



Oregon

John A. Kitzhaber, MD, Governor

May 31, 2012

Water Resources Department

North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

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

SUBJECT: Water Right Transfer Application T-9448

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-9448. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0881 or Teri.K.Hranac@wrds.state.or.us if I may be of assistance.

Sincerely,

Teri Hranac
Transfer Specialist
Transfer and Conservation Section

Enclosure

cc: T-9448
Dave S. Williams, District 15 Watermaster (*via e-mail*)
Clay Jordan, CWRE (*via e-mail at kcjengineer@zoho.com*)
Norm Daft (*via e-mail at normthewaterguy@charter.net*)



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

In the Matter of Transfer Application)
T-9448, Douglas County)
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF AN
) 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)

| |
|---|
| <p>Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.</p> |
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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. 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)]

10. 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 rights subject to forfeiture under ORS 540.610. Certificate 87404 was issued on February 10, 2012.
11. 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.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

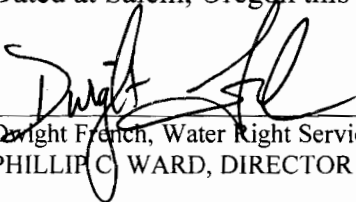
The additional point of diversion proposed in Transfer Application T-9448 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-9448 is approved, the final order will include the following:

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 31 day of May, 2012.


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

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@wrđ.state.or.us.

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.