

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-54992, Water Right Application S-88145) FINAL ORDER
in the name of Kylix Vineyards Oregon, LLC)

Permit Information

Application:	S-88145
Permit:	S-54992
Basin:	Umpqua / Watermaster District 15
Date of Priority:	November 5, 2015
Source of Water:	Ben Irving Reservoir, constructed under Permit R-8444, tributary of Berry Creek
Purpose or Use:	irrigation of 106.817 acres
Maximum Rate/Volume:	107.0 acre feet (AF) (or as further limited by contract), further limited to 0.47 cubic feet per second

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-54992 was issued by the Department on March 24, 2016. The permit specified complete application of water to beneficial use by March 24, 2021. On February 24, 2023, Kylix Vineyards Oregon, LLC submitted an Application for Extension of Time for Permit S-54992. In accordance with OAR 690-315-0050(2), on May 16, 2023, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from March 24, 2021, or October 1, , to October 1, 2026. The protest period closed June 30, 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 May 16, 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 conditions:

LIMITATIONS AND CONDITIONS

1. **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 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.

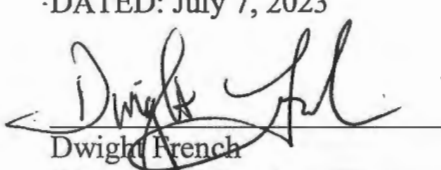
CONCLUSION OF LAW

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-88145, Permit S-54992, 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 March 24, 2021, to October 1, 2026.

DATED: July 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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