

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

In the Matter of Transfer Application            )     ORDER WITHDRAWING  
T-9771, Yamhill County, Oregon            )     TRANSFER APPLICATION T-9771  
                                                          )

**Applicant**

Evergreen Agricultural Enterprises  
Evergreen Nursery, Kevin Klupenger  
23556 Wallace Rd NW  
Salem, Oregon 97304

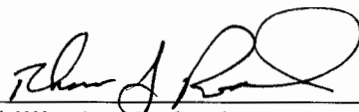
On August 25, 2004, Kevin Klupenger of Evergreen Nursery, Evergreen Agricultural Enterprises filed an application to transfer the place of use, and point of appropriation under Certificate 51708. The Department assigned the application number T-9771.

Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were submitted in response to the notice.

On December 7, 2004, Kevin Klupenger of Evergreen Nursery submitted a request to withdraw transfer application T-9771.

Transfer Application T-9771, in the name of Evergreen Agricultural Enterprises and Evergreen Nursery, Kevin Klupenger, is withdrawn and of no further force or effect. Any unearned fees will be transferred to Application G-16352.

WITNESS the signature of the Water Resources Director,  
affixed JANUARY 19, 2005.

  
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For Phillip C. Ward, Director

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.