

Permit Amendment

T-14391

Name Kylix Vineyards Oregon LLCAttn: Ray ShadyAddress P.O. Box 12958San Luis Obispo, CA 93406ray@grapevinecap.comChange in PODDate Filed 1/5/2024Initial notice date 1/30/2024

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO _____ Vol _____ Page _____

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Lookingglass Creek, A reservoirTrib. of South Umpqua River, Berry CreekUse IrrigationCounty Douglas

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# S-88145Per # S-54992

Cert # _____

PR Date 11-5-2015

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

FEES PAID

Date	Amount	Receipt #
1-5-24	\$1,360.00	142209

FEES REFUNDED

Date	Amount	Receipt #
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Assignments: _____

Irrigation District Lookingglass-Olalla Water Control DistrictAgent Kimberly Grigsby — GSI Water Solutions, Inc.kgrigsby@gsiws.com

CWRE _____

CC's list Douglas County Planning Department☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

November 26, 2024

Kylix Vineyards Oregon, LLC

Attn: Ray Shady

PO Box 12958

San Luis Obispo, CA 93406

REFERENCE: Transfer Application T-14391

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 979-3129 or by e-mail at Arla.l.davis@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Susan M. Douthit, Watermaster Dist. # 15 (via email)
Kimberly Grigsby, Agent
Irrigation District: Lookingglass-Olalla Water Control Dist & Ann Reece (if in District)
Douglas County Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER APPROVING A CHANGE
T-14391, DOUGLAS County)	IN POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

Applicant

KYLIX VINEYARDS OREGON, LLC
ATTN: RAY SHADY
PO BOX 12958
SAN LUIS OBISPO, CA 93406

Findings of Fact

1. On January 5, 2024, KYLIX VINEYARDS OREGON LLC, ATTN: RAY SHADY, filed an application to change the point of re- diversion under Permit S-54992. The Department assigned the application number T-14391.
2. On November 2, 2022, the Department approved an assignment of the permit to Kylix Vineyards Oregon, LLC.
3. On July 7, 2023, the Department approved an extension of time for complete application of water to October 1, 2026.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on January 30, 2024, and in the News Review Newspaper on July 26 and August 2, 2024, pursuant to ORS 540.520(5).
5. Permit Amendment Application T-14391 proposes to move the authorized point of re-diversion upstream approximately 0.44 miles from the existing point of re-diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	7 W	WM	27	NW NE	POD 2 - 2448 FEET SOUTH AND 3245 FEET WEST FROM THE NE CORNER OF SECTION 27

This is a final order in other than 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.

6. On February 7, 2024, the Oregon Department of Fish and Wildlife (ODFW) completed a review of proposed Permit Amendment Application T-14391. The review indicates potential injury to instream water rights located on Lookingglass Creek, between the authorized point of re-diversion and the proposed point of re-diversion, specifically Certificate 73069 and Certificate 59944. Because Permit S-54992 appropriates water from Ben Irving Reservoir, constructed under Permit R-8444, the source is stored water from the reservoir, and not live flow, there is no finding of injury.
7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of re-diversion to prevent fish from entering the re-diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the re- diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This re- diversion may be eligible for screening cost share funds.

Permit Amendment Review Criteria

8. The change would not result in injury to other water rights.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.

Conclusions of Law

The change in point of re-diversion proposed by Permit Amendment Application T-14391 is consistent with the requirements of ORS 537.211.

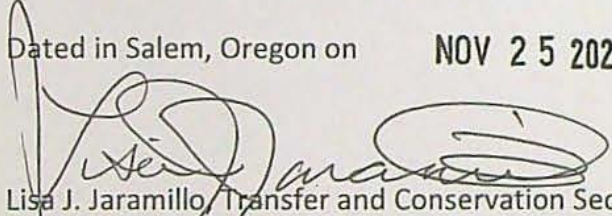
Now, therefore, it is ORDERED:

1. The change in point of re-diversion proposed by Permit Amendment Application T-14391 is approved.
2. Approval of this permit amendment application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of re-diversion.
3. Permit S-55529, in the name of KYLIX VINEYARDS OREGON LLC, is issued to replace Permit S-54992, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit S-54992, in the name of KYLIX VINEYARDS OREGON, LLC, is no longer of any force or effect.
4. The quantity of water diverted at the new point of re-diversion (POD 2) shall not exceed the quantity of water lawfully available at the original point of re- diversion.

5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meter or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of re- diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of re-diversion consistent with ODFW's operational and maintenance standards.
7. Water shall be acquired from the same surface water source as the original point of re-diversion.
8. All other terms and conditions of Permit S-55529 remain the same.

Dated in Salem, Oregon on

NOV 25 2024


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date:

NOV 26 2024

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

KYLIX VINEYARDS OREGON, LLC
PO BOX 12958
SAN LUIS OBISPO, CA 93406

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-14391 and approved by Special Order Vol. 133, Page 372, entered NOV 25 2024 an assignment approved November 11, 2022, and an extension of time for complete application of water approved July 7, 2023. This permit supersedes Permit S-54992.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88145

SOURCE OF WATER: BEN IRVING RESERVOIR, CONSTRUCTED UNDER PERMIT R-8444,
TRIBUTARY OF BERRY CREEK

PURPOSE OR USE: IRRIGATION OF 106.817 ACRES

MAXIMUM VOLUME: 107.0 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT), FURTHER
LIMITED TO 0.47 CUBIC FOOT PER SECOND

DATE OF PRIORITY: NOVEMBER 5, 2015

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

Authorized Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	7 W	WM	27	NE SW	POD 2 - 2448 FEET SOUTH AND 3245 FEET WEST FROM THE NE CORNER OF SECTION 27

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	7 W	WM	27	NE NE	24.64
28 S	7 W	WM	27	NW NE	12.80
28 S	7 W	WM	27	SW NE	20.80
28 S	7 W	WM	27	SE NE	21.10
28 S	7 W	WM	27	NE NW	7.58
28 S	7 W	WM	27	SE NW	18.60
28 S	7 W	WM	27	NE SW	1.05
28 S	7 W	WM	27	NW SE	0.247
Total					106.817

Permit Amendment T-14391 Conditions:

The quantity of water diverted at the new point of re-diversion (POD 2) shall not exceed the quantity of water lawfully available at the original point of re- diversion.

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
- b. The water user shall maintain the meter or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of re-diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of re- diversion consistent with ODFW's operational and maintenance standards.

Water shall be acquired from the same surface water source as the original point of re-diversion.

Extension of Time Conditions:**Water Use Condition**

If no water is applied to beneficial use under the terms and conditions of Permit S-54992 on or before October 1, 2026, this will be the last extension of time granted for Permit S-54992 Any future extensions of time request shall be denied, unless the permit holder can provide the Department with evidence that beneficial use of the water is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

Original Permit Conditions:Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

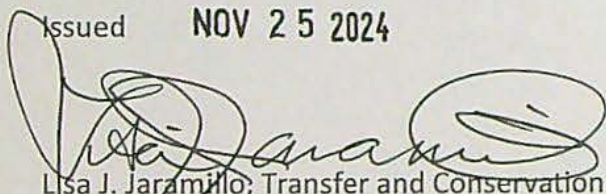
The use of water under this right is subject to the terms and conditions of contract No. 369, or a satisfactory replacement, between the Lookingglass-Olalla Water Control District and the permittee, a copy of which must be on file in the records of the Water Resources Department.

STANDARD CONDITIONS

- 1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
- 2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
- 3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. The original permit was issued March 24, 2016. Actual construction work was to begin within one year from the issuance of the original permit. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
8. The original permit was issued March 24, 2016. Complete application of the water to the use was to be made within five years of the date of permit issuance. By Extension of Time Final order approved July 7, 2023, the deadline for complete application of water to the use was extended to October 1, 2026.
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued **NOV 25 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

PERMIT AMENDMENT COVER SHEET

Transfer: T-14391

Permit Amendment Specialist:

Transfer Type: Permit Amendment Transfer

Reimbursement Authority? ☐

Aula

Applicant: Kylix Vineyards Oregon LLC Attn: Ray Shady P.O. Box 12958 San Luis Obispo, CA 93406	Agent: Kimberly Grigsby 1600 SW Western Blvd., Suite 240 Corvallis, OR 97333	CWRE:
Irrigation District:	Affected Local Gov'ts: Douglas County	Affected Tribal Gov't:
BOR Notified (date):		

Permit(s) Affected

File Marked	App. File # or Decree Name	Permit Number	Superseding Permit Number
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: January 5, 2024	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1360.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 16 Umpqua
Initial Public Notice: 1/30/2024	County sent cc: of Ack Letter <input type="checkbox"/>	County: DOUGLAS
WM District: 15 Susan M. Douthit	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper Notice and other:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper:		
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):		
Request for news \$ sent:	News \$ received:		
Affidavit of publication received:	Last day of publication:		
Extension of Time? <input type="checkbox"/>	Assignment? <input type="checkbox"/>	Previous Permit Amendments? <input type="checkbox"/>	WMCP? <input type="checkbox"/>

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>5/1/24</u> Initials: <u>AD</u>	Date: <u>5/6/24</u> Initials: <u>JS</u>	Date: <u>5/17/24</u> Initials: <u>JKS</u>	Date: <u>7/23/24</u> Initials: <u>AD</u> Data Review Date: <u>7/23/24</u>	Date: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/> No. of docs for sig: _____	Date: _____

Special Issues: Ran in News Review - affidavit 9/12/24

Special Order Volume: Vol. _____ Pages _____

RECEIPT # 143343

INVOICE #

RECEIVED FROM: GSI
BY: Water Solutions, Inc.
CASH: ☐ CHECK: # 26897 OTHER: (IDENTIFY) ☐
APPLICATION: PERMIT
TRANSFER: T-14391
TOTAL REC'D \$ 146.47

1083 TREASURY 4170 WRD MISC CASH ACCT
0407 COPIES 46118 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 146.47
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT
MISCELLANEOUS
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$
WATER RIGHTS: EXAM FEE RECORD FEE
0201 SURFACE WATER \$ 0202 \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$
WELL CONSTRUCTION EXAM FEE LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$
OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE
0211 WELL CONST START FEE \$ CARD#
0210 MONITORING WELLS \$ CARD#
OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER
0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX
FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

RECEIPT # 143343

INVOICE #

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BY: Water Solutions, Inc.
CASH: ☐ CHECK: # 26897 OTHER: (IDENTIFY) ☐
APPLICATION: PERMIT
TRANSFER: T-14391
TOTAL REC'D \$ 146.47

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OTHER (IDENTIFY)

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OTHER (IDENTIFY)

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0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX
FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

Received
JUL 18 2024
OWRD

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
T-14391 Notice	7/3/2024	0024341	146.47			146.47
Oregon Water Resources Department						
Beneficial Checking	4	00275	146.47			146.47
		TOTAL	146.47			

The News-Review

Receipt

Column Software PBC
PO Box 208098
Dallas, TX 75320-8098
help.column.us

Paid by
Oregon Water Resources Department

Receipt number
Invoice number 595254AD-0008
Notice ID KGLM3NsqULmEzn3HX6MO
Publisher The News-Review
Date paid Sep 16, 2024
Payment method VISA - 5731

Description	Qty	Unit price	Amount
07/26/2024: Other Notice	1	61.03	61.03
08/02/2024: Other Notice	1	61.03	61.03
=== Notes === Notice Name: Legal Notice - T-14391 Order Number: 100586			Net Subtotal \$122.06
			Tax 0.00
			Amount paid \$122.06

DAVIS Arla L * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Tuesday, July 23, 2024 1:59 PM
To: DAVIS Arla L * WRD
Subject: RE: review of Permit Amendment T-14391

Um, Doug, not Dog as the director.

Oops.

From: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>
Sent: Tuesday, July 23, 2024 1:44 PM
To: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>; WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Subject: RE: review of Permit Amendment T-14391

You are the best! I have made those updates to the permit. Thank you!

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day.

Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Tuesday, July 23, 2024 1:21 PM
To: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>; WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Subject: RE: review of Permit Amendment T-14391

Hello Arla,

This Permit Amendment has been processed with a couple issues.

On the document the transfer number is listed incorrectly, in 2 places.
Here:

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-14091 and approved by Special Order Vol. 131, Page _____, entered _____, an assignment approved November 11, 2022, and an extension of time for complete application of water approved July 7, 2023. This permit supersedes Permit G-3225.

and

Application T-14331/S-88145.ald

On page 2 of the new permit there is repeated text:

Water Use Condition

If no water is applied to beneficial use under the terms and conditions of Permit S-54992 on or before October 1, 2026, this will be the last extension of time granted for Permit S-54992. Any -future extensions of time request shall be denied, unless the permit holder can provide the Department with evidence that beneficial use of the water is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

Then I noticed the signature still has Dog as the acting Director, didn't know if you'd want that changed.

Have a great day!

Sheila Buchholz

(She/Her/Hers)

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@water.oregon.gov



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>

Sent: Monday, July 22, 2024 2:48 PM

To: WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>

Subject: review of Permit Amendment T-14391

Hello,

Requesting data review for Permit Amendment T-14391. Both the draft FO and Draft superseding Permit are attached. Please let me know if you have any questions.

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-14391

Review Due Date: 01/29/2024

Applicant Name: Kylix Vineyards Oregon LLC/GSI

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): S.Douthit

Date of Review: 04/24/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

Stored water has historically been available
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

NA

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14391



In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) OR



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Susan Douthit

District: 15

Address: 1036 SE Douglas Ave., DC Courthouse Room 307

City/State/Zip: Roseburg, OR 9747-

Phone: 541-440-4255

Email: susan.m.douthit@water.oregon.gov

Note: *If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.*

Approval of an Alternate Measurement Device **T-**
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

 Watermaster signature

 District

 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14391

Date of review: 2/7/24

A. Please check box if you believe there is a potential for injury to an instream water right.

☒ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on Lookingglass Creek, tributary to the South Umpqua River, because moving upstream from the authorized point of diversion to the proposed point of diversion would potentially injure instream water rights C73069 and C59944.

(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☐ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

☐ **3. Screen 2 Year**

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within **two** years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

[Use this option if fish are not currently present, but might possibly be at some future time.]

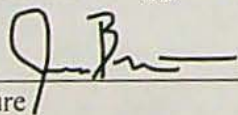
Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

[Check this box if fish are not currently present, and are not expected in the future.]



Signature

Jason Brandt
Printed Name

(541) 315-6222
Phone

SW Hydro Coordinator
Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-14391

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Josh Kelsey

Address: 1495 E Gregory Rd

City/State/Zip: Central Point/OR/97502

Phone: (541) 826-8774

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Greg Huchko

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: 541-464-2177



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 29, 2024

Kylix Vineyards Oregon LLC

Attn: Ray Shady

PO Box 12958

San Luis Obispo, CA 93406

Reference: Application T-14391

On January 5, 2024, OWRD received your water right Permit Amendment Application. The application was accompanied by \$1360.00. Our receipt number 142209 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the application has been issued by the Department.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #15, Susan M. Douthit (via email)
Kimberly Grigsby, Agent
Douglas County Planning Department
Other Permit Holders of Record:
Irrigation District: Lookingglass-Olalla Water Control District

Enclosure

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **142209**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: 651
BY: Water Solutions, Inc.

APPLICATION _____
PERMIT _____
TRANSFER T-14391

CASH: ☐ CHECK: # 26495 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 46110 \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ 0202 RECORD FEE \$
0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$ 1360.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ 0219 LICENSE FEE \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD# _____
0210 MONITORING WELLS \$ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: **142209**

DATED 1-5-2024 BY: m mich

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

GSI WATER SOLUTIONS INC

Check Date: 12/20/2023

026495

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
Permit Fee Grapevine	12/19/2023	0023178	1,360.00			1,360.00
Oregon Water Resources Department						
Beneficial Checking	4	00275	1,360.00			1,360.00
		TOTAL				

RECEIVED
JAN 05 2024

OWRD

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This permit amendment application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1**
List the Permits here: S-54992 (Attachment A)
Please include a separate Part 5 for each permit. (See instructions on page 6)
- ☒ Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner). **(Attachment B)**
- ☐ ☒ N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>). Assignment is not needed if the applicant is the permit holder of record.
- ☐ ☒ N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant **or** other permit holders of record that are not listed as applicants.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. **(Attachment C)**
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. (ORS 540.531(2) or (3)).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required

☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Permit Amendment Map Checklist

Your permit amendment application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

RECEIVED

JAN 05 2024

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- ☐ ☒ N/A If **more than three** permits are involved, separate maps for each permit.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- ☐ ☒ N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMIT AMENDMENT				
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	1	\$1,360	
	Types of change proposed: <input type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$1090 and enter »	RECEIVED JAN 05 2024 OWRD	2	0
3	Number of permits included in Permit Amendment <u>1 (3a)</u> Subtract 1 from the number in 3a: <u>0 (3b)</u> <i>If only one permit this will be 0</i> Multiply line 3b by \$610 and enter »	3	0	
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter »	4	0	
5	Do you propose to change the place of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »	RECEIVED JAN 05 2024 OWRD	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,360	
7	Is this permit amendment: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 If no box is applicable, enter 0 on line 7 »	7	0	
8	Subtract line 7 from line 6 » Permit Amendment Fee:	8	\$1,360	

*Example for Line 5a calculation to transfer 45.0 acres of Primary Permit S-12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Permit S-87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each permit involved as follows:
 - a. Divide total authorized cfs by total acres in the permit (*for S-12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be changed to get the application cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right permit does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For S-87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land**. The fee should be assessed only once for each "on the ground" acre included in the application. (*In this example, blank 5a would be only 0.56 cfs, since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Kylix Vineyards Oregon LLC, Attn: Ray Shady		PHONE NO. (650) 400-6179	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 12958		FAX NO.	
CITY San Luis Obispo	STATE CA	ZIP 93406	E-MAIL ray@grapevinecap.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

RECEIVED
JAN 05 2024

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Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME GSI Water Solutions, Inc. Attn: Kimberly Grigsby		PHONE NO. 541-257-9004	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Blvd., Suite 240		FAX NO.	
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL kgrigsby@gsiws.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this permit amendment; and why:
The Applicant is proposing to change the authorized point of re-diversion for Permit S-54992, which will allow them to more efficiently operate their irrigation system.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the permit holder of record? ☒ Yes ☐ No

If NO, include either: N/A

- ☐ A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), OR
- ☐ An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

Has the Completion ("C") Date of the permit(s) in this application expired? ☐ Yes ☒ No

If YES, this application will not be accepted by the Department.

If NO, what are the completion dates of the permit(s)? October 1, 2026

- If the permit completion date expires while the Permit Amendment Application is pending, the Department will not approve the Permit Amendment Application until an Extension of Time Application is approved for the permit.
- You may consider using the Reimbursement Authority process to expedite the processing of this Permit Amendment Application if the completion date of the permit expires within 6 months of the date of filing this application.

By my signature below, I confirm that I understand:

- Prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The News-Review (Roseburg)

I (we) affirm that the information contained in this application is true and accurate.

DocuSigned by:
Raymond Shady
Applicant Signature 054E158B49A04F0...

Ray Shady, Authorized Signatory
Print Name (and Title if applicable)

December 11, 2023
Date

Check one of the following:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

Check the appropriate box, if applicable:

- ☒ Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME Lookingglass-Olalla Water Control District	ADDRESS P.O. Box 1579	
CITY Roseburg	STATE OR	ZIP 97470

- ☒ Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME Lookingglass-Olalla Water Control District	ADDRESS P.O. Box 1579	
CITY Roseburg	STATE OR	ZIP 97470



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Douglas County Planning Department	ADDRESS 1036 SE Douglas Ave.	
CITY Roseburg	STATE OR	ZIP 97470

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Use Permit Information

Please use a separate Part 5 for each permit being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

PERMIT # S-54992

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized by the permit or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	28 S	7 W	27	NW NE	200	820 feet South and 1570 feet West from the NE corner of Section 27
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	28 S	7 W	27	NE SW	200	2448 feet South and 3245 feet West from the NE corner of Section 27

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |

Will all of the proposed changes affect the entire water use permit?

- ☒ **Yes** Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ **No** Complete all of Table 2 to describe the portion of the permit to be changed.

For a change in place of use: N/A

Does the permit holder of record own or control the land TO which the place of use is being moved?

☐ Yes ☐ No

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If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

Is the proposed place of use contiguous to the authorized place of use? ☐ Yes ☐ No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use unless the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer

Table 2. Description of Changes to Water Use Permit # S-54992


List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																				
2	S	9	E 15 NE NW	100		15.0	POD #1 POD #2		POU/POD	2	S	9	E 15 NW NW	100	1	10.0	POD #5			
"	"	"	" " " "	"	"	EXAMPLE	"		"	2	S	9	E 15 SW NW	200		5.0	POD #6			
									POD	28	S	7	W 27 NE NE	200		24.64	POD 2	11/5/2015		
								28		S	7	W 27 NW NE	200		12.80					
								28		S	7	W 27 SW NE	200		20.80					
								28		S	7	W 27 SE NE	200		21.10					
								28		S	7	W 27 NE NW	200		7.58					
								28		S	7	W 27 SE NW	200		18.60					
								28		S	7	W 27 NE SW	200		1.05					
								28		S	7	W 27 NW SE	200		0.247					
TOTAL ACRES							TOTAL ACRES						106.817							

Additional remarks: _____.

Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands? ☐ Yes ☒ No

If YES, list the other certificate, permit, or ground water registration numbers: N/A

 If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation N/A

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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STATE OF OREGON
COUNTY OF DOUGLAS
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

AZALEA ROJO LLC
PO BOX 806
WINCHESTER OR 97495

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88145

SOURCE OF WATER: BEN IRVING RESERVOIR, CONSTRUCTED UNDER PERMIT R-8444, TRIBUTARY OF BERRY CREEK

PURPOSE OR USE: IRRIGATION OF 106.817 ACRES

MAXIMUM VOLUME: 107.0 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT),
FURTHER LIMITED TO 0.47 CUBIC FOOT PER SECOND

DATE OF PRIORITY: NOVEMBER 5, 2015

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

Authorized Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	7 W	WM	27	NW NE	820 FEET SOUTH AND 1570 FEET WEST FROM NE CORNER, SECTION 27

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	7 W	WM	27	NE NE	24.64
28 S	7 W	WM	27	NW NE	12.80
28 S	7 W	WM	27	SW NE	20.80
28 S	7 W	WM	27	SE NE	21.10
28 S	7 W	WM	27	NE NW	7.58
28 S	7 W	WM	27	SE NW	18.60
28 S	7 W	WM	27	NE SW	1.05
28 S	7 W	WM	27	NW SE	0.247

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Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

The use of water under this right is subject to the terms and conditions of contract No. 369, or a satisfactory replacement, between the Lookingglass-Olalla Water Control District and the permittee, a copy of which must be on file in the records of the Water Resources Department.

STANDARD CONDITIONS

- 1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
- 2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
- 3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
8. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued MARCH 24 2016

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

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Land Use Information Form

OREGON



WATER RESOURCES
DEPARTMENT

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Applicant(s): Kylix Vineyards Oregon, LLC

Mailing Address: P.O. Box 12958

City: San Luis Obispo

State: CA

Zip Code: 93406

Daytime Phone: 650-400-6179

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>28S</u>	<u>7W</u>	<u>27</u>	<u>NESW</u>	<u>200</u>	<u>FG</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Douglas County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☐ Water Right Transfer ☒ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 107.0 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The Applicant proposes to change the point of diversion at which stored water is diverted under a contract with the Lookingglass-Olalla Water Control District for irrigation of the Applicant's vineyard.

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Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): **LUDO 3.3.000 & LUDO 3.5.000**

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Zone: FB;FF Property ID: R47502	DOUGLAS COUNTY PLANNING DEPARTMENT ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470
--	---

Name: **Reese Carson** Title: **Planning Tech III**

Signature: **[Signature]** Phone: **501-440-4289** Date: **12-13-23**

Government Entity: **Douglas County**

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Permit Amendment Map

Permit S-54992

Township 28 South, Range 7 West, W.M.
Douglas County

LEGEND

- Proposed Point of Re-Diversion
- Authorized Point of Re-Diversion
- Place of Use (POU)
- Donation Land Claim (DLC)
- Government Lot (GL)
- Tax Lot
- Watercourse
- Waterbody

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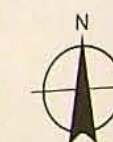
POD Location Description

Proposed Point of Re-Diversion
Located 2448 feet South and 3245 feet West from the NE corner of Section 27, Township 28 South, Range 7 West (W.M.)

Authorized Point of Re-Diversion
Located 820 feet South and 1,570 feet West from the NE corner of Section 27, Township 28 South, Range 7 West (W.M.)

Disclaimer

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



0 200 400 600
1 inch = 400 Feet

MAP NOTES:

Date: September 6, 2023
Data Sources: USGS, BLM, Douglas Co.





Permit Amendment Map

Permit S-54992

Township 28 South, Range 7 West, W.M.
Douglas County

LEGEND

- Proposed Point of Re-Diversion
- Authorized Point of Re-Diversion
- Place of Use (POU)
- Donation Land Claim (DLC)
- Government Lot (GL)
- Tax Lot
- Watercourse
- Waterbody

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POD Location Description

Proposed Point of Re-Diversion
Located 2448 feet South and 3245 feet West from the NE corner of Section 27, Township 28 South, Range 7 West (W.M.)
Authorized Point of Re-Diversion
Located 820 feet South and 1,570 feet West from the NE corner of Section 27, Township 28 South, Range 7 West (W.M.)

Disclaimer

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



0 200 400 600
1 inch = 400 Feet

MAP NOTES:

Date: September 6, 2023
Data Sources: USGS, BLM, Douglas Co.





January 2, 2024

Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Permit Amendment Application – Permit S-54992

Dear Kelly:

On behalf of Kylix Vineyards Oregon LLC (Applicant), GSI Water Solutions, Inc. is submitting the enclosed application for a permit amendment for Permit S-54992. The Applicant is proposing to change the point of re-diversion at which stored water is diverted under a contract with the Lookingglass-Olalla Water Control District for irrigation of the Applicant's vineyard. A check in the amount of \$1,360 for the permit amendment application fee is enclosed.

If you have any questions regarding this application, please contact me at 541-257-9004 or kgrigsby@gsiws.com.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Grigsby". The signature is written in a cursive, flowing style.

Kimberly Grigsby
Principal Water Resources Consultant

CC: Ray Shady, Kylix Vineyards Oregon LLC

Enclosures: Permit Amendment Application and attachments
Check in the amount of \$1,360.00

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Permit Amendment Application Intake Checklist

Permit Amendment # T-

Reviewer <u>Stacy</u> Date <u>1-26-2024</u>	Type of Change(s) Proposed: <input type="checkbox"/> POU <input checked="" type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> SW to GW
Calculated Fee \$ <input checked="" type="checkbox"/> Use fee calculator on back of this form	
Fee Received \$ <u>1,360.00</u>	
Permit: <u>S-54992</u> Permit: Permit:	Completion Date: <u>10-1-2026</u> Completion Date: Completion Date:
Check <u>ALL</u> Permits in WRIS to confirm completion date is not expired	
Notes:	

Application:			
1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
For multiple permits: Each permit proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which permit(s) are missing separate Part 5, Tables 1 & 2?			

Map Requirements:			
4.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Map included & to scale? (Separate map for each permit if more than 3 permits)
5.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Map Waiver? The map waiver must be issued by the Department			
Notes:			

Attachments:			
6.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Has the Permit Completion Date expired? (If yes, we cannot accept)
7.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Land Use Form included and signed by the County?			
8.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Consent Form included, signed, & notarized (for applicants who are not a permit holder of record)?			
9.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
For changes in POA/APOA – are the well logs included?			
10.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
For change in POU within Umatilla County, Supplemental Form U included?			

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

Permit Amendment Application Intake Checklist

FEE WORKSHEET for PERMIT AMENDMENT			
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) <i>If only one change, this will be 0</i> Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » »	2	<u>0</u>
	Number of permits included in Permit Amendment <u>1</u> (3a) Subtract 1 from the number in 3a above: <u>0</u> (3b) <i>If only one permit, this will be 0</i> Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	<u>0</u>
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1st well to be added or changed <u>0</u> (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0</u> (4b)	4	<u>0</u>
	Add line 4a to line 4b and enter » » » » » » » » » » » » » » » »	4	<u>0</u>
	Do you propose to change the place of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c)	5	<u>0</u>
	Multiply 5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » »	5	<u>0</u>
	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	<u>0</u>
	Is this Permit Amendment: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	7	<u>0</u>
	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	<u>0</u>
	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Permit Amendment Fee:	8	<u>1360</u>