

Oregon Water Resources Department
Water Rights Division

Hydroelectric Reauthorization
Project HE 314

Final Order

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

Application History

On June 1, 1981, Lake Shore Development Company, was granted a hydroelectric license conferring the right to appropriate not to exceed 24.8 cubic feet per second (cfs) of water from Link Creek for the development of 22.6 theoretical horsepower (Thp). The license was issued for the period effective as of the date of issuance and terminated December 31, 2001.

On May 27, 1999, Dan Wieden, Lakeshore Development Co., applied to the Water Resources Department (Department) for reauthorization of the Project. A site visit was conducted on June 10, 1999, by Amy Stuart, Oregon Department of Fish and Wildlife (ODFW), and Paul DeVito, Oregon Department of Environmental Quality (ODEQ), members of the HART, and Steve Marx and Mark Manion with ODFW. At this site visit ODFW staff identified two mitigation measures necessary for the reauthorization of the project: installation of diversion screens to prevent fish entrainment and fish passage facilities at the dam to enable upstream and downstream fish passage. These two mitigation measures were completed in 2005.

On February 27, 2006, Dan Weiden, Lake Shore Development Company, was granted a hydroelectric license conferring the right to appropriate not to exceed 24.8 cubic feet per second (cfs) of water from Link Creek for the development of 22.6 theoretical horsepower (Thp). The license was issued for the period effective as of the date of issuance and terminated December 31, 2021.

In April 2020, the Applicant applied to reauthorize the Project. Due to the COVID epidemic and

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.

State of Oregon travel restrictions, in December 2020 and December 2021 the project received an Order of the Director to extend the Project an additional year until it could be reauthorized.

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 shall coordinate a HART site visit to the project every five years to review the project and its operation.

Order

HE 314 is reauthorized and the attached water right certificate is issued.

Issued **MAR 03 2023**



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