

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

In the Matter of Special Order Volume 62, Page 13) CORRECTING ORDER
 approving Transfer T-7241 and Remaining Right)
 Certificate 80986, Marion County)

Applicant

ERNEST KUNTZE
 9539 CROSBY ROAD NE
 WOODBURN, OR 97071

Findings of Fact

1. The Department issued an order approving Transfer T-7241 on October 25, 2004. The order was recorded at Special Order Volume 62, Page 13. A new remaining right certificate was also issued as evidenced by Certificate 80986.
2. Remaining right Certificate 80986 contains a scrivener's error that was carried forward from the original Certificate 27867 (perfected under Permit G-1012) involved in Transfer T-7241. While Finding of Fact #3 on page 2 of Special Order Volume 62, Page 13 corrected a scrivener's error contained in Certificate 27867 (the donation land claim number in the description of the point of appropriation and place of use), the order failed to identify a scrivener's error in the description of the survey coordinates for the point of appropriation authorized under Certificate 27867.

Both Certificates 27867 and 80986, incorrectly described the authorized point of appropriation as being located in the SW ¼ NW ¼ as projected within Whitney DLC 55, Section 6, Township 5 South, Range 1 West, W.M., 75 chains **East** and 1.5 chains North from the SE corner of DLC 55. Consistent with the final proof survey map for Permit G-1012, both Certificates 27867 and 80986 should have identified the authorized point of appropriation as follows:

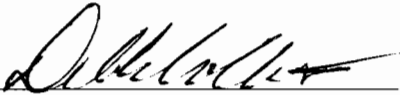
Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
5 S	1 W	WM	6	SW NW	Whitney DLC 55	1.5 chains North and 75 chains West from the Southeast corner of Whitney DLC 55

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 137-004-080 and OAR 690-01-005 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.

Now, therefore, it is ORDERED:

1. Certificate 80986 is cancelled.
2. Water Right Certificate 83853 is issued to supersede Certificate 80986 and to correctly describe the location of the authorized point of appropriation as being in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Whitney DLC 55, Section 6, Township 5 South, Range 1 West, W.M., 75 chains West and 1.5 chains North from the SE corner of DLC 55.

Dated at Salem, Oregon this 1st day of February, 2008.



Phillip C. Ward
Director

PCW

Mailing date: FEB 20 2008