

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

Order of Certification in the Matter of  
Cancellation of Permit 27992

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FINAL ORDER

**Findings of Fact**

1. Application S-37573, in the name of April Builders, Inc, was received April 23, 1962. Permit 27992 was issued June 26, 1962, approving the application. The permit was assigned to Donal H. Dean.
2. Permit 27992 allowed the use of water from Williamson River for supplemental irrigation. The date for the complete application of water was set for October 1, 1965.
3. In February 2006, Donal Dean informed the Watermaster for Klamath County that the point of diversion on the Williamson River was no longer being used. Mr. Dean claimed not to use Williamson River for some time.

**Conclusions of Law**

Satisfactory proof of beneficial use was not received. The use allowed by Permit 27992 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. 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:**

Permit 27992 is cancelled and is of no further force or effect.

Issued APR 01 2011.

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

Dwight W. French  
Administrator Water Rights and Adjudications, for  
Phillip C. Ward, Director  
Water Resources Department