

Water Resources Department

North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

May 13, 2014

VIA E-MAIL

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

SUBJECT: Water Right Transfer Application T-11577

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11577. 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 and in the Roseburg News-Review newspaper, 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 last date of newspaper publication.

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 Tracy.L.Fox@wrd.state.or.us or 503 986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox Transfer Specialist

Transfer and Conservation Section

cc:

T-11577

Dave S. Williams, District 15 Watermaster (via e-mail)

Clay Jordan, CWRE #431

enclosure

# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11577, Douglas County	)	APPROVING A CHANGE IN
	)	CHARACTER OF USE

## 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**

- 1. On April 17, 2013, KIRPAL LIGHT SATSANG, INC. filed an application to change the character of use under Certificate 87403. The Department assigned the application number T-11577.
- 2. Notice of the application for transfer was published on April 23, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On February 14, 2014, the Department contacted the applicant by written correspondence to notify them of deficiencies in the application. The Department requested that the deficiencies be resolved by March 14, 2014. On March 3, 2014, the Department received a response from the applicant's CWRE that resolved the deficiencies noted in the Department's February 14, 2014, letter.
- 4. On March 24, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11577 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 24, 2014, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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.

5. The right to be transferred is as follows:

Certificate: 87403 in the name of KIRPAL LIGHT SATSANG INC. (perfected under

Permit R-11367)

Use: STORAGE for IRRIGATION AND SUPPLEMENTAL IRRIGATION,

AND DOMESTIC USE FOR TWO FAMILIES

**Priority Date:** .

JUNE 14, 1990

Rate:

The amount of water entitled to be stored each year under this right is not more than 11.455 ACRE-FEET (af), being 2.5 af in Reservoir A, 1.4 af in Reservoir B, 2.0 af in Reservoir C, 5.524 af in Reservoir D, and 0.0307 af

in Reservoir E.

Source:

UNNAMED SPRINGS, a tributary of the UMPQUA RIVER

#### The dams are located as follows:

Res	Twp	Rng	Mer	Sec	Q-Q
A	25 S	7 W	WM	10	SW NE
В	25 S	7 W	WM	10	SW NE
C	25 S	7 W	WM	10	SW NE
D	25 S	7 W	WM	10	SE NW
Е	25 S	7 W	WM	10	SE NW

## The areas submerged by these reservoirs are as follows:

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

6. Transfer Application T-11577 proposes to change the character of use from storage for irrigation and supplemental irrigation, and domestic use for two families to storage for multi-purpose use.

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

- 7. 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 right is subject to forfeiture under ORS 540.610.
- 8. The dam structures and reservoirs are sufficient to store the amount of water allowed in the water right as evidenced by Certificate 87403 being issued within the last five years.
- 9. The proposed change would not result in enlargement of the right.
- 10. The proposed change would not result in injury to other water rights.

## **Determination and Proposed Action**

The change in character of use proposed in Transfer Application T-11577 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-11577 is approved, the final order will include the following:

- 1. The change in character of use proposed in Transfer Application T-11577 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 87403 and any related decree.
- 3. Water right certificate 87403 is cancelled.
- 4. Reservoir water use measurement:
  - a. **Before water use may begin** under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.
  - b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2015. 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.
- 6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this \_\_\_\_\_ day of May, 2014.

Dwight French, Water Right Services Administrator, for

PHILLIP C. MARD, DIRECTOR

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@wrd.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266.