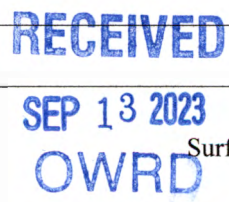
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Hannah Brickner Title: Associate Planner
 Signature: [Handwritten Signature] Phone: 503-623-9237 Date: 9/7/23
 Government Entity: Polk County Community Development Department, Planning Division

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____





THIS SPACE RESERVED FOR RECORDER'S USE

AmeriTitle 21148/212037

After recording return to:
THE DAVID K. KNIELING TRUST, DATE
P.O. BOX 5113
SALEM, OR 97304

Until a change is requested all
tax statements shall be sent to
the following address:
THE DAVID K. KNIELING TRUST, DATE
P.O. BOX 5113
SALEM, OR 97304

Escrow No. 07-212037
Title No. _____

RECORDED IN POLK COUNTY
LINDA DAWSON, COUNTY CLERK

2002-008458



\$31.00

00051101200200084580020028

05/31/2002 11:12:26 AM

REC-MD Cnt=1 Str=1 CAPTRA

\$10.00 \$10.00 \$11.00

WARRANTY DEED

VELMA A. BARKER,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
DAVID K. KNIELING AND REBECCA L. KNIELING, CO-TRUSTEES OR SUCCESSORS OF THE
DAVID K. KNIELING TRUST, DATED THE 12TH DAY OF APRIL, 2001, DAVID K.
KNIELING, TRUSTOR, AS TO AN UNDIVIDED 50% INTEREST, AND REBECCA L. KNIELING
AND DAVID K. KNIELING, CO-TRUSTEES OR SUCCESSORS OF THE REBECCA L. KNIELING
TRUST, DATED THE 12TH DAY OF APRIL, 2001, REBECCA L. KNIELING, TRUSTOR, AS TO
AN UNDIVIDED 50% INTEREST, TOGETHER AS TENANTS IN COMMON.
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of POLK and State of Oregon, to wit:
SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE
TAX ACCT. 266194

SUBJECT TO: all those items of record and those apparent upon the land, if
any, as of the date of this deed and those shown below, if any:

--

and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is \$ 500,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

Dated this 23rd day of May, 2002.

Velma A. Barker
VELMA A. BARKER

State of Oregon
County of MARION

This instrument was acknowledged before me on May 23, 2002 by VELMA
A. BARKER.

Marc M. Cooper
(Notary Public for Oregon)

My commission expires 6/15/03



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SEP 13 2003

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1/2

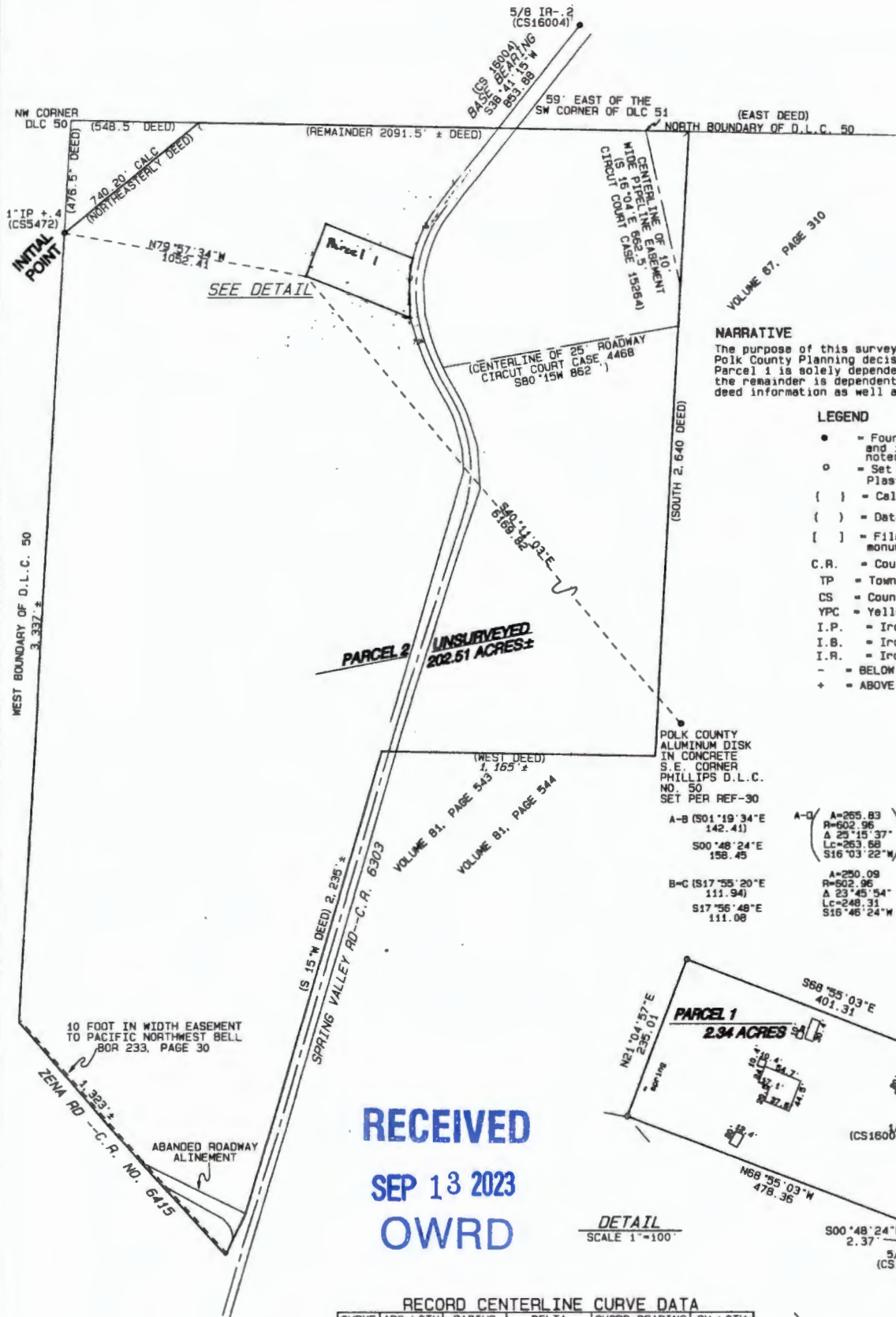
Exhibit 'A'

Beginning at the Southwest corner of the John Phillips Donation Land Claim No. 50 in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North along the West line of said Donation Land Claim to a point 476.5 feet South of the Northwest corner of said Donation Land Claim; thence Northeasterly to a point on the North line of said Donation Land Claim which is 548.5 feet East of the Northwest corner of said Donation Land Claim; thence East along the North line of said Donation Land Claim to the Northwest Corner of a tract of land conveyed to Ralph C. Shepard and wife, by deed recorded November 30, 1917, in Volume 67, Page 310, Deed Records for Polk County, Oregon; thence South along the West line of said Shepard tract, 40.00 chains to the Southwest corner of said Shepard tract and the North line of a tract of land conveyed to Mary Frances Woelke, by deed recorded June 10, 1927, in Volume 81, Page 544, Deed Records for Polk County, Oregon; thence West along the North line of said Woelke tract and the North line of a tract of land conveyed to Lina Henderson, by deed recorded June 10, 1927, Volume 81, Page 543, Deed Records for Polk County, Oregon, to the Northwest corner of said Henderson tract; thence South 15 West along the Westerly line of said Henderson tract, 42.25 chains to the Southwest corner of said Henderson tract on the South line of the Said John Phillips Donation Land Claim; thence West along the South line of said Phillip Donation Land Claim to the place of beginning.

SAVE AND EXCEPT that portion lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT that part lying Southwesterly of the Southwesterly right of way line of the road deeded to Polk County, Oregon by deed recorded July 22, 1958 in Volume 167, Page 412, Records of Polk County, Oregon.

PARTITION PLAT NO. **2005-0005** for DAVID KNIELING
 IN THE NW & SW 1/4 OF SEC. 25, T 6 S, R 4 W, W.M.
 POLK COUNTY, OREGON
 December 22, 2004



NARRATIVE

The purpose of this survey and PARTITION is to facilitate Polk County Planning decision LP 04-02. The boundary of Parcel 1 is solely dependent on CS16004. The boundary of the remainder is dependent on county road surveys and deed information as well as scaled approximate distances.

LEGEND

- = Found Monument, flush with ground and in good condition, or otherwise noted
- = Set 5/8"X30" Iron Rod with Yellow Plastic Cap Marked "PLS 1917"
- () = Calculated
- [] = Data of Record
- [] = File number for survey in which monument probably originated
- C.R. = County Road
- TP = Town Plat
- CS = County Survey
- YPC = Yellow Plastic Cap
- I.P. = Iron Pipe
- I.B. = Iron Bar
- I.R. = Iron Rod
- = BELOW SURFACE
- + = ABOVE SURFACE

POLK COUNTY ALUMINUM DISK IN CONCRETE S.E. CORNER PHILLIPS D.L.C. NO. 50 SET PER REF-30

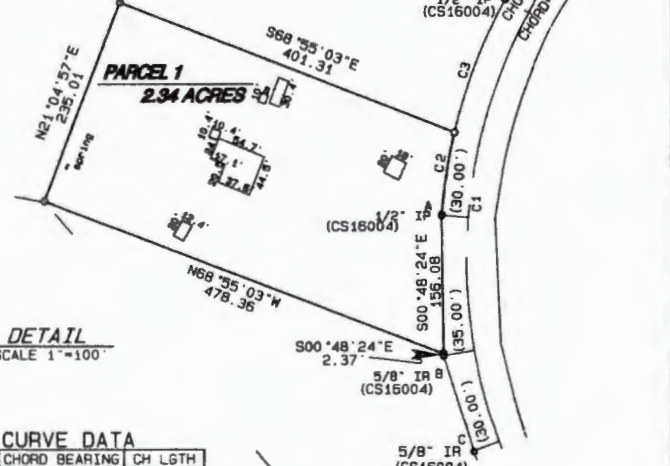
A-B (S01°19'34"E 142.41)
 S00°48'24"E 158.45

B-C (S17°55'20"E 111.94)
 S17°56'48"E 111.08

A-D (A=265.83 R=502.96 & 25°15'37" Lc=263.68 S16°03'22"W)

(A=250.09 R=602.96 a=5.0 CHORD=199.73 S35°21'18"W)

CENTERLINE 200' Sp
 a=5.0
 CHORD=199.73
 S35°21'18"W



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RECORD CENTERLINE CURVE DATA

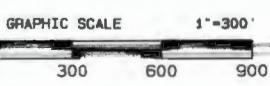
CURVE	ARC LGTH	RADIUS	DELTA	CHORD BEARING	CH LGTH
C1	493.59	572.96	49°21'30"	N04°00'25"E	478.46

CURVE DATA

CURVE	ARC LGTH	RADIUS	DELTA	CHORD BEARING	CH LGTH
C1	493.13	572.96	49°18'47"	N04°00'44"E	478.05
C2	92.23	602.96	8°45'50"	N09°16'22"E	92.14
C3	157.87	602.96	15°00'04"	S21°09'19"W	157.41

REGISTERED PROFESSIONAL LAND SURVEYOR
 David L. Panther
 JULY 18, 1980
 DAVID L. PANTHER
 1917
 REVEN 12-31-04

PANTHER LAND SURVEYING
 Dave Panther P.L.S.
 3306 SALEM-DALLAS HWY.
 Salem, Oregon 97304
 Phone: (503) 363-9107
 FAX: (503) 540-0092
 Job No. 04020401



14730

14730 01040502.P

PARTITION PLAT NO 2005-0005 for DAVID KNIELING
IN THE NW & SW 1/4 OF SEC. 25, T 6 S, R 4 W, W.M.

POLK COUNTY, OREGON

December 22, 2004

SURVEYOR'S CERTIFICATE

I, David L. Panther, say that I have surveyed and marked with proper monuments the land represented on the herewith partition map, which is described as follows:

Beginning at the initial point of this partition, at which is an 1 inch iron pipe, which is North 40° 11' 03" West 6,169.82 feet and N79°57'34"W 1,052.41 feet from the southwest corner of the John Phillips D.L.C. No. 50, in the West 1/2 of Section 25, Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence Northeasterly 740.20 feet to the North boundary of said D.L.C. 50; thence Easterly along said north D.L.C. boundary 2,091.5 feet more or less to the Northwest corner of a parcel conveyed to Ralph C. Shepard by deed recorded November 30, 1917, in Volume 67, page 310, Deed Records for Polk County, Oregon; thence Southerly 2,640 feet more or less along said Shepard West boundary to the Southwest corner of said Shepard parcel and the North boundary of parcel conveyed to Mary Frances Woelke, by deed recorded June 10, 1927, in Volume 81, page 544, Deed Records For Polk County, Oregon; thence West 1,165 feet more or less along said Woelke North boundary and along the North boundary of that parcel conveyed to Lina Henderson, by deed recorded in Volume 81, page 543, Deed Records for Polk County, Oregon, to the West boundary of Spring Valley Road, County Road No. 6303; thence Southwesterly 2,235 feet more or less, along said road West boundary to the North boundary of Zena Road, County Road No. 6415; thence Northwesterly 323 feet more or less along said Zena Road North boundary to the West boundary of said D.L.C. 50; thence Northerly 3,337 feet more or less along said West D.L.C. boundary to the point of beginning and containing 204.85 acres more or less.

COUNTY APPROVALS

THIS PLAT IS HEREBY APPROVED:

E.B. 1/20/05
POLK COUNTY SURVEYOR DATE

L.P. 01-02
AUTHORIZATION NO.
John Allan 1-31-05
POLK COUNTY PLANNING DIRECTOR DATE

I hereby certify that all taxes and assessments on the above described property have been paid in full to July 1, 2005.

Susan Dicks 1-21-05
POLK COUNTY TAX COLLECTOR DATE

The Described Property:

NEEDS HAS
(X) () Approved access permit to a public road
() () Approved access permit to a county road

Note: Access to a state highway requires a permit from the Oregon State Highway Division.

Al B. Bueger Jan. 19, 2005
COUNTY ROAD OFFICIAL DATE

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that the David K. Knieling Trust and Rebecca L. Knieling Trust, being the owner of the land shown hereon and desiring to dispose of the same in parcels, has caused the same to be partitioned and surveyed as shown on the hereon map.

IN WITNESS WHEREOF we set our hand and seal this 19th day of January, 2005.

David K. Knieling
David K. Knieling, Co-Trustee

Rebecca L. Knieling
Rebecca L. Knieling, Co-Trustee

ACKNOWLEDGEMENT

STATE OF OREGON SS
POLK COUNTY

On this 19 day of JANUARY, 2005, personally appeared before me, a notary public for said state and county, the signed party, David K. and Rebecca L. Knieling who being duly affirmed did say that they executed the above instrument freely and voluntarily for the uses and purposes herein named, without fear or compulsion from anyone.

WITNESS my hand and seal this 19 day of JANUARY, 2005.

NOTARY PUBLIC for OREGON Conny J. Barrett, Conny J. Barrett

My commission expires November 1, 2008.

Commission number 386443

STATE OF OREGON SS
COUNTY OF POLK

I Valerie Unger, County Clerk and Recorder, do hereby certify that the within plat was received and fully recorded in the Polk County Book of Partition Plats.

Volume 2005 Page 0005 on this 19th day of FEB., 2005

Valerie Unger
Valerie Unger
County Clerk
Quinn M. Carter
By: DEPUTY

14730

0104-0502P



PANTHER LAND SURVEYING
Dave Panther P.L.S.
2395 SALEM-DALLAS HWY.
Salem, Oregon 97304
Phone: (503) 363-9107
FAX: (503) 540-0092
Job No. 04020401



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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Dave Kniering po Box 5113 Salem,
OR 97304

Transaction Type: Application

Fees Received: \$ 1835.00

Cash Check: Check No. 2141

Name(s) on Check: David Kniering Trust; Rebecca Kniering Trust

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick Reece
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of this Submission Receipt with submittal in the [unclear] folder.



RECEIVED
SEP 13 2023
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Dave Knieding po Box 5113 Salem,
OR 97304

Transaction Type: Application

Fees Received: \$ 1835⁰⁰

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Boatwright Engineering, Inc.


civil engineering ♦ water rights ♦ land surveying

2613 12th Street SE, Salem, Oregon 97302

Phone 503.363.9225

e-mail: jeanne@boatwrightengr.com

MEMO

To: Water Right Caseworker
From: Jeanne Boatwright 
Date: September 8, 2023
Re: Cancellation of Existing Water Right Permit

The attached cancellation of water right Permit S-54083, **is not to be processed** to completion until the permit for the attached *Application for a Permit to Use Surface Water (stored water only)* is ready to be issued.

Please contact me if you have any questions.

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SEP 13 2023

OWHD



TO: Water Resources Director
Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271

I hereby authorize the cancellation of my water use Application No. **S-85845**

Permit No. **S-54083**, which describes a right to develop the use of up to

18.2 ACRE-FEET of water from **Reservoir 1, constructed under permit R-13984, and Reservoir 2, constructed under permit R-13985, tributaries of Spring Valley Creek**

for the purpose of **Irrigation**

Sincerely,

Signature of Permittee

Date: _____

8/8/23

Dave Knieling

Printed Name of Permittee

Address: **PO Box 5113**
Salem, Oregon 97304

Phone: **503.391.7108**

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SEP 13 2023

OWRD

Boatwright Engineering, Inc.


civil engineering ♦ water rights ♦ land surveying

2613 12th Street SE, Salem, Oregon 97302

Phone 503.363.9225

e-mail: jeanne@boatwrightengr.com

MEMO

To: Water Right Caseworker
From: Jeanne Boatwright 
Date: September 12, 2023
Re: Fish Passage/Screening for Irrigation – David Knieling

The attached Surface Water Permit Application is being filed to replace Permit S-54083 in order to simply allow for complete coverage of the area that the owner wishes to irrigate. No other aspects of the old permit - system source, diversion to irrigation, or application methods - are changing.

The attached letter, dated 11-3-2015, from Josie Thompson, ODFW Assistant District Fish Biologist, clearly explains that the reservoir source system identified for the previous irrigation permit, S-54083, is not connected to any stream and is not, and never was, a migratory fish habitat. It further states that no fish screening or passage is required for irrigation from the source reservoirs.

Given that the source is not changing, it is our assumption that the existing letter from ODFW will be sufficient to address any fish protection issues and can be reflected in the language of the replacement permit.

Please contact me if you have any questions or comments.

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SEP 13 2023
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Oregon

Kate Brown, Governor

5-85845 9/21

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/

November 3, 2015

David Knieling
P.O. Box 5113
6505 Spring Valley Road NW
Salem, Oregon 97304



RE: Fish Passage/Screening for Permit S-54083

Dear Mr. Knieling,

I am writing this letter in reference to Permit S-54083 in the name of David Knieling. During a site visit on November 2, 2015, I inspected the reservoirs related to this water right, and the surrounding area. ODFW has determined that native migratory fish are not currently, nor were historically, present in these reservoirs. The reservoirs are filled by 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 once ran through this location during the rainy season and into Spring Valley Creek, which runs west to east about 0.5 miles south of the reservoirs, but it would not have provided sufficient habitat for any native, migratory fish species. Therefore, ODFW does not require fish screening/passage for Permit S-54083.

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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SEP 13 2023

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OSD/EL/AL/11/10/2015