

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12613, Douglas County)	PROPOSING APPROVAL OF 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.

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 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

6. 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.
7. 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.
8. 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

9. 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

10. 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.
11. 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.

12. 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)]

13. 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.
14. 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
15. 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 st – October 31 st	0.46 cfs	91.0 AF
	Supplemental Irrigation	March 1 st – October 31 st	0.43 cfs	86.25 AF
	Domestic Use for Two Families	January 1 st – December 31 st	0.089 cfs	64.4 AF
89271	Irrigation	March 1 st – October 31 st	0.10 cfs	86.25 AF
	Maintenance of Fire Protection System	January 1 st – December 31 st	0.013 cfs	9.41 AF

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

Determination and Proposed Action

The change in place of use and change in character of use proposed in Transfer Application T-12613 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.

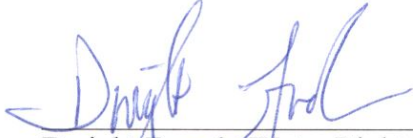
If Transfer Application T-12613 is approved, the final order will include the following:

- 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.*
- 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.*

APR 09 2018

Dated at Salem, Oregon, _____.



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

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>