

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

In the Matter of Clarification of the Intent of)
Permit G-1336 and Confirming Certificate)
36088, in the Name of Klupenger's Nursery)
and Greenhouses, Inc.)

FINAL ORDER

Findings of Fact

1. Application G-3340, in the name of Klupenger's Nursery and Greenhouses, Inc., was filed January 18, 1966. Permit G-3136 was issued approving the application.
2. The application was filed for primary irrigation on a well and use that were registered under GR-144.
3. On November 9, 1966, the Department issued Permit G-3136 for primary irrigation of 96.8 acres from the well with a rate of 1.21 cfs.
4. On June 17, 1969, the Department issued Certificate 36088 for supplemental irrigation of 89.0 acres from the well with a rate of 1.11 cfs.
5. On December 15, 1981, Larry Jebousek, Water Right Section Manager, entered a memo into the file for Application G-3340 clarifying the character of use for the confirming certificate, Certificate 36088. The memo states that the Certificate must be considered a primary right.
6. The Department has determined that the intent of both the application and permit were for the use to be primary irrigation. The Certificate was issued in error.

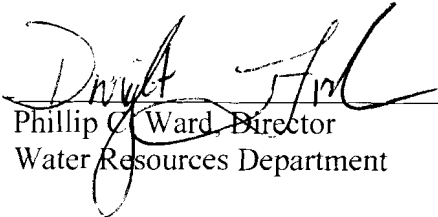
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

A water right certificate shall be issued in the name of Klupenger's Nursery and Greenhouses, Inc. for primary irrigation.

Issued OCT 04 2013.


Phillip C. Ward, Director
Water Resources Department