

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

Order of Certification in the Matter of)
Cancellation of Permit S-54015)

FINAL ORDER

Findings of Fact

1. Application S-71040, in the name of Goschie Farms Inc, was received December 12, 1990. Permit S-54015 was issued February 26, 1997, approving the application.
2. Permit S-54015 allowed the use of water from Abiqua Creek, a tributary of Pudding River for Irrigation of 15.3 acres. The date for the complete application of water was set for October 1, 2000.
3. The Department received a Claim of Beneficial Use (Claim) on August 3, 2000.
4. In reviewing the Claim, we determined the two points of diversion locations given were not the authorized point of diversion under Permit S-54015.
5. Satisfactory proof of beneficial use was not received for the authorized point of diversion under Permit S-54015.

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Permit S-54015 is lost. The permit should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

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.