



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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Salem, OR 97301-1271  
503-986-0900  
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February 18, 2015

RONALD LARVIK  
3412 HWY 30  
LA GRANDE, OR 97850

SUBJECT: Water Right Transfer Application T-11809

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11809. 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 [Lanaya.F.Blakely@ wrd.state.or.us](mailto:Lanaya.F.Blakely@ wrd.state.or.us) or (503) 986-0888, if I may be of assistance.

Sincerely,

Lanaya Blakely  
Transfer Specialist  
Transfer and Conservation Section  
cc: Transfer Application file T-11809  
Shad L. Hattan, District 6 Watermaster (*via e-mail*)  
Gregory T. Blackman, CWRE/Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application            )  
T-11809, Union County                            )  
  )  
  )  
  )

**PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A  
CHANGE IN PLACE 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**

RONALD LARVIK  
3412 HWY 30  
LA GRANDE, OR 97850

**Findings of Fact**

1. On May 5, 2014, RONALD LARVIK filed an application to change the place of use under Certificate 50172. The Department assigned the application number T-11809.
2. Notice of the application for transfer was published on May 13, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 27, 2012, Certificate 50172 was cancelled by the provisions of the order approving Transfer Application T-11141. Certificate 87408 was issued to describe these portions of Certificate 50172 not affected by T-11141.
4. On January 22, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11809 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 23, 2015, 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.

5. The portion of the right to be transferred is as follows:

**Certificate:** 87408 in the name of GEO GEKELER (confirmed by GRAND RONDE RIVER decree)  
**Use:** IRRIGATION OF 28.90 ACRES  
**Priority Date:** 1883

**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-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** GRANDE RONDE RIVER, tributary to the SNAKE RIVER

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	9	NW SE	12.00
3 S	38 E	WM	9	SW SE	12.7
3 S	38 E	WM	16	NW NE	4.2
Total					28.90

6. Transfer application T-11809 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	9	NE SE	10.50
3 S	38 E	WM	9	NW SE	0.80
3 S	38 E	WM	9	SW SE	4.60
3 S	38 E	WM	9	SE SE	13.00
Total					28.90

7. Certificate 87408 does not describe the authorized point of diversion. The applicant has submitted information that describes the authorized point of diversion as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	38 E	WM	31	SW SW	GEKELER DITCH: 400 FEET NORTH AND 200 FEET EAST FROM THE SW CORNER OF SECTION 31

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

8. 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.
9. 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-11809.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

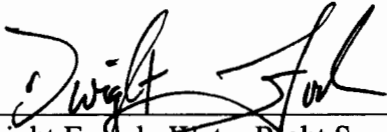
## Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11809 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-11809 is approved, the final order will include the following:*

- 1. The change in place of use proposed in Transfer Application T-11809 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 87408 and any related decree.*
- 3. Water Right Certificate 87408 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. 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 18 day of February 2015.



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

*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*

This Preliminary Determination was prepared by Lanaya Blakely. If you have any questions about the information in this document, you may reach me at 503-986-0888 or Lanaya.F.Blakely@ wrd.state.or.us.