

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

Order of Certification in the Matter of)
Cancellation of Permit G-11954)

FINAL ORDER

Findings of Fact

1. Application G-12619, in the name of Keith E. Gressley Et-Ux, was received July 22, 1991. Permit G-11954 was issued February 28, 1995, approving the application. The application was assigned and in the name of Robert K. Gressley.
2. Permit G-11954 allowed the use of 0.47 cubic foot per second of water from a Well in the Malher River Basin for Irrigation of 3.1 acres and Supplemental Irrigation of 34.5 acres.
3. The date for complete application of water (C-Date) was to be made on or before October 1, 1998.
4. The Department received a Claim of Beneficial Use on April 7, 1997.
5. The permit contained the below listed condition that was not complied with:

...The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and **shall submit a report** which includes the recorded water use measurements to the department annually or more frequently as maybe required by the Director...
6. A review of the Department records, it was found that the first water use report was submitted for 2000 water year (October 1999 through September 2000).
7. The permit holders did not submit any water use reporting for any water year between when the permit was issued (February 28, 1995) and the c-date (October 1, 1998).

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.

8. Under the provisions of ORS 537.250, after the Water Resources Department has received a request for issuance of a water right certificate accompanied by the survey required under ORS 537.230(5) that shows, to the satisfaction of the Department, that an appropriation has been perfected in accordance with the provisions of the Water Rights Act, the Department shall issue to the applicant a certificate of the same character as that described in ORS 539.140.

Conclusions of Law

The permit holder demonstrated to the satisfaction of the Department that no beneficial use was accomplished under the permit. The use allowed by Permit G-11954 is lost.

Now, therefore, it is ORDERED:

Permit G-11954 is cancelled and is of no further force or effect.

Issued APR 08 2022.



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