

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-55046, Water Right Application S-88341) FINAL ORDER
in the name of Kylix Vineyards Oregon, LLC)

Permit Information

Application:	S-88341
Permit:	S-55046
Basin:	Umpqua / Watermaster District 15
Date of Priority:	December 9, 2016
Source of Water:	Ben Irving Reservoir, constructed under Permit R-8444, tributary to Berry Creek
Purpose or Use:	irrigation of 2.3 acres
Maximum Rate/Volume:	3.0 acre-feet (AF), further limited to 0.03 cubic foot per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

Application History

Permit S-55046 was issued by the Department on April 13, 2017. The permit specified completion of construction by , and complete application of water to beneficial use by, April 13, 2022. On December 5, 2022, Kylix Vineyards Oregon, LLC submitted an Application for Extension of Time for Permit S-55046. In accordance with OAR 690-315-0050(2), on February 7, 2023, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from April 13, 2022, or October 1, , to October 1, 2027. The protest period closed March 24, 2023, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated February 7, 2023.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following condition:

LIMITATIONS AND CONDITIONS

1. Last Extension Condition

If no water is applied to beneficial use under the terms and conditions of Permit S-55046 on or before October 1, 2027, this will be the be the last extension of time granted for Permit S-55046, or any subsequent permit originating from the permit. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence that beneficial use of the water, while in compliance with the terms and conditions of the permit, 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

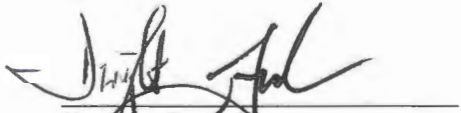
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application S-88341, Permit S-55046, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from April 13, 2022, to October 1, 2027.

DATED: April 7, 2023



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

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- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503)979-3213.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
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