

80  
60  
140  
2.5



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

# Application for a Permit to Store Water in a Reservoir (Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

Landowner: David Kneiling  
First Last

Mailing Address: 2831 Brush College Road  
Salem Oregon 97304  
City State Zip

Phone: 503-932-2198 503-363-4823  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail Address: \_\_\_\_\_  
\*Optional Information

## 2. LOCATION AND SOURCE

A. Reservoir Name: Reservoir A

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: Surface Runoff Tributary to: Spring Valley Creek

### C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
6S	4W	25	NW / NE	6 4 25 203

D. County of use: Polk

E. Dam: Maximum height of dam: 10' feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 2.5

App. No. _____	For Department Use Permit No. _____	Date _____
----------------	--	------------

**3. WATER USE**

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water. \_\_\_\_\_

Multipurpose

**4. PROPERTY OWNERSHIP**

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Please check appropriate box below then skip to section 5)
  - There are no encumbrances
  - This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s) )
- No (Please check the appropriate box below)
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or an easement permitting access to lands not under my ownership.
  - 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). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. ENVIRONMENTAL IMPACT**

- A. Channel:** Is the reservoir in stream \_\_\_\_\_ or off channel XX \_\_\_\_\_?
  - B. Wetland:** Is the project in a wetland?  Yes  No  Don't know
  - C. Existing:** Is this an existing reservoir?  Yes  No  
If yes, how long has it been in place? \_\_\_\_\_ years.
  - D. Fish Habitat:** Is there fish habitat upstream of the proposed structure?  Yes  No  Don't know  
If yes, how much? \_\_\_\_\_ miles.
  - E. Partnerships:** Have you been working with other agencies?  Yes  No
- Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. SIGNATURE**

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

  
Landowner Signature

9/10/08  
Date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

**FEE STRUCTURE:** The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF=\$100; 1.5 AF=\$120; 20.0 AF=\$480; 30.0 AF=\$680.



# Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: David Kneiling  
Mailing Address: 2831 Brush College Road NW  
City: Salem State: OR Zip: 97304 Day Phone: 503-363-4823

This application is related to a Measure 37 claim.  Yes  No

**RECEIVED**

SEP 22 2008

WATER RESOURCES DEPT  
SALEM, OREGON

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	25	NW/NE	203		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	RESERVOIR A
6S	4W	25	NW/NE	203		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	RESERVOIR B
6S	4W	25	SW/NE	203		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	RESERVOIR B
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. 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       Exchange of Water  
 Allocation of Conserved Water       Limited Water Use License  
 Permit Amendment or Ground Water Registration Modification

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

Estimated quantity of water needed: 15.9  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: Construction of two small reservoirs for impoundment of water designated "multipurpose" by WRD for use as irrigation water. Reservoirs are not on channel

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

## 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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PC 20 136.030(D).

Land uses to be served by 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
		<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.

---

**RECEIVED**

SEP 22 2008

WATER RESOURCES DEPT  
SALEM, OREGON

---



---



---

Name: Jerry Soete Title: Senior Planner  
 Signature: [Signature] Phone: 503 623 9237 Date: 9/16/08  
 Government Entity: Polk County

**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.

AmeriTitle 21148/212037

# AmeriTitle

THIS SPACE RESERVED FOR RECORDER'S USE

**RECEIVED**

SEP 22 2008  
WATER RESOURCES DEPT  
SALEM, OREGON

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

05/31/2002 11:12:26 AM

REC-WD Cnt=1 Stn=1 CAPTAIA  
\$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~~ 6/15/03



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.

**RECEIVED**

SFP 22 2008  
WATER RESOURCES DEPT  
SALEM, OREGON

2/2