

**Oregon Water Resources Department
Water Rights Division**

Hydroelectric Reauthorization
Project HE 247

Final Order

NOTE: This is a Final Order issued pursuant to Oregon Revised Statutes (ORS) 543A.130.

Application History

On February 14, 1979, Breitenbush Hot Springs Retreat Center was granted a hydroelectric license conferring the right to appropriate not to exceed 35.0 cubic feet per second of water from Breitenbush River and a license for the development of 67.6 theoretical horsepower. The license was effective as of the date of issuance and terminated on December 31, 1998. Under the provisions of ORS 543A.150 the expiration date was extended until December 31, 2000.

On February 20, 1998, Breitenbush Hot Springs Corporation applied to the Water Resources Department (Department) for reauthorization of the hydroelectric project. Water Right Certificate 79172 was issued and was due to expire on December 31, 2020. Under the provisions of ORS 543A.150 the expiration date was extended until December 31, 2022, to allow for project reauthorization.

On June 11, 2018, Breitenbush Hot Springs Retreat Center applied to the Department for reauthorization of the hydroelectric project.

On August 30, 2022, the Department provided public notice of a draft proposed final order in its weekly public notice. Written comments were requested by October 14, 2022.

On November 8, 2022, the Department provided public notice of a proposed final order in its weekly public notice. Written comments, protests or requests for standing were requested by December 23, 2022. No protest or requests for standing were requested.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than a 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 in ORS 183.484(2). Pursuant to OAR 137-004-080 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 is filed, the petition shall be deemed denied.

The Department concludes that the use will not impair or be detrimental to the public interest under ORS 543A.025 (1). In addition, the Project as conditioned in the draft water right certificate attached herein, satisfies the minimum requirements set forth in ORS543A.025 (2).

OWRD will coordinate a HART site visit to the project every 5 years to review the project and its operation.

If additional time is needed to submit the required fees, a written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

Order

HE 247 is reauthorized and the attached water right certificate is issued.

Issued

DEC 30 2022

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Administrator
Water Right Services Division, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department