

**Oregon Water Resources Department  
Water Rights Division**

Hydroelectric Reauthorization  
Project HE 552

**Final Order**

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

***Application History***

On March 3, 2002, William Blacklaw (applicant) applied for a minor hydroelectric water right to divert 1.0 cubic feet per second (cfs) of water from an off-channel reservoir on an unnamed drainage, tributary to Parrott Creek in Clackamas County, for power generation.

On March 12, 2002, the Oregon Water Resources Department (OWRD) provided notice of the application in its weekly public notice. This notice was mailed to local governments, other state and federal agencies, public interest groups and interested citizens.

Members of the Hydro Task Force (HTF) conducted a site visit of the Project on May 17, 2002, to determine if the Project could be constructed in a manner consistent with the resource protection standards in Oregon Administrative Rules (OAR) 690-51-160 through 690-51-270.

On December 13, 2002, the OWRD sent a notice of the application to the people listed by the applicant as owning land within 300 feet of the proposed powerhouse. Several landowners submitted comments concerning the Project.

On May 17, 2003, members of the HTF conducted a second site visit of the Project area to clarify several issues.

**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.

On July 28, 2003, OWRD sent a copy of the application and a questionnaire to 21 state and federal agencies for a 30-day review and comment period seeking input on how the proposed Project would affect various resource protection standards. Timely comments were received and considered by OWRD in making its findings of fact.

On August 27, 2003, OWRD received a request from the applicant to correct the application to clarify that the source of water is an "on-channel reservoir on an unnamed tributary to Parrott Creek" and that the use for the power will be "domestic and agricultural, including use in the house and horse facilities (for equestrian purposes)." OWRD made these corrections.

The application to reauthorize HE 552 was submitted June 6, 2023. On June 6, 2023, notice of the reauthorization application for HE 556 appeared in OWRD's public notice for a 45-day public comment. Persons interested in the application could request future notices about the state project and submit written comments to the Department. No Comments were received.

On August 8, 2023, the Department provided public notice of the Draft Proposed Final Order in its weekly notice. The public notice included a request for written comments within 60 days of publication of the notice. No comments were received.

On October 24, 2023, the Department provided public notice of the Proposed Final Order in its weekly notice. The public notice included a request for comments, requests for standing, and protests, along with the corresponding fee within 45 days of publication of the notice.

### ***Findings of Fact***

#### **1. Site Visit:**

On June 30, 2023, Martin Sanchez, and Craig Kohanek of OWRD, and John Cox of ODFW visited the site to confer about the hydroelectric project with Steven Bruce (CWRE) and the applicant's son, Barry, and to inspect the project.

The powerhouse, located just downhill from Singing Hills Reservoir on an unnamed drainage, generates power that is used on-site. There is a small generator unit adjacent to the Turgo custom built impulse water turbine. After passing through the power plant, the water returns to an unnamed stream in the NE ¼ of the SE 1/4 of Section 30, Township 3 South, Range 2 East, Willamette Meridian.

#### **2. Location:**

The point of diversion (dam spillway on Singing Hills Reservoir) is located approximately 290 feet north and 450 feet west of east ¼ section line being within the SE ¼ of the NE 1/4 of Section 30, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon. Singing Hills

Reservoir is authorized under a separate water right. The power plant is located in the NE ¼ of the SE 1/4 of Section 30, Township 3 South, Range 2 East, W.M., in Clackamas County.

**3. Water Right:**

The proposed use will not diminish the amount of water emerging from the unnamed stream and flowing into Parrott Creek. The proposed use will not interfere with existing rights or permits for the use of water.

Water availability: The Project partially dewateres a short segment of the unnamed stream but is non-consumptive and does not impact water availability outside of that segment. Water is available annually from September 1 through June 30. However, as a result of fish and wildlife concerns, water use is limited to between November 1 and April 31 of each year during the period of the proposed water right. The Project is not located within a state designated scenic waterway.

**4. Fish and Wildlife Resources:**

Based on a review of the facts contained in the file, the OWRD finds that the project complies with the standards and requirements of this rule.

**5. Basin Plan:**

The Project is consistent with the Water Resources Commission's (WRC's) Willamette Basin Program. OAR 690-502-050.

**6. Water Quality:**

DEQ had no comments on water quality and only request was to add the standard water quality conditions.

All proposed new minor (under 100 theoretical horsepower) hydroelectric projects in Oregon, such as this Project, must meet the resource protection standards contain in OAR 690-051-0190 to -0260.

**7. Public Land Safety:**

The Department previously notified the Oregon Department of Geology and Mineral Industries (DOGAMI), the agency responsible for seismic and geologic hazards, of the request for reauthorization. DOGAMI concluded and the Department concurs, that this small project does not to pose a significant risk to public health and safety from geologic and seismic hazards.

**8. Wetland Resources:**

The OWRD previously notified the Division of State Lands (DSL), the agency responsible for management of wetlands, of the request for reauthorization. The DSL did not identify any wetlands impacts. The Department concurs with that assessment and finds no impacts to wetlands.

**9. Other Resources:**

- a. Recreation: Based on a review of the facts contained in the file, the OWRD finds that the project complies with the standards and requirements of this rule.
- b. Historic, Cultural and Archaeological: Based on a review of the facts contained in the file, the OWRD finds that the project complies with the standards and requirements of this rule.

**Conclusions of Law**

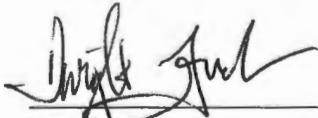
Upon a review of the application and input received from numerous state and federal agencies, OWRD finds that the proposed Project, with the conditions set forth below, will not violate the standards expressed in OAR 690-051-0160 through -0270 and is consistent with the public interest. The proposed Project is well adapted to the development and utilization of the water-power involved.

**Recommendation**

The HART recommends reauthorization of the Project, as it complies with the standards set forth in ORS 543A.025, and further recommends that the attached water right certificate be issued for a period of 20 years as conditioned therein.

**JAN 12 2024**

Issued \_\_\_\_\_



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