

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

In the Matter of Special Order Volume 95,) CORRECTING ORDER
Page 131-136 approving T-11505 and)
Water Right Certificate 89974, Marion)
County)

Applicant

KUPLINGER NURSERY
46912 OLIVER RD
HALFWAY, OR 97834

Findings of Fact

1. On February 23, 2015, Department issued an order approving Transfer T-11505. The order was recorded at Special Order Volume 95, Pages 131-136. Certificate 89974 was issued to describe that portion of the water right under Certificate 83504 not modified by the order approving T-11505.
2. The order contained a scrivener's error describing the proposed point of appropriation (Well 3) for Certificate 56068 in Finding No. 11, page 4. The erroneous description of the point of appropriation for proposed Well #3 is as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	33	SE NE	WELL #3 (MARI 163) – 10 FEET NORTH AND 352 FEET EAST FROM THE W¼ CORNER OF SECTION 34.

3. The correct description is as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	34	SW NW	WELL #3 (MARI 163) – 10 FEET NORTH AND 352 FEET EAST FROM THE W¼ CORNER OF SECTION 34.

4. Water Right Certificate 89974 contains a scrivener's error describing the authorized point of appropriation, Murray Well 3. The erroneous description of the point of appropriation for Well 3 is as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	34	SW NW	147 FEET NORTH AND 132 FEET EAST FROM THE NW CORNER OF THE SW¼NW¼ OF SECTION 34.

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.


5. The correct description is as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	34	NW NW	147 FEET NORTH AND 132 FEET EAST FROM THE NW CORNER OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 34.

Now, therefore, it is **ORDERED**:

1. The order approving T-11505 as recorded in Special Order Volume 95, Pages 131-136 is corrected to describe the correct point of appropriation for the proposed point of appropriation under Certificate 56068, Well #3.
2. Water Right Certificate 89974 is cancelled. A new certificate will be issued to correctly describe the authorized point of appropriation.
3. All other provisions of Special Order Volume 95, Pages 131-136 remain in effect.

Dated at Salem, Oregon this 21 day of April, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: APR 15 2016