

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application            )  
T-12613, Douglas County                        )  
  )  
  )    FINAL ORDER  
  )    APPROVING A CHANGE IN PLACE OF  
  )    USE AND A CHANGE IN CHARACTER  
  )    OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

KIRPAL LIGHT SATSANG, INC.  
PO BOX 10  
UMPQUA, OR 97486

**Findings of Fact**

1. On March 20, 2017, Kirpal Light Satsang Inc. filed an application to change the place of use and the character of use under Certificates 89270 and 89271. The Department assigned the application number T-12613.
2. Notice of the application for transfer was published on March 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 26, 2018, the Department received revised application pages to clarify the points of diversions and places of use under Certificates 89270 and 89271.
4. On February 8, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12613 to the applicant. The draft Preliminary Determination set forth a deadline of March 7, 2018, for the applicant to respond. On March 6, 2018, the applicant requested the Department continue with the transfer, proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that they are authorized to pursue the transfer.
5. On April 9, 2018, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12613 and sent a copy to the applicant. Additionally, notice of the

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.

Preliminary Determination for the transfer application was published in the Department's weekly notice on April 10, 2013, and in the Roseburg News-Review newspaper on April 12 and 19, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

6. The first right to be transferred is as follows:

**Certificate:** 89270 in the name of KIRPAL LIGHT SATSANG INC.  
(perfected under Permit S-51211)

**Use:** DOMESTIC USE FOR TWO FAMILIES AND FOR IRRIGATION OF 36.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 34.5 ACRES

**Priority Date:** JUNE 14, 1990

**Rate:** 0.979 CUBIC FOOT PER SECOND (CFS), BEING 0.089 CFS FOR DOMESTIC USE FOR TWO FAMILIES AND 0.89 CFS FOR IRRIGATION OF 36.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 34.5 ACRES

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** UNNAMED STREAM, SURFACE RUN-OFF AND RESERVOIRS A, B, C, D, AND E (CONSTRUCTED UNDER PERMIT R-11367), tributaries to the UMPQUA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	7 W	WM	10	NE NE	UNNAMED STREAM - 1090 FEET SOUTH AND 135 FEET WEST FROM THE NE CORNER OF SECTION 10
25 S	7 W	WM	10	SW NE	RESERVOIR A - 1980 FEET SOUTH AND 3710 FEET EAST FROM THE NW CORNER OF SECTION 10
25 S	7 W	WM	10	SW NE	RESERVOIR B - 2020 FEET SOUTH AND 3160 FEET EAST FROM THE NW CORNER OF SECTION 10
25 S	7 W	WM	10	SW NE	RESERVOIR C - 1590 FEET SOUTH AND 3200 FEET EAST FROM THE NW CORNER OF SECTION 10
25 S	7 W	WM	10	SW NE	UNNAMED STREAM - 2480 FEET SOUTH AND 3950 FEET EAST FROM THE NW CORNER OF SECTION 10
25 S	7 W	WM	10	SE NW	RESERVOIR D - 1415 FEET SOUTH AND 2565 FEET EAST FROM THE NW CORNER OF SECTION 10
25 S	7 W	WM	10	SE NW	RESERVOIR E - 1625 FEET SOUTH AND 2540 FEET EAST FROM THE NW CORNER OF SECTION 10

**Authorized Place of Use:**

DOMESTIC – TWO FAMILIES				
Twp	Rng	Mer	Sec	Q-Q
25 S	7 W	WM	10	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	7 W	WM	10	SW NE	14.9
25 S	7 W	WM	10	NE NW	2.5
25 S	7 W	WM	10	SE NW	10.4
25 S	7 W	WM	10	NE SW	8.6
Total					36.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	7 W	WM	10	SW NE	6.7
25 S	7 W	WM	10	SE NW	23.8
25 S	7 W	WM	10	NE SW	4.0
Total					34.5

7. Certificate 89270 does not specify the irrigation season, nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.
8. Transfer Application T-12613 proposes to change the character of use for the above described right to quasi-municipal. The portion of Certificate 89270 being transferred from irrigation (0.89 CFS) to quasi-municipal use will continue to be limited to the irrigation season. The portion of Certificate 89270 being transferred from Domestic Use for Two Families (0.089 CFS) to quasi-municipal use will continue to be year round and shall be further limited to a total volume diverted of 64.4 acre feet per year.
9. Transfer Application T-12613 also proposes to change the place of use for the above described right to:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	Tax Lot
25 S	7 W	WM	10	NW NE	300
25 S	7 W	WM	10	SW NE	200
25 S	7 W	WM	10	NE NW	200
25 S	7 W	WM	10	SE NW	200
25 S	7 W	WM	10	NE SW	200
25 S	7 W	WM	10	NW SW	200
25 S	7 W	WM	10	SW SW	200
25 S	7 W	WM	10	SE SW	600
25 S	7 W	WM	10	NW SE	200

10. The second right to be transferred is as follows:

**Certificate:** 89271 in the name of KIRPAL LIGHT SATSANG INC, (perfected under Permit S-50121)  
**Use:** MAINTENANCE OF A FIRE PROTECTION SYSTEM AND IRRIGATION OF 34.5 ACRES  
**Priority Date:** SEPTEMBER 1, 1987  
**Rate:** 0.113 CUBIC FOOT PER SECOND (CFS), BEING 0.10 CFS FOR IRRIGATION OF 34.5 ACRES AND 0.013 CFS FOR MAINTENANCE OF THE FIRE PROTECTION SYSTEM  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** UNNAMED STREAM, tributary to ROCK CREEK (BOTTLE CREEK), a tributary of the UMPQUA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	7 W	WM	10	NE NE	1090 FEET SOUTH AND 135 FEET WEST FROM THE NE CORNER OF SECTION 10
25 S	7 W	WM	10	SW NE	2480 FEET SOUTH AND 3950 FEET EAST FROM THE NW CORNER OF SECTION 10

**Authorized Place of Use:**

MAINTENANCE OF A FIRE PROTECTION SYSTEM				
Twp	Rng	Mer	Sec	Q-Q
25 S	7 W	WM	10	SW NE
25 S	7 W	WM	10	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	7 W	WM	10	SW NE	6.7
25 S	7 W	WM	10	SE NW	23.8
25 S	7 W	WM	10	NE SW	4.0
Total					34.5

11. Certificate 89271 does not specify the irrigation season, nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.
12. Transfer Application T-12613 proposes to change the character of use for the above described right to quasi-municipal. The portion of Certificate 89271 being transferred from irrigation (0.10 CFS) to quasi-municipal use will continue to be limited to the irrigation season. The portion of Certificate 89271 being transferred from Maintenance of a Fire Protection System (0.013 CFS) to quasi-municipal use will continue to be year round use and shall be further limited to a total volume diverted of 9.41 acre feet per year.

13. Transfer Application T-12613 proposes to change the place of use for the above described right to:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	Tax Lot
25 S	7 W	WM	10	NW NE	300
25 S	7 W	WM	10	SW NE	200
25 S	7 W	WM	10	NE NW	200
25 S	7 W	WM	10	SE NW	200
25 S	7 W	WM	10	NE SW	200
25 S	7 W	WM	10	NW SW	200
25 S	7 W	WM	10	SW SW	200
25 S	7 W	WM	10	SE SW	600
25 S	7 W	WM	10	NW SE	200

***Transfer Review Criteria [OAR 690-380-4010(2)]***

14. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12613
16. The proposed changes, as conditioned, would not result in enlargement of the rights. The rate and total annual duty amounts of water are described as follows:

Certificate	Original Use	Season of Use	Rate (cfs)	Duty (af)
89270	Primary Irrigation	March 1 <sup>st</sup> – October 31 <sup>st</sup>	0.46 cfs	91.0 AF
	Supplemental Irrigation	March 1 <sup>st</sup> – October 31 <sup>st</sup>	0.43 cfs	86.25 AF
	Domestic Use for Two Families	January 1 <sup>st</sup> – December 31 <sup>st</sup>	0.089 cfs	64.4 AF
89271	Irrigation	March 1 <sup>st</sup> – October 31 <sup>st</sup>	0.10 cfs	86.25 AF
	Maintenance of Fire Protection System	January 1 <sup>st</sup> – December 31 <sup>st</sup>	0.013 cfs	9.41 AF

17. The proposed changes would not result in injury to other water rights.
18. All other application requirements have been met.

**Conclusions of Law**

The change in place of use and change in character of use proposed in Transfer Application T-12613 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in place of use and change in character of use proposed in Transfer Application T-12613 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 89270 and 89271 and any related decree.
3. Water right Certificates 89270 and 89271 are cancelled.
4. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. The former places of use of the transferred rights shall no longer receive water under the rights, except for quasi-municipal use as modified by this order.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon, MAY 25 2018.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: MAY 29 2018