



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

January 6, 2012

KIRPAL LIGHT SATSANG INC
PO BOX 10
UMPQUA, OR 97486

Reference: File R-87768

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed to store 11.2 acre feet (AF) of water from runoff and an unnamed stream, tributaries of Rock Creek, in four reservoirs, being 3.0 AF in Reservoir A, 3.3 AF in Reservoir B, 1.3 AF in Reservoir C, and 3.6 AF in Reservoir D for multiple purpose use. Reservoir A will inundate 0.76 acre with a dam height of 9.9 feet. Reservoir B will inundate 0.68 acre with a dam height of 12.0 feet. Reservoir C will inundate 0.34 acre with a dam height of 9.9 feet. Reservoir D will inundate 0.75 acre with a dam height of 12.0 feet.

Permit R-11367 authorizes the storage of waters of unnamed springs, tributary of Umpqua River, in Reservoir A, Reservoir B, Reservoir C, and Reservoir D. We understand that this application will add two sources of water to the existing four reservoirs. In addition, the application materials included a letter written by Clay Jordan, CWRE, on your behalf, requesting full or partial refund of the examination fees for this application.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from runoff and an unnamed stream, tributaries of Rock Creek, for "multiple purpose" is not allowable under the Umpqua River Basin Program.

However, under Oregon Administrative Rules (OAR) 690-516-0005(1), Umpqua River Basin Program, the storage of water for domestic, livestock, municipal, irrigation, temperature control, power development, industrial, mining, recreation, wildlife, fish life uses, and pollution abatement are allowed.

In addition, the Department must also consider whether the applicant has given “cognizance to the multi-purpose concept” regarding the proposed appropriation of water for storage (OAR 690-516-0005(3)). Therefore, the storage of water for a single use is not allowable under the Umpqua River Basin Program. Please refer to the **Additional Information Opportunity** section below.

4. Surface water is not available during the period October 1 through October 31.
5. The application is subject to Section 4(d) of the Endangered Species Act.
6. Upon consideration of your request for full or partial refund of examination fees, the Department has determined that no fees will be refunded; the examination fees required for Application R-87768 are based on staff time necessary for review and processing of application documents.

Summary of Allowable Water Use

Because not all items above are favorable, the storage of 11.2 AF of water for multiple purpose, being 3.0 AF in Reservoir A, 3.3 AF in Reservoir B, 1.3 AF in Reservoir C, and 3.6 AF in Reservoir D, from runoff and an unnamed stream, tributaries of Rock Creek, is not allowable, and it appears unlikely that you will be issued a permit unless the application is amended to include allowable uses prior to issuance of the Proposed Final Order. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Opportunity:

The Department’s findings may change if you provide the following information prior to issuance of the Proposed Final Order. Please provide the following:

- Documentation that you have given “cognizance to the multi-purpose concept” in regard to the proposed use. Please submit a list of at least two of the allowable beneficial uses for which you will store water listed in Item 3 above.

Please submit this information to the Department in writing no later than February 9, 2012. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

Please reference the application number when sending any correspondence regarding the conclusions of this Initial Review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, January 20, 2012**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
3. The permittee shall pass all live flow outside the storage season described above.
4. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.
5. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

6. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
7. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0816 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87768
WAB 16-31630301
POU 16-31630301
GW n/a

APPLICATION FACT SHEET

Application File Number: R-87768

Applicant: KIRPAL LIGHT SATSANG INC

County: Douglas

Watermaster: 15

Priority Date: November 22, 2011

Source: UNNAMED STREAM AND RUNOFF, TRIBUTARIES OF ROCK CREEK

Use: MULTIPLE PURPOSE

Quantity: 11.2 ACRE FEET (AF), BEING 3.0 AF IN RESERVOIR A, 3.3 AF IN RESERVOIR B, 1.3 AF IN RESERVOIR C, AND 3.6 AF IN RESERVOIR D

Basin Name & Number: Umpqua, #16

Stream Index Reference: Volume 1A UMPQUA R MISC

Point of Diversion Location:

UNNAMED STREAM - NENE, SECTION 10, T25S, R7W, W.M.; 1090 FEET SOUTH AND 135 FEET WEST FROM NE CORNER, SECTION 10

Reservoir Locations:

RESERVOIR A - SWNE, SECTION 10, T25S, R7W, W.M.; 1980 FEET SOUTH AND 3710 FEET EAST FROM NW CORNER, SECTION 10

RESERVOIR B - SWNE, SECTION 10, T25S, R7W, W.M.; 2020 FEET SOUTH AND 3160 FEET EAST FROM NW CORNER, SECTION 10

RESERVOIR C - SWNE, SECTION 10, T25S, R7W, W.M.; 1590 FEET SOUTH AND 3200 FEET EAST FROM NW CORNER, SECTION 10

RESERVOIR D - SENW, SECTION 10, T25S, R7W, W.M.; 1415 FEET SOUTH AND 2565 FEET EAST FROM NW CORNER, SECTION 10

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 10
TOWNSHIP 25 SOUTH, RANGE 7 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 20, 2012

PUBLIC NOTICE DATE: Tuesday, January 10, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, February 9, 2012

Mailing List for IR Copies

Application #R-87768

IR Date: January 6, 2012

Original mailed to applicant:

KIRPAL LIGHT SATSANG INC
PO BOX 10
UMPQUA, OR 97486

Copies sent to:

1. WRD - File # R-87768
2. WRD - Water Availability: Ken Stahr
3. WRD - Gerry Clark

sent via email

4. WRD - Watermaster #3
5. ODFW:
6. DEQ:

IR, Map, and Fact Sheet Copies sent to:

7. WRD - Regional Manager: NC
8. Department of Agriculture
9. Kim Kratz, Director, Oregon State Habitat Office
National Marine Fisheries Service, 1201 NE Lloyd Blvd, Portland OR 97232
10. U.S. Fish and Wildlife Service, Roseburg Field Office, Attn: Jim Thrailkill, 2900 NW Stewart Parkway, Roseburg, OR 97471

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

11. Roseburg Resources Company, P.O. Box 1088, Roseburg, OR 97470

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

12. Clay Jordan, CWRE #431, 460 Jordan Lane, Roseburg OR 97470

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

Caseworker: Kerry Kavanagh

VCOPYSH.T.IR