

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

In the Matter of Transfer Application)	ORDER WITHDRAWING
T-8420, Lake County)	PRELIMINARY DETERMINATION
)	PROPOSING TO APPROVE CHANGES
)	IN POINTS OF APPROPRIATION AND
)	CHANGES IN PLACES OF USE

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.

Applicants

FLAT IRON RANCH LLC
P.O. BOX 428
MYRTLE POINT OR 97458

SCOTT AND MARGIE RUNELS
P.O. BOX 39
FORT ROCK OR 97735

JERRY AND LINDA NEWMAN
P.O. BOX 761
CHRISTMAS VALLEY OR 97641

Findings of Fact

Background

1. On January 18, 2000, Charles Nofziger filed an application to make a change in places of use and points of appropriation under Certificates 75826, 83291, 83581, and 83582. The Department assigned the application number T-8420.
2. On October 8, 2009, the transfer application was assigned to Flat Iron Ranch, LCC, Scott and Margie Runels, and Jerry and Linda Newman.
3. On June 14, 2011, the Department mailed a copy of a draft Preliminary Determination proposing to approve Transfer Application T-8420 to the applicants. The revised draft Preliminary Determination cover letter set forth a deadline of July 14, 2011, for the applicants to respond.

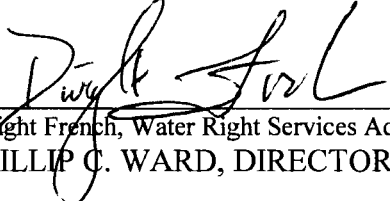
This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director 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.

4. On July 14, 2011, Scott and Margie Runels requested, via email, that the Department proceed with the issuance of a Preliminary Determination to approve Transfer Application T-8420.
5. The draft Preliminary Determination sent to Flat Iron Ranch LLC was returned by the postal service marked as undeliverable as addressed to Myrtle Creek, Oregon. The correct address is Myrtle Point, Oregon.
6. Jerry and Linda Newman did not respond to the draft preliminary determination.
7. On August 8, 2011, the Department erroneously issued a Preliminary Determination to approve Transfer Application T-8420 without the consent of Flat Iron Ranch LLC, landowner of a portion of the "from" land, and Jerry and Linda Newman, the receiving landowners.

Now, therefore, it is ORDERED:

The Preliminary Determination issued on August 8, 2011, is withdrawn and is of no force or effect.

Dated at Salem, Oregon this 12 day of September, 2011.


Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: SEP 13 2011