

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING AN  
T-9448, Douglas County                         )     ADDITIONAL POINT OF DIVERSION

**Authority**

ORS 540.505 to 540.580 establishes 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. OAR Chapter 690, Division 380 implements 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**

**Background**

1. On May 23, 2003, KIRPAL LIGHT SATSANG, INC. filed an application for an additional point of diversion under Permit S-50121. The Department assigned the application number T-9448.
2. On February 10, 2012, Certificate 87404 was issued to confirm the use of water under Permit S-50121.
3. On April 3, 2012, the applicant submitted an amended map depicting the location of the proposed additional point of diversion.
4. On April 18, 2012, the applicant amended the application clarifying the place of use involved in the transfer, and removing the request for an additional point of diversion on the Umpqua River.
5. The portion of the right to be transferred is as follows:

**Certificate:**     87404 in the name of KIRPAL LIGHT SATSANG (perfected under Permit S-50121)

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.

**Use:** IRRIGATION OF 34.5 ACRES AND MAINTENANCE OF A FIRE PROTECTION SYSTEM

**Priority Date:** SEPTEMBER 1, 1987

**Rate:** 0.113 CUBIC FOOT PER SECOND (CFS), BEING 0.10 CFS FOR IRRIGATION 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

**Authorized Point of Diversion:**

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

**Authorized Place of Use:**

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

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

6. Transfer Application T-9448 proposes an additional point of diversion approximately 2000 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	7 W	WM	10	NE NE	825 FEET SOUTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 10

7. Notice of the application for transfer was published on June 10, 2003, and in The News Review newspaper on August 27, September 3 and 10, 2003, pursuant to OAR 690-15-0080(1) and OAR 690-380-0090(5). No protests were filed in response to the notices.
8. On May 10, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-9448 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 4, 2012, for the applicant to respond.

The applicant requested that the Department proceed with issuance of a Preliminary Determination.

9. On May 31, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-9448 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 5, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
10. The Oregon Department of Fish and Wildlife has determined that fish are not present at the proposed additional point of diversion; therefore, a fish screen is not necessary.

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

11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610. Certificate 87404 was issued on February 10, 2012.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-9448.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The additional point of diversion proposed in Transfer Application T-9448 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The additional point of diversion proposed in Transfer Application T-9448 is 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 Certificate 87404 and any related decree.
3. Water right certificate 87404 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

5. 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.
  - 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.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2013**. 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 change and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 9<sup>th</sup> day of July, 2012.



Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: JUL 11 2012