

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

Order of Certification in the Matter of
Cancellation of Permit G-13037

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FINAL ORDER

Findings of Fact

1. Application G-12888, in the name of Christopher Sam Poutous, was received April 24, 1992. Permit G-13037 was issued December 11, 1996, approving the application. Subsequently, on October 24, 2007, the application was assigned to Steven Mark DeVries.
2. Permit G-13037 allowed the use of 2.74 cubic feet per second of water from a well within the Sprague River Basin for irrigation of 218.8 acres.
3. The date for complete application of water (C-Date) was to be made on or before October 1, 1999.
4. The Department received a Claim of Beneficial Use on June 27, 2008.
5. The permit contained the below listed condition that was not complied with:

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of **March**. Reports shall be submitted to the Department within 30 days of the measurement.
6. In reviewing the Departments records, it was found that the first March static water level measurement was submitted in 2009.
7. The permit holder did not submit static water level measurements for any water year between when permit was issued (December 11, 1996) and the C-Date (October 1, 1999).

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-13037 is lost.

Now, therefore, it is ORDERED:

Permit G-13037 is cancelled and is of no further force or effect.

Issued JUL 31 2019.



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