

**Oregon Water Resources Department
Water Right Services Division**

Water Right Application S-89399 in the)
name of DAVID KNIELING)
)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Authority

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (OAR) Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively.

FINDINGS OF FACT

1. On September 13, 2023, David Knieling submitted an application for a water-use permit pursuant to ORS 537.147:
 - Sources:** RESERVOIRS 1 AND 2, CONSTRUCTED UNDER PERMITS R-13984 AND R-13985, TRIBUTARY TO SPRING VALLEY CREEK
 - Use:** IRRIGATION OF 52.5 ACRES
 - Volume:** 13.48 ACRE-FEET (AF), BEING 8.46 AF FROM RESERVOIR 1 AND 5.02 AF FROM RESERVOIR 2
 - Period of Use:** MARCH 1 THROUGH OCTOBER 31
 - County:** POLK COUNTY
 - Places of Use:** SECTIONS 24 AND 25, TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.
2. The required examination fees were paid, and the minimum application requirements were met.
3. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water.
4. On September 19, 2023, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.
5. The Department has not received public comments related to the possible issuance of the attached permit. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to OAR 137-004-0080, you may petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. On September 13, 2023, the Department received a completed Voluntary Permit Cancellation form for the entirety of Permit S-54083. Permit S-54083 allows for the use of 18.2 AF of stored water, being 9.1 AF from Reservoir 1, constructed under Permit R-13984, and 9.1 AF from Reservoir 2, constructed under Permit R-13985. Cancellation of Permit R-54083 will result in this 18.2 AF of water being eligible for allocation under Application S-89399. The Department will issue a separate order canceling Permit S-54083 concurrently with issuance of this final order and permit.
7. A Claim of Beneficial Use has been submitted for Permit R-13984 and Permit R-13985 indicating the maximum storage developed for Reservoir 1 is 8.46 AF, and the maximum storage developed for Reservoir 2 is 5.02 AF. These amounts are consistent with the volume requested to be used in Application S-89399.

CONCLUSIONS OF LAW

1. Application S-89399 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-89399 is approved and Permit S-55516 is issued as limited by the conditions contained therein.

DATED APR 12 2024

Katherine Ratcliffe

Katherine Ratcliffe
Water Rights Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

If you have questions about statements contained in this document, please contact Adam Frederick at Adam.M.Frederick@water.oregon.gov or 971-707-8400.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.