

**Oregon Water Resources Department
Water Right Services Division**

Water Right Application G-18859 in the) SUPERSEDING FINAL ORDER
name of ABG OREGON VINEYARDS)
LLC)

Summary: Superseding order approving Application G-18859 and issuing Permit G-18532.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410, and the Willamette Basin Program (OAR 690-502). These statutes and rules can be viewed on the following website: <https://www.oregon.gov/OWRD/programs/policylawandrules/Pages/default.aspx>

The Department's main page is <https://www.oregon.gov/OWRD>.

This Final Order is issued pursuant to ORS 537.625 and OAR 690-310-0200.

FINDINGS OF FACT

1. On September 3, 2019, ABG Oregon Vineyards LLC submitted an application to the Department for a water use permit.
2. On August 18, 2020, the Department issued a Proposed Final Order recommending approval of the application. The protest period closed on October 2, 2020 and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein.
4. On November 13, 2020, the Department issued a Final Order approving Application G-18859 and issuing Permit G-18508. Subsequently the Department discovered the November 13, 2020 Final Order erroneously omitted a condition in the permit. The permit should include that the maximum rate allowed under this permit, in combination with use under Application G-18997, shall not exceed 0.165 cubic foot per second, as in the attached permit.
5. Accordingly, pursuant to OAR 137-004-0080 (5), a superseding Final Order and Permit will be issued.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080 you may 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.

HEARING RIGHTS

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed. Only the applicant or protestant may appeal this order. (ORS 537.170(7)(b).

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order issued August 18, 2020 are incorporated herein, with the above modification.
2. The proposed use, as conditioned, will ensure the preservation of the public welfare, safety and health.

NOTE: When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect public welfare, safety and health.

ORDER

This Final Order and Permit supersede the November 13, 2020 Final Order and Permit G-18508, which are of no further force or effect.

Application G-18859 is approved and Permit G-18532 is issued.

DATED **JAN 26 2021**



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 Kim French at Kim.R.French@oregon.gov or 503-986-0816.
 - 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.
-