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 G-15014, Water Right Application G-15078,)	FINAL ORDER
in the name of Jackson Family Wines, Inc.)	

Permit Information

Application: G-15078 Permit: G-15014

Basin: 2 – Middle Willamette / Watermaster District 16

Date of Priority: December 28, 1999

Source of Water: Five wells and waste water in the Chehalem Creek Basin

Purpose of Use: Wells 1, 2, 3, and 4, and waste water from hydroponics operation

- irrigation of 80.0 acres; wells 1, 2, 3, 4, and 5 - hydroponics

algae operations on 5.0 acres

Maximum Rate: Not to exceed a maximum cumulative total of 0.167 cubic foot per

second (cfs) from any combination of the wells for irrigation or hydroponics operations; and up to 0.446 cfs may be used from waste water from hydroponics operation for irrigation, or as may

be further restricted by any required discharge permit.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file 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 G-15014 was issued by the Department on January 30, 2002. The permit called for complete application of water to beneficial use by October 1, 2006. The most recent extension authorized complete application of water to beneficial use by October 1, 2011. On July 24, 2015, Jackson Family Wines, Inc. submitted to the Department an Application for Extension of Time for Permit G-15014. In accordance with OAR 690-315-0050(2), on September 22, 2015, the Department issued a Proposed Final Order proposing to extend the time to fully apply

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water to beneficial use to October 1, 2037. The protest period closed October 23, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated September 22, 2015.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2020, 2025, 2030, and 2035. A form is enclosed with this Final Order.

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

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ORDER

The extension of time for Application G-15078, Permit G-15014, 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 October 1, 2011 to October 1, 2037.

DATED: November 13, 2015

Dwight/French

Water Right Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0825.
- 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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Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Jackson Family Wines, Inc.

Application G-15078

Permit G-15014

Progress Report for 2020

Report Due no later than October 1, 2020 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

development and perfections of Permit G-15014.

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED. LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS FINANCIAL DATES For the period of time between July 24, 2015 and October 1, 2020 INVESTMENT 2. Describe actions to achieve compliance with conditions of the permit and/or previous extension. Total number of acres irrigated to date: _____(NA if not applicable) 3. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, to date. Maximum rate used to date = _____cfs (cubic feet per second) Report the rate in the same units of measurement as specified in the permit, Maximum rate used to date = _____gpm (gallons per minute) being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. Do not provide daily, monthly or annual water Signature Date volume totals. Printed Name/Title____

Diligence Shown	☐ Yes ☐ No	Date Public Noticed: For OWRD use only	
Reviewed by:		Date:	

Mailing List for Extension FO Copies

FO Date: November 13, 2015	Copies Mailed
Application: G-15078 Permit: G-15014	By: On:
Original mailed to permit holder	
Jackson Family Wines, Inc. 425 Aviation Blvd Santa Rosa, CA 95403	
Copies sent to:	
1. WRD - App. File G-15078/ Permit G-15014	
2. PACIFIC HYDRO-GEOLOGY INC. GREGORY KUPILLAS 18487 S VALLEY VISTA RD MULINO, OR 97042	
Fee paid as specified under ORS 536.050 to receive copy:	
3. None	
Receiving notification via e-mail - FO available in WRIS for (DONE BY EXTENSION SPECIALIST)	<u>review</u>
4. WRD - Watermaster District 16, Joel Plahn	
If Progress Reports are included: (Done BY EXTENSION SPECIALIST) Add record to Progress Report tracking sheet.xls Done:	byDate
CASEWORKER: CAC	

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