

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

In the Matter of Transfer Application) ORDER REVERTING A POINT OF
T-9295, Yamhill County, Oregon) APPROPRIATION

Applicant

Carlton Plants LLC, Co.
PO Box 399
Dayton, Oregon 97114-0399

Findings of Fact

On December 13, 2002, Marvin Currie filed an application requesting to change the point of appropriation for a parcel under Certificate 31303. The Department assigned the application number T-9295. On August 5, 2003 the file was assigned to Carlton Nursery LLC, Co.

On April 1, 2003, the Water Resources Department issued an order approving T-9295. This order was recorded in the Special Order Volume 57, Page 310.

On September 24, 2004, Alan Elliott of Carlton Plants LLC., notified the Department that they are the new legal landowners and that the change authorized through approval of transfer application T-9295 would not be completed and requested that the authorized point of appropriation revert back to the original point of appropriation.

Pursuant to OAR 690-380-6010, the point of appropriation shall revert to the last authorized point of appropriation if the change is not completed.

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.

Now, therefore, it is ORDERED:

The point of appropriation for the right affected by application T-9295 is reverted to the last authorized point of appropriation prior to the transfer. A superseding certificate for the right affected by the transfer shall be issued in the names of Carlton Plants LLC, Co.

Dated at Salem, Oregon this 24th day of October, 2005.

Phillip C. Ward

For Phillip C. Ward, Director

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271