

Office of Administrative Hearings  
Department of Natural Resources and Conservation  
1539 Eleventh Avenue  
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Helena, MT 59620-1601  
Phone: (406) 444-6615

BEFORE THE DEPARTMENT OF  
NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

\* \* \* \* \*

IN THE MATTER OF CHANGE APPLICATION )  
NO. 43D-30145836 BY LUOMA, DARLENE J ) ORDER DISMISSING CONTESTED CASE  
& RONALD A. ) AND GRANTING CHANGE

\* \* \* \* \*

On March 29, 2021, the Hearing Examiner received notice by e-mail a "Settlement Agreement and Release" ("Agreement") signed by Applicants Ronald and Darlene Luoma and Objector Russell Purcell in this matter. Paragraph 7(d) of the Agreement states "Purcall (sic) shall withdraw his objection to CHANGE APPLICATION 43D-30145836 BY LUOMA, DARLENE J & RONALD A" in exchange for certain responsibilities regarding usage of the Maryott ditch.

Section 85-2-310(3), MCA, states in pertinent part that "...if valid objections are unconditionally withdrawn and the department preliminarily determined to grant the permit or change in appropriation right, the department shall grant the permit or change in appropriation right as proposed in the preliminary determination pursuant to 85-2-307."

The Agreement does not contain any conditions for the department to consider for the withdrawal of the objection. Therefore,

IT IS ORDERED Application to Change an Existing Irrigation Water Right No. 43D-30145836 by Ronald A. and Darlene J. Luoma is hereby **GRANTED** as proposed in the Preliminary Determination to Grant Change dated April 1, 2020.

In addition, this contested case proceeding is hereby **DISMISSED**.

Dated this 1<sup>st</sup> day of April 2021.

/Original signed by David A. Vogler/  
David A. Vogler, Hearing Examiner  
Department of Natural Resources  
and Conservation  
Office of Administrative Hearings  
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### **CERTIFICATE OF SERVICE**

This certifies that a true and correct copy of the ORDER DISMISSING CONTESTED CASE AND GRANTING CHANGE was served upon all parties listed below on this 1<sup>st</sup> day of April 2021 by first class United States mail and/or by electronic mail (e-mail).

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