

Rate: 0.979 CUBIC FOOT PER SECOND (CFS), BEING 0.089 CFS FOR DOMESTIC USE FOR TWO FAMILIES AND 0.89 CFS FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION.

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.

Sources: UNNAMED STREAM, SURFACE RUN-OFF, 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	SW NE	RESERVOIR A - 1980 FEET SOUTH AND 3710 FEET WEST 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	SW NE	RESERVOIR D - 1415 FEET SOUTH AND 2565 FEET EAST FROM THE NW CORNER OF SECTION 10
25 S	7 W	WM	10	SW NE	RESERVOIR E - 1625 FEET SOUTH AND 2540 FEET EAST FROM THE NW CORNER OF SECTION 10

Authorized Place of Use:

DOMESTIC USE – 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

5. Certificate 87402 does not specify that the Unnamed Stream is tributary to Bottle Creek, which is tributary to the Umpqua River, a tributary of the Pacific Ocean.
6. Transfer Application T-9447 proposes an additional point of diversion on the Unnamed Stream, approximately 1880 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, pursuant to OAR 690-380-4000. In addition, notice of Transfer Application T-9447 was published in The New Review newspaper on August 27, and September 3 and 10, 2003. No comments 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-9447 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 right is subject to forfeiture under ORS 540.610. Certificate 87402 was issued on February 10, 2012, confirming the use of water under Permit 51211.
11. A pump, pipeline, and sprinkler system 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-9447.
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

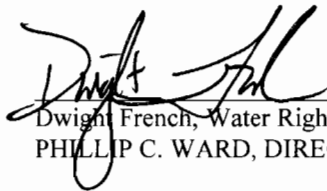
The additional point of diversion proposed in Transfer Application T-9447 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-9447 is approved, the final order will include the following:

1. *The additional point of diversion proposed in Transfer Application T-9447 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 87402 and any related decree.*
3. *Water right certificate 87402 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 points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*
5. *The total diverted for irrigation and supplemental irrigation purposes from the Unnamed Stream, Surface Run-Off, and Reservoirs A, B, C, D, and E is limited to 0.89 cfs, or its equivalent in case of rotation, measured at the points of diversion.*
6. *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 from the Unnamed Stream.*
 - 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.*
7. *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.*
8. *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@wrд.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.

**Notice of Preliminary Determination for
Water Right Transfer T-9447**

T-9447 filed by Kirpal Light Satsang Inc., PO Box 10, Umpqua, OR 97486, proposes an additional point of diversion under Certificate 87402. The right allows the use of 0.979 cubic foot per second from an Unnamed Stream, Surface Run-Off, and Reservoirs, A, B, C, D, and E, tributaries to the Umpqua River, in Sec. 10, T 25 S, R 7 W, W.M. for domestic use (2 families), irrigation and supplemental irrigation within Sec. 10. The applicant proposes an additional point of diversion within Sec. 10. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant, or \$300 protest fee for applicant. A Water Right Transfer Protest Form is available at http://www.oregon.gov/OWRD/PUBS/docs/forms/TransferProtestForm09_09.pdf, or by calling 503-986-0888. Protests must be received by the Department on or before 30 days after WRD notice, or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

