

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

In the Matter of Transfer Application)	ORDER WITHDRAWING
T-10285, Marion County)	PRELIMINARY DETERMINATION
)	DENYING CHANGE IN POINT OF
)	APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

BASIL MICHAEL ELIAS
3400 PORTLAND ROAD NE
SALEM, OR 97301

Findings of Fact

Background

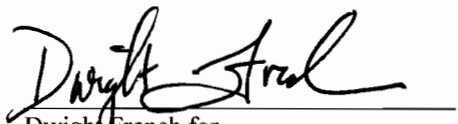
1. On December 20, 2006, Basil Michael Elias filed an application to change the point of appropriation under a portion of Certificate 49470. The Department assigned the application number T-10285.
2. On September 16, 2010, the Department issued a Preliminary Determination proposing to deny Transfer Application T-10285 as incomplete unless the deficiencies were resolved and the necessary information was received.
3. On September 22, 2010, the applicant contacted the Department indicating he disagreed with the Preliminary Determination to deny.
4. On September 29, 2010, the applicant corrected the deficiencies in the application and supplied the necessary information to complete the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Now, therefore, it is ORDERED:

The Preliminary Determination issued on September 16, 2010, is withdrawn and is of no force or effect.

Dated at Salem, Oregon this 29 day of September, 2010.


Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing Date: SEP 30 2010