

PC 909

Middle Fork Irrigation District

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **144290**

INVOICE #

AR5PC878

AR5PC909

RECEIVED FROM:

BY:

Middle Fork Irrigation District

APPLICATION

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

☒ **2820**

☐

TOTAL REC'D

\$4,996.49

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

65000

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

0246 HYDRO APPLICATION

4981.49-878

15.00-909

\$4996.49

TREASURY

OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **144290**

DATED:

12-2-24

BY:

[Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **144290**

INVOICE #

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\$4,996.49

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0211 WELL CONST START FEE

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0210 MONITORING WELLS

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CARD#

OTHER (IDENTIFY)

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0231 HYDRO LICENSE FEE (FW/WRD)

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0246 HYDRO APPLICATION

4981.49-878
15.00-909

\$4996.49

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

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RECEIPT:

144290

DATED:

12-2-24

BY:

[Signature]

Oregon Water Resources Department

11/26/2024

Inv. AR5PC909 - Annual Hydroelectric Fees

15.00

Inv. AR5PC878 - Annual Hydroelectric Fees

4,981.49

Received

DEC 02 2024

OWRD

General - 1713

4,996.49

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 141988

INVOICE #

AR4PL878
AR4PL909

RECEIVED FROM:
BY:

Middle Fork Irrigation
District

APPLICATION
PERMIT
TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

1996

☐

TOTAL REC'D \$4,548.98

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

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COPY & TAPE FEES

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RESEARCH FEES

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0408

MISC REVENUE: (IDENTIFY)

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TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

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WATER RIGHTS:

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SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

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WELL CONSTRUCTION

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EXAM FEE

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD#

0210

MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

0246

HYDRO APPLICATION

\$4533.98
\$15.00

\$

4,548.98

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

141988

DATED

11-27-2023

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 141988

INVOICE

AR4PL878
AR4PL909

RECEIVED FROM:

Middle Fork Irrigation
District

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

1996

☐

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$4,548.98

1083 TREASURY 4170 WRD MISC CASH ACCT

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OTHER: (IDENTIFY)

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0243 I/S Lease

0244 Muni Water Mgmt. Plan

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TC162 DEPOSIT LIAB. (IDENTIFY)

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0240 EXTENSION OF TIME

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WATER RIGHTS:

0201 SURFACE WATER

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0202

RECORD FEE

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0204

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0218 WELL DRILL CONSTRUCTOR

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LICENSE FEE

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LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

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CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

0246 HYDRO APPLICATION

\$4533.98
\$15.00

\$4,548.98

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT:

141988

DATED:

11-27-2023

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STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

AR3 PC 909

INVOICE # AR3 PC 878

RECEIPT # 139580

RECEIVED FROM: Middle Fork Irrigation
BY: District

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 1287 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 4548.98

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203 GROUND WATER	EXAM FEE \$	0204 RECORD FEE \$
0205 TRANSFER	EXAM FEE \$	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
LANDOWNER'S PERMIT		0220 LICENSE FEE \$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD#
0210 MONITORING WELLS \$ CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) PC 878 \$ 4533.98
0231 HYDRO LICENSE FEE (FW/WRD) PC 909 \$ 15.00

0246 HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 139580

DATED: 11/18/22 BY: M. Kay

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 139580

INVOICE # AR3PC878

AR3PC 909

RECEIVED FROM: Middle Fork Irrigation
BY: District

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 1287 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 4548.98

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
<u>0536</u>	OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	<u>PC 878</u>	\$ <u>4533.98</u>
0231	HYDRO LICENSE FEE (FW/WRD)	<u>PC 909</u>	\$ <u>15.00</u>
<u>0246</u>	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: 139580

DATED: 11/18/22 BY: Mina Kay

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 136958

INVOICE # AR2PL909
AR2PL878

RECEIVED FROM: Middle Fork Irrigation
BY: District

APPLICATION
PERMIT
TRANSFER

CASH: ☐ CHECK: # 21484 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 4,224.25

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ 0202 RECORD FEE \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$
WELL CONSTRUCTION EXAM FEE \$
0218 WELL DRILL CONSTRUCTOR \$ 0219 LICENSE FEE \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD#
0210 MONITORING WELLS \$ CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$
0231 HYDRO LICENSE FEE (FWWRD) \$

0246 HYDRO APPLICATION PL 878-4,209.25, PL 909-15.00 \$ 4,224.25

TREASURY OTHER / RDX

FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

RECEIPT: 136958

DATED: 11-29-2021 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 136958

AR2PL909
AR2PL878
INVOICE #

RECEIVED FROM: Middle Fork Irrigation
BY: District

APPLICATION
PERMIT
TRANSFER

CASH: ☐ CHECK: # 21484 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 4,224.25

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$
0203 GROUND WATER EXAM FEE 0204 \$

0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD#
0210 MONITORING WELLS \$ CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$

0246 HYDRO APPLICATION PL 878-4,209.25, PL 909-15.00 \$4,224.25

TREASURY OTHER / RDX

FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

RECEIPT: 136958

DATED: 11-29-2021 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

AR1PL878
AR1PL909

RECEIPT # 133985

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE #

RECEIVED FROM:

Middle Fork Irrigation
District

BY:

APPLICATION	
PERMIT	
TRANSFER	

CASH:

CHECK #

OTHER: (IDENTIFY)

☐

20685

☐

TOTAL REC'D

\$3,715.22

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

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0410 RESEARCH FEES

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0408 MISC REVENUE: (IDENTIFY)

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TC162 DEPOSIT LIAB. (IDENTIFY)

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0240 EXTENSION OF TIME

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WATER RIGHTS:

0201 SURFACE WATER

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\$

0202

RECORD FEE

\$

0203 GROUND WATER

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0204

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0205 TRANSFER

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0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

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LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

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CARD #

0210 MONITORING WELLS

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CARD #

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

PL 878,909

\$3,715.22

0231 HYDRO LICENSE FEE (FW/WRD)

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HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

OR Water Resources Dept

Date	Type	Reference	Original Amt.	Balance Due	11/9/2020 Discount	Payment
11/1/2020	Bill	AR1PC878	3,725.22	3,725.22		3,725.22
11/1/2020	Bill	AR1PC909	50.00	50.00		50.00
					Check Amount	3,775.22

RECEIVED

NOV 20 2020

OWRD

Checking

3,775.22

1/5

LICENSE & MAP

STATE OF OREGON
COUNTY OF HOOD RIVER
PERMIT TO APPROPRIATE THE PUBLIC WATERS

MIDDLE FORK IRRIGATION DISTRICT
8235 CLEAR CREEK ROAD
MT HOOD, OR 97041

is issued this permit to use the waters of LAURANCE LAKE, a tributary of CLEAR CREEK, tributary to MIDDLE FORK of HOOD RIVER, with 100 feet of head for HYDROELECTRIC development of 1 THEORETICAL HORSEPOWER (THP) capacity.

This permit is issued under application PC 909. The date of priority is NOVEMBER 18, 2019. The amount of water to be diverted is 0.1 CUBIC FEET PER SECOND (cfs).

The project will divert water from the reservoir through a screened 36 inch outlet pipe for 70 feet, then a 2 inch line for approximately 30 feet. The project uses a small Pelton wheel and 100 feet of head to drive a 24 volt generator to charge two car batteries to operate instream flow telemetry and safety monitoring equipment. Return flows are released to Clear Branch Creek at the base of Clear Branch Dam for additional instream flows or other water uses.

The point of diversion is located:

NW ¼ NE ¼, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The authorized place of use is located:

NW ¼ NE ¼, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The use of water under this permit is inferior in right and subsequent in time to any future appropriation of water upstream for beneficial consumptive uses. Water use for hydroelectric purposes as specified in this permit may be made on a year-round basis, when water is available.

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 183.484. Any petition 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 petition 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law.

The use of water is limited to the amount that the generation facilities can utilize efficiently, and shall not exceed the specifications noted in this permit.

PERMIT CONDITIONS

Upon a review of the application and input received from state and federal agencies and private citizens, Oregon Water Resources Department (OWRD) finds that the Project, with the conditions set forth below, will not violate the standards expressed in Oregon Administrative Rules (OAR) 690-051-0160 through -0270, and is consistent with the public interest. No other application has been filed in competition with this application. The Project is well adapted to the development and utilization of the waterpower involved.

The use of water is subject to the following express conditions:

H. PERMIT CONDITIONS

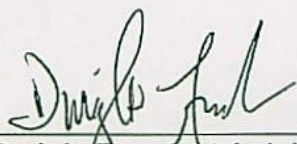
1. The priority date for the proposed water right is November 18, 2019.
2. The proposed use of water is limited to the amount that the generation facilities can utilize efficiently, and shall not exceed the specifications noted in the permit.
3. The Applicant shall comply with all statutes and rules applicable to the Project.
4. Water may be used on a year-round basis when water is present
5. This water right is inferior in right and subsequent in time to any future appropriation of water upstream for beneficial consumptive uses.
6. The permittee shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078(2)(b) or subsequent statute. This amount shall be due by the date specified on the invoice. The permittee shall submit an annual claim statement as provided in ORS 543.720
7. Upon a decision to terminate the hydroelectric use for more than five years, the Applicant shall comply with any decommissioning statutes and rules in effect at that time. On termination of the permit, the right to use water shall revert to the public.
8. If, after completing construction of the Project, the Applicant fails to use or operate the Project facilities for any period of five consecutive years, the permit shall be subject to termination by the OWRD.
9. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens are not necessary. The

required screens and are to be in place, functional, and approved by ODFW before diversion of any water.

10. The Applicant shall construct and build the Project according to the maps, plans and specifications filed with and approved by the WRC, and within the time fixed by the permit or by any lawful extension thereof. The Project map will be incorporated into the permit.
11. Use of water is governed by this permit. However, the operations of the Project by the Applicant so far as those operations affect the use, storage and discharge from storage of waters affected by the Applicant, shall at all times be controlled by such reasonable rules as the WRC may prescribe for the protection of life, health and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses.
13. The applicant shall complete construction of the Project within two years of the date the permit is issued.
14. No voluntary transfer of the permit or of any property acquired, constructed or operated pursuant to the permit issued under ORS 537.289 shall be made to any nonmunicipal entity so as to result in a loss of ownership of the right by a municipal corporation or district. The holder of this permit must remain qualified as a municipal applicant under ORS 537.285 and 537.287. If the municipal corporation or district proposes to generate hydroelectric power jointly with a nonmunicipal entity, any proposed changes in the agreement between the municipal corporation and the nonmunicipal entity must be reviewed by the Water Resources Commission to determine whether the permittee remains qualified as a municipal applicant. If the department determines that a permittee no longer qualifies as a municipal applicant, the department shall notify the permittee and any nonmunicipal entity that the parties have 90 days to amend their joint relationship to continue qualifying as a municipal corporation or district. If the permittee fails, after receiving notice under ORS 537.289(2), to amend the joint agreement so the owner continues to qualify as a municipal applicant, or if the permittee has assigned ownership of the right to an entity other than a municipal corporation or district, the Water Resources Commission shall initiate proceedings to cancel the permit.
15. The Project must meet the water quality standards stated in OAR Chapter 340, Division 41. No significant temperature-related problems have been identified nor are they expected given the existing Project facilities, operations and management. However, to protect from any significant future temperature-related adverse impacts to aquatic organisms, any future modifications of vegetation surrounding Project waters should be carefully evaluated. The applicant shall consult with ODEQ prior to undertaking any activity that directly or indirectly results in removal of vegetation adjacent to Project waterways. Waterways include, but are not necessarily limited to bypass reaches, siltation/forebay ponds, open-channel diversions, and above ground pipes.

16. Notwithstanding any specific conditions established by this permit, the applicant must comply with all water quality standards adopted by the Environmental Quality Commission pursuant to state and federal law, ORS 468B.048 and Section 303 of the Clean Water Act.
17. The Project shall be designed to minimize visual, aesthetic, and noise impacts.
18. Although there are no known cultural sites within the Project area, if any cultural material is discovered during Project construction, all activities should stop and an archaeologist contacted to assess the discovery. It is a Class B misdemeanor to impact an archaeological site (ORS 358.905-955) and a Class C felony to impact Indian Burials (ORS 97-740-990).
19. The Applicant shall allow the OWRD Director and authorized agents and employees of the ODEQ, ODFW, and OWRD free and unrestricted access in, through, and across the Project in the performance of their official duties, and shall allow free access to all reports, accounts, records, and other data relating to said Project.
20. The Applicant shall be liable for all damages occasioned to the persons or property of others by the construction, operation, or maintenance of the Project facilities, and in no event will the State of Oregon be liable therefore.
21. Issuance of the permit does not absolve the Applicant from compliance with the requirements and enforcement of the requirements under other applicable local, state, and federal laws.
22. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued OCT 27 2020



Dwight French, Administrator
Water Right Services Division
{For} Thomas M. Byler, Director
Oregon Water Resources Department

Middle Fork Irrigation District

P.O. Box 291
8235 Clear Creek Rd
Parkdale, OR 97041
Phone (541) 352-6468
Fax (541) 352-7794

Exhibits for OWRD minor hydroelectric water right application

Exhibit A Narrative Statement describing the proposed project from the point(s) of diversion to the water return area.

Middle Fork Irrigation District (MFID) installed a 1 horsepower hydroelectric turbine at the base of Clear Branch Dam in 2002. MFID has a license for this turbine (HE 551) that expires in December of 2022. Since the license expires in the next few years, MFID would like to obtain a water right permit for continued operation. This course of action was also suggested by OWRD.

The turbine powers local monitoring, safety, and telemetry equipment. The source of water for the turbine is the storage in Laurance Lake (formed by Clear Branch dam), which is fed by Clear and Pinnacle Creeks. The turbine is connected to the 36" outlet from the dam via a 2" tap and subsequent 2" galvanized iron pipe. All return flow from the turbine are discharged to Clear Branch Creek at the base of Clear Branch Dam.

Exhibit B Project Map (following)

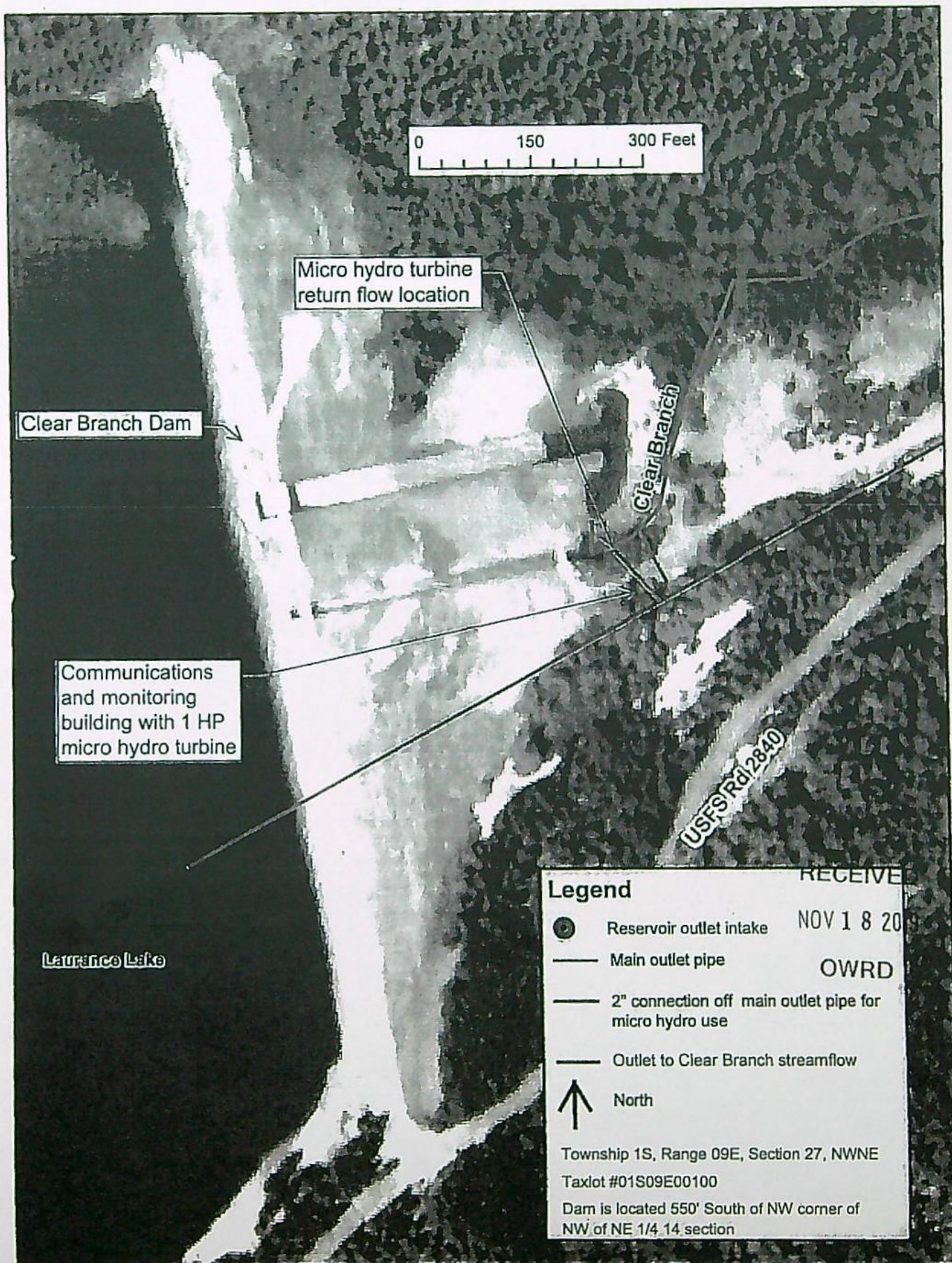
Exhibit C Tax Assessors Map (3 following, no property lines within 300')

Exhibit D Signed Land Use Forms (following)

RECEIVED

NOV 18 2019

OWRD



T.01S. R.09E. W.M.
HOOD RIVER COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SEE MAP 01N 09E

1"=2000'

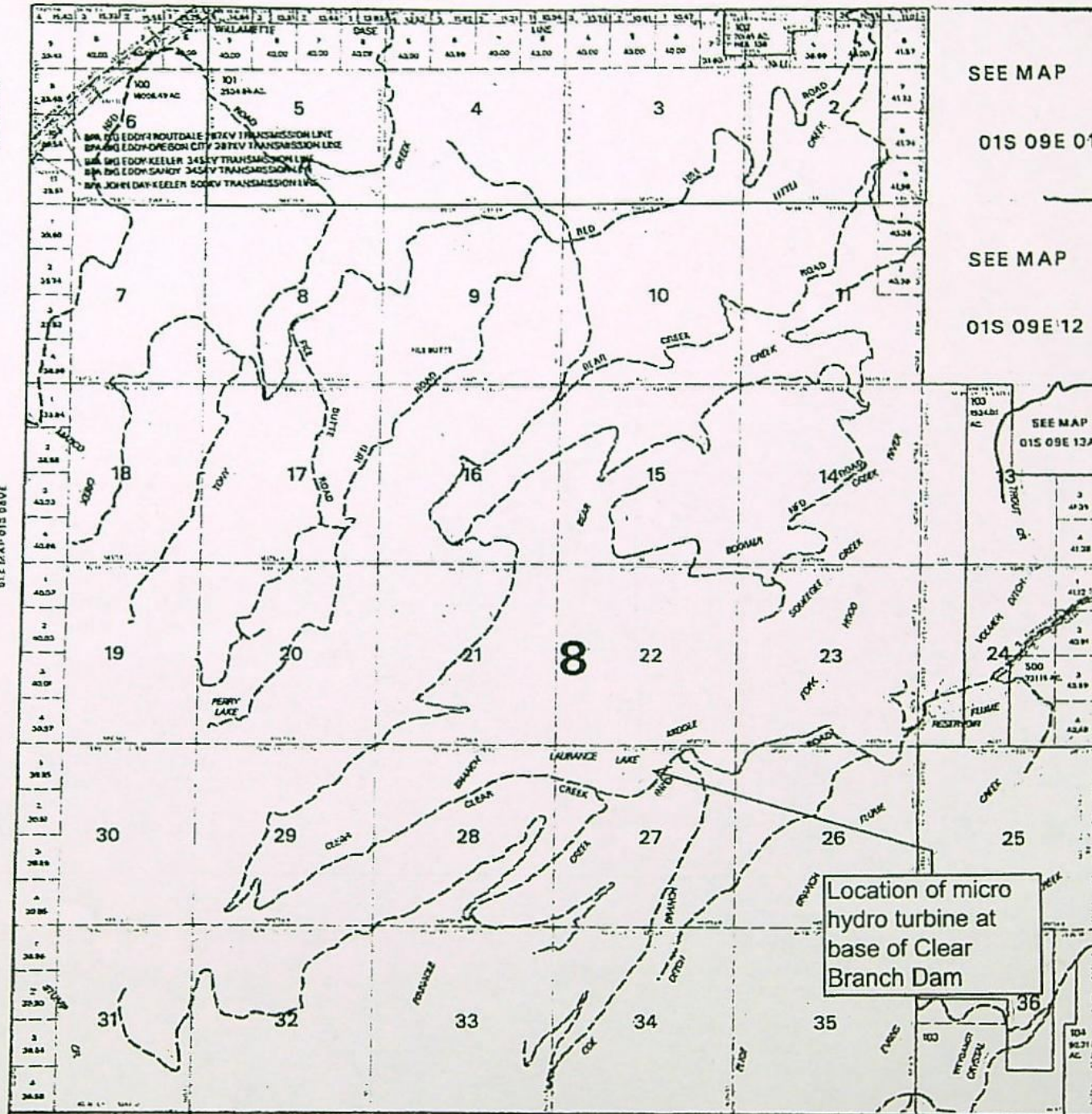
SEE MAP 01N 10E

01S 09E
& INDEX

CANCELLED NO.
300
301
302

0 2000 4000
SCALE IN FEET

SEE MAP 01S 08E



SEE MAP 02S 09E

RECEIVED
NOV 18 2019
OWRD

REVISED: JD
06/06/03
01S 09E
& INDEX

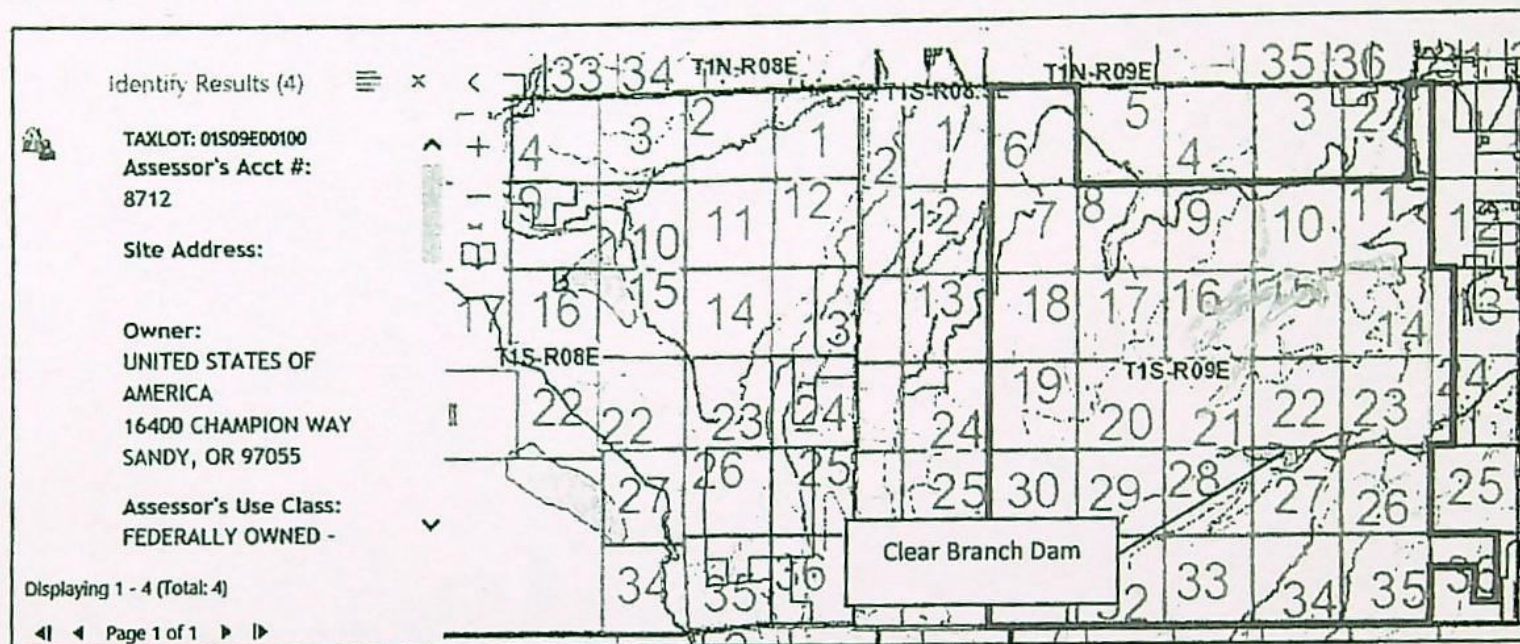
RECEIVED

NOV 18 2019

OWRD

Hood River County Tax Assessor's map shown on previous page.

This page and the following page are from the Hood River County WebMap and also show that no property lines exist within 300' of Clear Branch Dam.



TAXLOT: 01S09E00100

Assessor's Acct #:

8712

Site Address:

Owner:

UNITED STATES OF
AMERICA

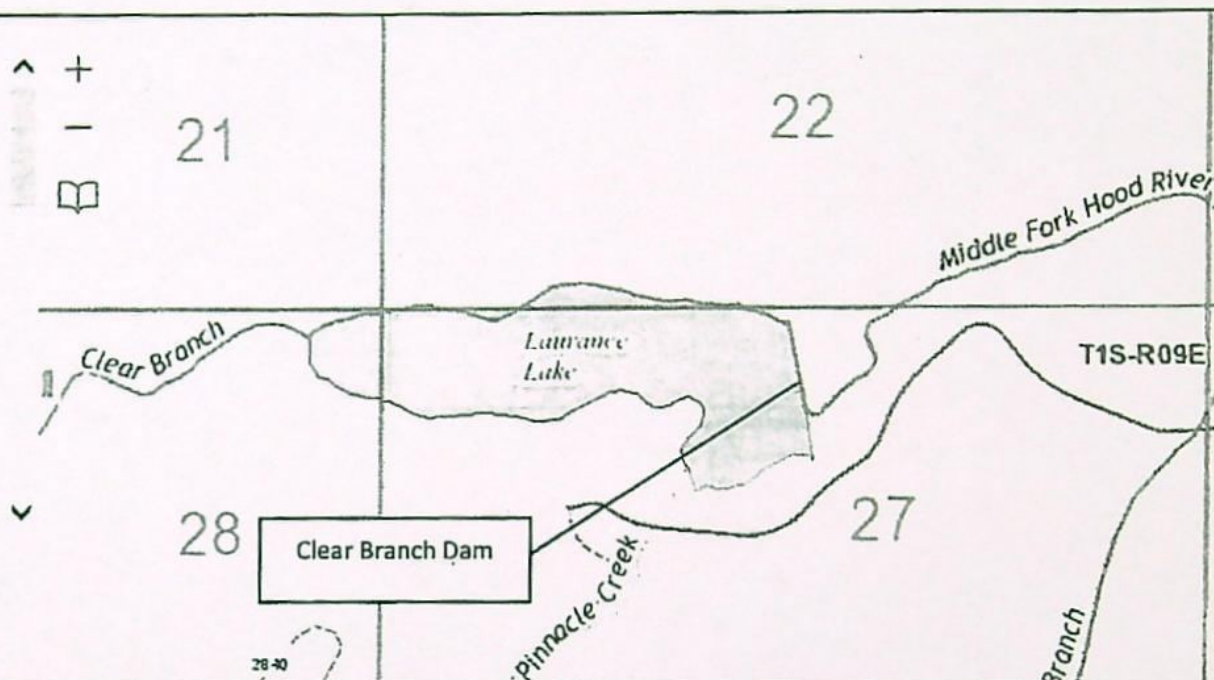
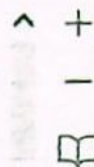
16400 CHAMPION WAY
SANDY, OR 97055

Assessor's Use Class:

FEDERALLY OWNED -

ing 1 - 4 (Total: 4)

Page 1 of 1 ▶▶



For 2023 Use: State Power Claim No #PC 909
Federal Energy Regulatory Commission (FERC) No.: _____

ANNUAL STATEMENT OF WATER POWER CLAIMANT Required by ORS 543.720

ALL BLANKS MUST BE FILLED IN. Please use N/A if the question does not apply.

PROJECT NAME Middle Fork Irrigation District HE551

1. Name of Claimant: Middle Fork Irrigation District
2. P.O. Box/Street Address/City/State/Zip Code: PO Box 291, 8235 Clear Creek Rd, Parkdale, OR 97041
3. Stream from which appropriation is claimed: Clear Branch
4. Date of initiation of right: October 23, 2002
5. Maximum amount of water claimed in cubic feet per second (cfs): 0.10
6. Total average fall utilized: 1,353 feet
7. Total number of theoretical horsepower (thp) claimed: 1.1 thp
8. Total horsepower developed: 1.1 thp. Maximum peak power developed this year: 1.1 thp.
9. Location of point of diversion from stream: Township 1S Range 9E Section 27
10. Location of point at which water is returned. Township 1S Range 9E Section 27
11. Manner of developing power: Hydro Turbine
12. Use to which power is applied: Generation of Electricity
13. If storage is used: Location of reservoir: Township 1S Range 9E Section 27
14. Capacity of reservoir: 3,500 ac/ft
15. Stream from which reservoir is filled: Clear Branch
16. Date of initiation of storage right: 6/16/1967
17. Area of reservoir: 120 acres.
18. Height of dam: 100 feet; mean depth: 29.6 feet.

The foregoing statement is true to the best of my knowledge and belief. IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of November 20 23.

BEN BRANSON

Position ASSISTANT MANAGER

PRINT NAME

SIGNATURE

CONTACT PHONE NUMBER 541.352.6468

(for follow-up questions if needed)

Please mail this Statement to:

OREGON WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, SUITE A
SALEM, OR 97301-1271

State Power Claim No.: PC 909

Federal Energy Regulatory Commission (FERC) No.: 4458

FERC Expiration Date EXEMPT

ANNUAL STATEMENT OF WATER POWER CLAIMANT

Required by ORS 543.720

1. Name of Claimant: MIDDLE FORK IRRIGATION DISTRICT
2. P.O. Box/Street Address/City/State/Zip Code: PO BOX 291, 8235 CLEAR CREEK RD., PARKDALE, OR 97041
3. Stream from which appropriation is claimed: CLEAR BRANCH
4. Date of irrigation of right: OCTOBER 23, 2002
5. Maximum amount of water claimed in cubic feet per second (cfs): 0.10
6. Total average fall utilized: 1353 feet
7. Total number of theoretical horsepower claimed: 1.1 thp
8. Total power developed: 1.1 thp. Maximum peak power developed this year: 1.1 thp.
9. Location of point of diversion from stream: Township 15 Range 9E Section 27
10. Location of point of which water is returned: Township 15 Range 9E Section 27
11. Manner of developing power: HYDRO TURBINE
12. Use to which power is applied: GENERATION OF ELECTRICITY
13. If storage is used: Location of reservoir: Township 15 Range 9E Section 27
14. Capacity of reservoir: 3500 ACRE-FEET
15. Stream from which reservoir is filled: CLEAR BRANCH
16. Date of initiation of storage right: JUNE 6, 1967
17. Area of reservoir: 120 acres
18. Height of dam: 100 feet; mean depth: 29.6 feet.

The foregoing statement is true to the best of my knowledge and belief. IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of NOVEMBER 20 24.


CLAIMANT

Please mail this Statement and the necessary fee to the Oregon Water Resources Department. Checks, drafts, or money orders should be made payable to the Oregon Water Resources Department, at the following address:

OREGON WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, STE A
SALEM OR 97301-1271

Received
DEC 02 2024
OWRD

For 2020 Use: State Power Claim No #PC 909
Federal Energy Regulatory Commission (FERC) No.: _____

ANNUAL STATEMENT OF WATER POWER CLAIMANT Required by ORS 543.720

ALL BLANKS MUST BE FILLED IN. Please use N/A if the question does not apply.

PROJECT NAME MIDDLE FORK IRRIGATION DISTRICT HESSI

1. Name of Claimant: MIDDLE FORK IRRIGATION DISTRICT
2. P.O. Box/Street Address/City/State/Zip Code: PO BOX 291, 8235 CLEAR CREEK RD PARKDALE, OR 97041
3. Stream from which appropriation is claimed: CLEAR BRANCH
4. Date of initiation of right: OCTOBER 23, 2002
5. Maximum amount of water claimed in cubic feet per second (cfs): 0.10
6. Total average fall utilized: 1,353 feet
7. Total number of theoretical horsepower (thp) claimed: 1.1 thp
8. Total horsepower developed: 1.1 thp. Maximum peak power developed this year: 1.1 thp.
9. Location of point of diversion from stream: Township 15 Range 9E Section 27
10. Location of point at which water is returned. Township 15 Range 9E Section 27
11. Manner of developing power: HYDRO TURBINE
12. Use to which power is applied: GENERATION OF ELECTRICITY
13. If storage is used: Location of reservoir: Township 15 Range 9E Section 27
14. Capacity of reservoir: 3,500 AC/FT
15. Stream from which reservoir is filled: CLEAR BRANCH
16. Date of initiation of storage right: 6/6/1967
17. Area of reservoir: 120 acres.
18. Height of dam: 100 feet; mean depth: 29.6 feet.

The foregoing statement is true to the best of my knowledge and belief. IN WITNESS WHEREOF, I have hereunto set my hand
this 14 day of NOVEMBER 20 22.

BEN BRONSON
PRINT NAME

Position ASSISTANT MANAGER


SIGNATURE

CONTACT PHONE NUMBER 541-352-6468
(for follow-up questions if needed)

Please mail this Statement to:

OREGON WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, SUITE A
SALEM, OR 97301-1271

RECEIVED

10 2022

APPLICATION

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of the Middle Fork Irrigation District)	FINAL ORDER APPROVING
Application for a new minor)	PC 909
hydroelectric project, Hood River County)	

Pursuant to OAR 690-051-0090(6), this final order is being issued with findings that the proposed project together with recommended measures to protect, mitigate, or enhance the natural resources of the State is consistent with the minimum standards in ORS 543.017 and the requirements in OAR 690-051-0160 through 690-051-0270, and that the project would not impair or be detrimental to the public interest as provided in ORS 543.225.

A. APPLICATION HISTORY

On November 18, 2019, Middle Fork Irrigation District (Applicant) submitted an application for a minor hydroelectric water right to divert 0.10 cubic feet per second (cfs) of water from Laurance Lake, tributary to Clear Creek (Branch), tributary to Middle Fork Hood River. The Department determined that the application was complete and assigned the Project Power Claim number 909. The Project is an existing facility previously approved under hydroelectric license HE 551. No new construction or ground disturbance is expected by authorization of a new permit to replace HE 551. The Project would use 100 feet of hydraulic head and a Pelton wheel system to generate 1.1 theoretical horsepower to operate the instream flow telemetry and a safety monitoring system for the dam. Theoretical Horsepower (THP) is calculated based on 100 feet of head * 0.1 cfs / 8.8 = 1.1 THP.

On December 3, 2019, notice of the application was included in OWRD's weekly public notice publication that was distributed to local governments, state and federal agencies, public interest groups and interested citizens.

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 for 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.

As part of the application review process, fifteen state and federal agencies must be consulted.¹ On or about December 3, 2019, OWRD sent a copy of the application and a questionnaire to those state and federal agencies for a thirty-day review and comment period seeking input on how the proposed Project would affect various resources. Timely comments were received and considered by OWRD in making its findings of fact.

On June 30, 2020, notice of the proposed final order was included in OWRD's weekly public notice. No comments, requests for standing, or protests on the proposed final order were received by the August 30, 2020, deadline.

B. PROJECT DESCRIPTION

The Project is located in Hood River County. The Project will divert 0.1 cfs of water from the Laurence Lake Reservoir, using 100 feet of hydraulic head to generate 1.1 theoretical horsepower to operate the instream flow telemetry and safety monitoring system.

The penstock is 100 feet in length, the last 30 feet being two inches in diameter. A 10 feet x 20 feet powerhouse contains a multi-jet Harris Pelton wheel turbine and alternator that provides 24-volt DC output to batteries. The batteries power a remote telemetry system that monitors lake level and downstream flow level.

On Monday, February 25, 2020, Craig DeHart, Manager, MFID; Rod French and Ted Wise of ODFW; and Craig Kohanek of OWRD visited the Project site. No potential for significant impacts were identified during the site visit.

C. LOCATION

The point of diversion is located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The Project is located within the Mount Hood National Forest. There are no neighbors within 1000 feet of the proposed project.

D. WATER USE

Existing water rights: As conditioned, the proposed use will not interfere with any existing rights or permits for the use of water.

0_____

¹ The federal and state agencies consulted include the Bureau of Land Management, Department of State Lands, Legislative Commission on Indian Services, National Marine Fisheries Service, National Park Service, Northwest Power and Conservation Council, Oregon Department of Agriculture, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Oregon Parks and Recreation Department, Oregon Water Resources Department, State Historic Preservation Office, U. S. Fish and Wildlife Service, and U. S. Forest Service.

Basin Program: The use of water for power development is a classified use under OAR 690-504-0000(1).

Water availability: Water use for hydroelectric purposes is available based on 20 years of prior authorization and use. Use may be made year-round. Water is returned to the stream for other downstream purposes. The Project is not located above nor within a state designated scenic waterway.

E. STANDARDS

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 690-051-0170-0290.

F. FINDINGS OF FACT

▪ Protection of Designated Resource Areas and Special Management Areas (OAR 690-051-0170)

This minor Project, which the U.S. Forest Service has issued a special use permit, is located at the base of an existing dam. The Project provides power to local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. The Project is located in Hood River County, outside of the Columbia River Gorge National Scenic Area. The Project is not located within a designated scenic waterway. This project does not affect any designated resource areas listed in OAR 690-051-0030(1) or any special management areas listed in OAR 690-051-0170(2).

▪ Mitigation, No Net Loss (OAR 690-051-0180)

This minor Project was built at the base of an existing dam for the purpose of powering local monitoring, safety and telemetry equipment associated with lake level and ensuring minimum instream flows. No new construction or ground-disturbing activities are expected for this Project. A small quantity of water is obtained from a 2 inch tap from the 36 inch outlet pipe for the dam. All water is returned to the Clear Branch Creek for uses downstream.

This application was submitted along with detailed questionnaires to federal, state, regional and county entities to ensure the following natural resources were considered including water quality; wildlife; scenic and aesthetic resources; historic, cultural, or archaeological; agricultural lands; forest resources; wetlands; plant life; fish life;

recreation; soils; and natural communities and geologic features. Based on the consultations and a site visit, no net loss is expected for any of these resources.

▪ **Water Resources**
(OAR 690-051-0190)

This minor Project was originally approved in 2001 to use 0.1 cubic feet per second of water from Clear Branch at the base of the dam. The past 20 years of experience demonstrates that water is available, and can be used efficiently without waste for this purpose. Water is returned to the stream for other downstream purposes.

The use does not preclude or interfere with any existing rights or permits for the use of water. The use is consistent with the State Water Resources Policies in OAR Chapter 690-400, 401 and 504. The project is consistent with achieving maximum economic development of the waters involved and in making the fullest practical use of the stream's hydroelectric potential in the project vicinity. The project does not constitute wasteful, uneconomic, impracticable or unreasonable use of the waters. The project, including mitigation and enhancement measures, is consistent with conserving the highest use of the waters of the state for all beneficial purposes. The project is consistent with controlling the waters of the state for all beneficial purposes, including, drainage, sanitation and flood control. Construction and operation of the proposed project shall comply with water quality standards established in OAR Chapter 340, Division 41.

▪ **Fish Resources**
(OAR 690-051-0200)

This minor Project does not have significant adverse impacts on fish or their habitats. The Project facilitates the monitoring of instream flows below the dam and so is integral to maintaining quality fish habitats. Separate from this small project, Middle Fork Irrigation District is working with the fish agencies on dam improvements to fish screening and fish passage.

The Project is not located in an area designated by the Northwest Power Planning Council as a protected area.

▪ **Wildlife**
(OAR 690-051-0210)

This minor Project is built at the base of an existing dam for the purpose of powering local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. A small quantity of water is obtained from a 2 inch tap from the 36 inch outlet pipe for the dam. All water is returned to the Clear Branch Creek. No impacts are expected to wildlife or their habitats. No impacts are expected to threatened, endangered or sensitive species of wildlife. The Project is consistent with applicable ODFW management programs.

- **Plant Life**
(OAR 690-051-0220)

This minor Project built at the base of an existing dam powers local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. A small quantity of water is obtained from a 2 inch tap from the 36 inch outlet pipe for the dam. All water is returned to the Clear Branch. No impacts are expected to threatened, endangered or candidate species of plants.

- **Recreation**
(OAR 690-051-0230)

This minor Project built at the base of an existing dam powers local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. A small quantity of water is obtained from a 2 inch tap from the 36 inch outlet pipe for the dam. All water is returned to the Clear Branch Creek.

The Project does not cause visible or audible intrusion on the natural setting integral to existing recreational facilities, activities or opportunities. The project does not reduce the abundance or variety of recreational facilities or opportunities available in the project vicinity. There are no adverse impacts on nonwater-dependent recreation facilities, or on any unique, unusual or distinct natural feature which provides the focus or attraction for non water-dependent recreational facilities or activities. The project will not cause the loss of or have a significant adverse impact to any water-dependent recreational opportunities of statewide significance.

- **Historic, Cultural, and Archaeological Resources**
(OAR 690-051-0240)

This minor Project built at the base of an existing dam powers local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project.

The project will not result in significant adverse impact(s) on any historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places. The project must comply with state laws to protect Indian graves (ORS 97.740 - 97.760), historical materials (ORS 273 .705 - 273.711) and archaeological objects and sites (ORS 358.905 - 358.955).

- **Land Resources**
(OAR 690-051-0250)

This minor Project built at the base of an existing dam powers local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. No impacts are expected to high value or important farm land,

agricultural lands, prime forestlands, wetlands, or to outstanding scenic or aesthetic views. Project features are designed and located to blend with adjacent features.

Project facilities located in geologically unstable areas are designed with appropriate safeguards. Project facilities located in areas subject to naturally occurring conditions or hazards, such as flooding or ice formation are designed to withstand damage to project facilities and allow reasonable access for project maintenance or operation under such conditions.

▪ **Land Use**
(OAR 690-051-0260)

The Applicant is in compliance with applicable land use laws and has provided a completed land use review form from Hood River County Planning Department.

▪ **Need for Power**
(OAR 690-051-0280)

The need for power exists based on the finding that this small facility is intended to supply power for on-site uses. OAR 690-051-280(2)(a).

▪ **Consolidated Review**
(OAR 690-051-0290)

It is presumed that if there are other existing, approved or proposed projects, in the same river basin, there is a potential for cumulative impacts. The Director finds that the impacts of the proposed Project are so small in extent, short termed or localized that there is no reasonable likelihood of cumulative impacts, therefore the presumption is rebutted. The Department has consulted with the agencies listed in OAR 690-051-0060 on cumulative impacts. Natural resources on which the potential for cumulative impacts were considered are listed in OAR 690-051-0190 through 690-051-0250 as above.

G. 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 0290, and is consistent with the public interest. The proposed Project is well adapted to the development and utilization of the water involved.

H. PERMIT CONDITIONS

The use of water is subject to the following express conditions:

1. The priority date for the proposed water right is November 18, 2019.
2. The proposed use of water is limited to the amount that the generation facilities can utilize efficiently, and shall not exceed the specifications noted in the permit.
3. The Applicant shall comply with all statutes and rules applicable to the Project.
4. Water may be used on a year-round basis when water is present
5. This water right is inferior in right and subsequent in time to any future appropriation of water upstream for beneficial consumptive uses.
6. The permittee shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078(2)(b) or subsequent statute. This amount shall be due by the date specified on the invoice. The permittee shall submit an annual claim statement as provided in ORS 543.720
7. Upon a decision to terminate the hydroelectric use for more than five years, the Applicant shall comply with any decommissioning statutes and rules in effect at that time. On termination of the permit, the right to use water shall revert to the public.
8. If, after completing construction of the Project, the Applicant fails to use or operate the Project facilities for any period of five consecutive years, the permit shall be subject to termination by the OWRD.
9. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens are not necessary. The required screens and are to be in place, functional, and approved by ODFW before diversion of any water.
10. The Applicant shall construct and build the Project according to the maps, plans and specifications filed with and approved by the WRC, and within the time fixed by the permit or by any lawful extension thereof. The Project map will be incorporated into the permit.
11. Use of water is governed by this permit. However, the operations of the Project by the Applicant so far as those operations affect the use, storage and discharge from storage of waters affected by the Applicant, shall at all times be controlled by such reasonable rules as the WRC may prescribe for the protection of life, health and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses.

13. The applicant shall complete construction of the Project within two years of the date the permit is issued.
14. No voluntary transfer of the permit or of any property acquired, constructed or operated pursuant to the permit issued under ORS 537.289 shall be made to any nonmunicipal entity so as to result in a loss of ownership of the right by a municipal corporation or district. The holder of this permit must remain qualified as a municipal applicant under ORS 537.285 and 537.287. If the municipal corporation or district proposes to generate hydroelectric power jointly with a nonmunicipal entity, any proposed changes in the agreement between the municipal corporation and the nonmunicipal entity must be reviewed by the Water Resources Commission to determine whether the permittee remains qualified as a municipal applicant. If the department determines that a permittee no longer qualifies as a municipal applicant, the department shall notify the permittee and any nonmunicipal entity that the parties have 90 days to amend their joint relationship to continue qualifying as a municipal corporation or district. If the permittee fails, after receiving notice under ORS 537.289(2), to amend the joint agreement so the owner continues to qualify as a municipal applicant, or if the permittee has assigned ownership of the right to an entity other than a municipal corporation or district, the Water Resources Commission shall initiate proceedings to cancel the permit.
15. The Project must meet the water quality standards stated in OAR Chapter 340, Division 41. No significant temperature-related problems have been identified nor are they expected given the existing Project facilities, operations and management. However, to protect from any significant future temperature-related adverse impacts to aquatic organisms, any future modifications of vegetation surrounding Project waters should be carefully evaluated. The applicant shall consult with ODEQ prior to undertaking any activity that directly or indirectly results in removal of vegetation adjacent to Project waterways. Waterways include, but are not necessarily limited to bypass reaches, siltation/forebay ponds, open-channel diversions, and above ground pipes.
16. Notwithstanding any specific conditions established by this permit, the applicant must comply with all water quality standards adopted by the Environmental Quality Commission pursuant to state and federal law, ORS 468B.048 and Section 303 of the Clean Water Act.
17. The Project shall be designed to minimize visual, aesthetic, and noise impacts.
18. Although there are no known cultural sites within the Project area, if any cultural material is discovered during Project construction, all activities should stop and an archaeologist contacted to assess the discovery. It is a Class B misdemeanor to impact an archaeological site (ORS 358.905-955) and a Class C felony to impact Indian Burials (ORS 97-740-990).
19. The Applicant shall allow the OWRD Director and authorized agents and employees of the ODEQ, ODFW, and OWRD free and unrestricted access in, through, and across the

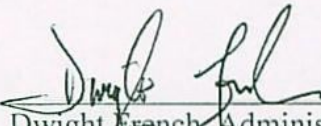
Project in the performance of their official duties, and shall allow free access to all reports, accounts, records, and other data relating to said Project.

20. The Applicant shall be liable for all damages occasioned to the persons or property of others by the construction, operation, or maintenance of the Project facilities, and in no event will the State of Oregon be liable therefore.
21. Issuance of the permit does not absolve the Applicant from compliance with the requirements and enforcement of the requirements under other applicable local, state, and federal laws.
22. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

I. FINAL ORDER

The Department shall issue the attached permit.

Issued OCT 27 2020



Dwight French, Administrator
Water Right Services Division, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON
COUNTY OF HOOD RIVER
PERMIT TO APPROPRIATE THE PUBLIC WATERS

MIDDLE FORK IRRIGATION DISTRICT
8235 CLEAR CREEK ROAD
MT HOOD, OR 97041

is issued this permit to use the waters of LAURANCE LAKE, a tributary of CLEAR CREEK, tributary to MIDDLE FORK of HOOD RIVER, with 100 feet of head for HYDROELECTRIC development of 1 THEORETICAL HORSEPOWER (THP) capacity.

This permit is issued under application PC 909. The date of priority is NOVEMBER 18, 2019. The amount of water to be diverted is 0.1 CUBIC FEET PER SECOND (cfs).

The project will divert water from the reservoir through a screened 36 inch outlet pipe for 70 feet, then a 2 inch line for approximately 30 feet. The project uses a small Pelton wheel and 100 feet of head to drive a 24 volt generator to charge two car batteries to operate instream flow telemetry and safety monitoring equipment. Return flows are released to Clear Branch Creek at the base of Clear Branch Dam for additional instream flows or other water uses.

The point of diversion is located:
NW ¼ NE ¼, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The authorized place of use is located:
NW ¼ NE ¼, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The use of water under this permit is inferior in right and subsequent in time to any future appropriation of water upstream for beneficial consumptive uses. Water use for hydroelectric purposes as specified in this permit may be made on a year-round basis, when water is available.

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 183.484. Any petition 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 petition 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law.

The use of water is limited to the amount that the generation facilities can utilize efficiently, and shall not exceed the specifications noted in this permit.

PERMIT CONDITIONS

Upon a review of the application and input received from state and federal agencies and private citizens, Oregon Water Resources Department (OWRD) finds that the Project, with the conditions set forth below, will not violate the standards expressed in Oregon Administrative Rules (OAR) 690-051-0160 through -0270, and is consistent with the public interest. No other application has been filed in competition with this application. The Project is well adapted to the development and utilization of the waterpower involved.

The use of water is subject to the following express conditions:

H. PERMIT CONDITIONS

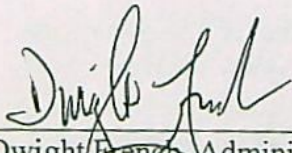
1. The priority date for the proposed water right is November 18, 2019.
2. The proposed use of water is limited to the amount that the generation facilities can utilize efficiently, and shall not exceed the specifications noted in the permit.
3. The Applicant shall comply with all statutes and rules applicable to the Project.
4. Water may be used on a year-round basis when water is present
5. This water right is inferior in right and subsequent in time to any future appropriation of water upstream for beneficial consumptive uses.
6. The permittee shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078(2)(b) or subsequent statute. This amount shall be due by the date specified on the invoice. The permittee shall submit an annual claim statement as provided in ORS 543.720
7. Upon a decision to terminate the hydroelectric use for more than five years, the Applicant shall comply with any decommissioning statutes and rules in effect at that time. On termination of the permit, the right to use water shall revert to the public.
8. If, after completing construction of the Project, the Applicant fails to use or operate the Project facilities for any period of five consecutive years, the permit shall be subject to termination by the OWRD.
9. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens are not necessary. The

required screens and are to be in place, functional, and approved by ODFW before diversion of any water.

10. The Applicant shall construct and build the Project according to the maps, plans and specifications filed with and approved by the WRC, and within the time fixed by the permit or by any lawful extension thereof. The Project map will be incorporated into the permit.
11. Use of water is governed by this permit. However, the operations of the Project by the Applicant so far as those operations affect the use, storage and discharge from storage of waters affected by the Applicant, shall at all times be controlled by such reasonable rules as the WRC may prescribe for the protection of life, health and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses.
13. The applicant shall complete construction of the Project within two years of the date the permit is issued.
14. No voluntary transfer of the permit or of any property acquired, constructed or operated pursuant to the permit issued under ORS 537.289 shall be made to any nonmunicipal entity so as to result in a loss of ownership of the right by a municipal corporation or district. The holder of this permit must remain qualified as a municipal applicant under ORS 537.285 and 537.287. If the municipal corporation or district proposes to generate hydroelectric power jointly with a nonmunicipal entity, any proposed changes in the agreement between the municipal corporation and the nonmunicipal entity must be reviewed by the Water Resources Commission to determine whether the permittee remains qualified as a municipal applicant. If the department determines that a permittee no longer qualifies as a municipal applicant, the department shall notify the permittee and any nonmunicipal entity that the parties have 90 days to amend their joint relationship to continue qualifying as a municipal corporation or district. If the permittee fails, after receiving notice under ORS 537.289(2), to amend the joint agreement so the owner continues to qualify as a municipal applicant, or if the permittee has assigned ownership of the right to an entity other than a municipal corporation or district, the Water Resources Commission shall initiate proceedings to cancel the permit.
15. The Project must meet the water quality standards stated in OAR Chapter 340, Division 41. No significant temperature-related problems have been identified nor are they expected given the existing Project facilities, operations and management. However, to protect from any significant future temperature-related adverse impacts to aquatic organisms, any future modifications of vegetation surrounding Project waters should be carefully evaluated. The applicant shall consult with ODEQ prior to undertaking any activity that directly or indirectly results in removal of vegetation adjacent to Project waterways. Waterways include, but are not necessarily limited to bypass reaches, siltation/forebay ponds, open-channel diversions, and above ground pipes.

16. Notwithstanding any specific conditions established by this permit, the applicant must comply with all water quality standards adopted by the Environmental Quality Commission pursuant to state and federal law, ORS 468B.048 and Section 303 of the Clean Water Act.
17. The Project shall be designed to minimize visual, aesthetic, and noise impacts.
18. Although there are no known cultural sites within the Project area, if any cultural material is discovered during Project construction, all activities should stop and an archaeologist contacted to assess the discovery. It is a Class B misdemeanor to impact an archaeological site (ORS 358.905-955) and a Class C felony to impact Indian Burials (ORS 97-740-990).
19. The Applicant shall allow the OWRD Director and authorized agents and employees of the ODEQ, ODFW, and OWRD free and unrestricted access in, through, and across the Project in the performance of their official duties, and shall allow free access to all reports, accounts, records, and other data relating to said Project.
20. The Applicant shall be liable for all damages occasioned to the persons or property of others by the construction, operation, or maintenance of the Project facilities, and in no event will the State of Oregon be liable therefore.
21. Issuance of the permit does not absolve the Applicant from compliance with the requirements and enforcement of the requirements under other applicable local, state, and federal laws.
22. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued OCT 27 2020



Dwight French, Administrator
Water Right Services Division
{For} Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON
COUNTY OF HOOD RIVER
PERMIT TO APPROPRIATE THE PUBLIC WATERS

RECEIVED
SEP 14 2020
OWRD

MIDDLE FORK IRRIGATION DISTRICT
8235 CLEAR CREEK ROAD
MT HOOD, OR 97041

is issued this permit to use the waters of LAURANCE LAKE, a tributary of CLEAR CREEK, tributary to MIDDLE FORK of HOOD RIVER, with 100 feet of head for HYDROELECTRIC development of 1 THEORETICAL HORSEPOWER (THP) capacity.

This permit is issued under application PC 909. The date of priority is NOVEMBER 18, 2019. The amount of water to be diverted is 0.1 CUBIC FEET PER SECOND (cfs).

The project will divert water from the reservoir through a screened 36 inch outlet pipe for 70 feet, then a 2 inch line for approximately 30 feet. The project uses a small Pelton wheel and 100 feet of gross head to drive a 24 volt generator to charge two car batteries to operate instream flow telemetry and safety monitoring equipment. Return flows are released to Clear Branch Creek at the base of Clear Branch Dam for additional instream flows or other water uses.

The point of diversion is located:

NW ¼ NE ¼, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The authorized place of use is located:

NW ¼ NE ¼, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The use of water is limited to the amount that the generation facilities can utilize efficiently, and shall not exceed the specifications noted in this permit.

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 183.484. Any petition 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 petition 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law.

The use of water under this permit is inferior in right and subsequent in time to any future appropriation of water upstream for beneficial consumptive uses. Water use for hydroelectric purposes as specified in this permit may be made on a year-round basis, when water is available

PERMIT CONDITIONS

Upon a review of the application and input received from state and federal agencies and private citizens, Oregon Water Resources Department (OWRD) finds that the Project, with the conditions set forth below, will not violate the standards expressed in Oregon Administrative Rules (OAR) 690-051-0160 through -0270, and is consistent with the public interest. No other application has been filed in competition with this application. The Project is well adapted to the development and utilization of the waterpower involved.

The use of water is subject to the following express conditions:

1. The permittee shall comply with all statutes and rules applicable to the Project.
2. The permittee shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078(2)(b) or subsequent statute. This amount shall be due by the date specified on the invoice. The permittee shall submit an annual claim statement as provided in ORS 543.720.
3. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. Otherwise, the permittee shall submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens are unnecessary. The required screens are to be in place, functional, and approved by ODFW before diversion of any water.
4. The permittee shall construct and build the project according to the maps, plans and specifications filed with and approved by the Department, and within the time fixed by the permit or by any lawful extension thereof. The project map will be incorporated into the permit. No substantial change to the project shall be made unless approved by the Director and incorporated into this permit by amendment or special order.
5. The permittee will maintain the Project, and each part thereof, in good order and repair and in efficient operation, for the development and transmission of electricity to its reasonable capacity; shall make all necessary renewals and replacements as required; and shall maintain and operate the Project, and all parts thereof, conformably to the rules of the Department not inconsistent with Oregon Revised Statutes (ORS) 543.010 to 543.610.
6. The permittee shall complete construction of the Project within two years of the date the PC 909

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SEP 14 2020

OWRD

permit is issued.

7. No voluntary transfer of this permit or of any property acquired, constructed or operated pursuant to the permit issued under ORS 537.289 shall be made to any nonmunicipal entity so as to result in a loss of ownership of the permit by a municipal corporation or district. The holder of this permit must remain qualified as a municipal applicant under ORS 537.285 and 537.287. If the municipal corporation or district proposes to generate hydroelectric power jointly with a nonmunicipal entity, any proposed changes in the agreement between the municipal corporation and the nonmunicipal entity must be reviewed by the Department to determine whether the permittee remains qualified as a municipal applicant. If the department determines that a permittee no longer qualifies as a municipal applicant, the department shall notify the permittee and any nonmunicipal entity that the parties have 90 days to amend their joint relationship to continue qualifying as a municipal corporation or district. If the permittee fails, after receiving notice under ORS 537.289(2), to amend the joint agreement so the permittee continues to qualify as a municipal applicant, or if the permittee has assigned ownership of the permit to an entity other than a municipal corporation or district, the Department shall initiate proceedings to cancel the permit.
8. The Project must meet the water quality standards stated in OAR Chapter 340, Division 41. No significant temperature-related problems have been identified nor are they expected given the existing Project facilities, operations and management. However, to protect from any significant future temperature-related adverse impacts to aquatic organisms, any future modifications of vegetation surrounding Project waters should be carefully evaluated. The permittee shall consult with Oregon Department of Environmental Quality (ODEQ) prior to undertaking any activity that directly or indirectly results in removal of vegetation adjacent to Project waterways. Waterways include, but are not necessarily limited to bypass reaches, siltation/forebay ponds, open-channel diversions, and above ground pipes.
9. Notwithstanding any specific conditions established by this permit, the permittee must comply with all water quality standards adopted by the Environmental Quality Commission pursuant to state and federal law, ORS 468B.048 and Section 303 of the Clean Water Act.
10. The Project shall be designed to minimize visual, aesthetic, and noise impacts.
11. Although there are no known cultural sites within the Project area, if any cultural material is discovered during Project construction, all activities should stop and an archaeologist contacted to assess the discovery. It is a Class B misdemeanor to impact an archaeological site (ORS 358.905-955) and a Class C felony to impact Indian Burials (ORS 97-740-990).
12. The permittee shall allow the OWRD Director and authorized agents and employees of the ODEQ, ODFW, and OWRD free and unrestricted access in, through, and across the

PC 909

Project in the performance of their official duties, and shall allow free access to all reports, accounts, records, and other data relating to said Project.

13. The permittee shall be liable for all damages occasioned to the persons or property of others by the construction, operation, or maintenance of the Project facilities, and in no event will the State of Oregon be liable therefore.
14. Issuance of this permit does not absolve the permittee from compliance with the requirements and enforcement of the requirements under other applicable local, state, and federal laws.
15. If at any time, unanticipated circumstances or emergency situations arise in which fish or wildlife are being killed, harmed or endangered by any of the project facilities including the fish passage and screening facilities, the Middle Fork Irrigation District (MFID) shall immediately take appropriate action to prevent further loss. The MFID shall notify the nearest ODFW office within 24 hours and shall comply with measures required by ODFW to prevent additional injury or mortality.
16. To receive a water right certificate under ORS 537.250 the permittee must submit to the Department a Claim of Beneficial Use which includes a map and report prepared by a Certified Water Rights Examiner.

Issued _____

Dwight French, Administrator
Water Right Services Division
{For} Thomas M. Byler, Director
Oregon Water Resources Department

PC 909

PERMIT: S-XXXXXX

PC 909

KOHANEK Ron C * WRD

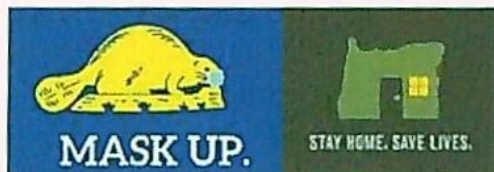
From: KOHANEK Ron C * WRD
Sent: Tuesday, September 01, 2020 9:58 AM
To: niklas@mfidp.com
Subject: PC 909 Middle Fork Irrigation District Laurence Lake Hydroelectric
Attachments: proposed permit MID.doc

Niklas,

Letting you know that upon receipt of the \$500 second stage application fee a permit will be issued for PC 909 Middle Fork Irrigation District Laurence Lake Hydroelectric. I've attached the proposed permit for your perusal. Please let me know if you identify any errors. Otherwise, once we receive the additional \$500 I will issue this permit.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



KOHANEK Ron C * WRD

From: KOHANEK Ron C * WRD
Sent: Friday, March 13, 2020 9:25 AM
To: WISE Ted G
Cc: FRENCH Rod A
Subject: PC 909 Middle Fork Irrigation District Proposed Final Order proposed permit
Attachments: pfo.docx; proposed permit MID.doc

Ted & Rod,

Attached for your review, edits, and comments are the PC 909 Middle Fork Irrigation District Proposed Final Order and proposed permit. Given the COVID-19, school closures, spring break situation, if you will reply by April 2nd that would be great. Once we've finalized these documents, I will put them on OWRD's public notice for a 60 comment period and opportunity to request standing or protest.

Have a great weekend and I wish you both the best of health.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

FOR MINOR HYDROELECTRIC APPLICATION PC 909 MIDDLE FORK IRRIGATION DISTRICT

Proposed Action:

Approve water right application PC 909 with conditions.

NOTE:

This proposed final order and proposed permit do NOT authorize the use of water for hydroelectric purposes.

Pursuant to OAR 690-051-0090(3)(d), this proposed final order is being issued with findings to address whether the proposed project together with any recommended measures to protect, mitigate, or enhance the natural resources of the State is consistent with the minimum standards in ORS 543.017 and the requirements in OAR 690-051-0160 through 690-051-0270 and whether the project would impair or be detrimental to the public interest as provided in ORS 543.225.

Pursuant to OAR 690-051-0090(3)(e), this proposed final order is being distributed to the applicant and all individuals, including all governmental agencies, who have filed timely comments with the Department.

Protests, requests for standing, or comments to this proposed final order must be received by the Director on August 28, 2020 which is 60 days from the date it was distributed.

A. APPLICATION HISTORY

On November 18, 2019, Middle Fork Irrigation District (Applicant) submitted an application for a minor hydroelectric water right to divert 0.10 cubic feet per second (cfs) of water from Laurance Lake, tributary to Clear Creek (Branch), tributary to Middle Fork Hood River. The Department determined that the application was complete and assigned the Project Power Claim number 909. The Project is an existing facility previously approved under hydroelectric license HE 551. No new construction or ground disturbance is expected by authorization of a new permit to replace HE 551. The Project would use 100 feet of hydraulic head and a Pelton wheel system to generate 1.1 theoretical horsepower to operate the instream flow telemetry and a safety monitoring system for the dam. Theoretical Horsepower (THP) is calculated based on 100 feet of head * 0.1 cfs / 8.8 = 1.1 THP.

On December 3, 2019, notice of the application was included in OWRD's weekly public notice publication that was distributed to local governments, state and federal agencies, public interest groups and interested citizens. Recipients of the public notice included:

Oregon Department of Fish and Wildlife (ODFW)

Oregon Department of Environmental Quality (ODEQ)
Oregon Department of State Lands
Hood River County Planning Department
Oregon Department of Forestry
Oregon Department of Agriculture
Oregon State Historic Preservation Office
Robert Wood, OWRD Watermaster, District 3
Legislative Commission on Indian Services

As part of the application review process, fifteen state and federal agencies must be consulted.¹ On or about December 3, 2019, OWRD sent a copy of the application and a questionnaire to those state and federal agencies for a thirty-day review and comment period seeking input on how the proposed Project would affect various resources. Timely comments were received and considered by OWRD in making its findings of fact.

B. PROJECT DESCRIPTION

The Project is located in Hood River County. The Project will divert 0.1 cfs of water from the Laurence Lake Reservoir, using 100 feet of hydraulic head to generate 1.1 theoretical horsepower to operate the instream flow telemetry and safety monitoring system.

The penstock is 100 feet in length, the last 30 feet being two inches in diameter. A 10 feet x 20 feet powerhouse contains a multi-jet Harris Pelton wheel turbine and alternator that provides 24-volt DC output to batteries. The batteries power a remote telemetry system that monitors lake level and downstream flow level.

On Monday, February 25, 2020, Craig DeHart, Manager, MFID; Rod French and Ted Wise of ODFW; and Craig Kohanek of OWRD visited the Project site. No potential for significant impacts were identified during the site visit.

C. LOCATION

The point of diversion is located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The Project is located within the Mount Hood National Forest. There are no neighbors within 1000 feet of the proposed project.

¹ _____

¹ The federal and state agencies consulted include the Bureau of Land Management, Department of State Lands, Legislative Commission on Indian Services, National Marine Fisheries Service, National Park Service, Northwest Power and Conservation Council, Oregon Department of Agriculture, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Oregon Parks and Recreation Department, Oregon Water Resources Department, State Historic Preservation Office, U. S. Fish and Wildlife Service, and U. S. Forest Service.

D. WATER USE

Existing water rights: As conditioned, the proposed use will not interfere with any existing rights or permits for the use of water.

Basin Program: The use of water for power development is a classified use under OAR 690-504-0000(1).

Water availability: Water use for hydroelectric purposes is available based on 20 years of prior authorization and use. Use may be made year-round. Water is returned to the stream for other downstream purposes. The Project is not located above nor within a state designated scenic waterway.

E. STANDARDS

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 690-051-0170 to-0290.

F. FINDINGS OF FACT

▪ **Protection of Designated Resource Areas and Special Management Areas (OAR 690-051-0170)**

This minor Project, which the U.S. Forest Service has issued a special use permit, is located at the base of an existing dam. The Project provides power to local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. The Project is located in Hood River County, outside of the Columbia River Gorge National Scenic Area. The Project is not located within a designated scenic waterway. This project does not affect any designated resource areas listed in OAR 690-051-0030(1) or any special management areas listed in OAR 690-051-0170(2).

▪ **Mitigation, No Net Loss (OAR 690-051-0180)**

This minor Project was built at the base of an existing dam for the purpose of powering local monitoring, safety and telemetry equipment associated with lake level and ensuring minimum instream flows. No new construction or ground-disturbing activities are expected for this Project. A small quantity of water is obtained from a 2 inch tap from the 36 inch outlet pipe for the dam. All water is returned to the Clear Branch Creek for uses downstream.

This application was submitted along with detailed questionnaires to federal, state, regional and county entities to ensure the following natural resources were considered

including water quality; wildlife; scenic and aesthetic resources; historic, cultural, or archaeological; agricultural lands; forest resources; wetlands; plant life; fish life; recreation; soils; and natural communities and geologic features. Based on the consultations and a site visit, no net loss is expected for any of these resources.

- **Water Resources**
(OAR 690-051-0190)

This minor Project was originally approved in 2001 to use 0.1 cubic feet per second of water from Clear Branch at the base of the dam. The past 20 years of experience demonstrates that water is available, and can be used efficiently without waste for this purpose. Water is returned to the stream for other downstream purposes.

The use does not preclude or interfere with any existing rights or permits for the use of water. The use is consistent with the State Water Resources Policies in OAR Chapter 690-400, 401 and 504. The project is consistent with achieving maximum economic development of the waters involved and in making the fullest practical use of the stream's hydroelectric potential in the project vicinity. The project does not constitute wasteful, uneconomic, impracticable or unreasonable use of the waters. The project, including mitigation and enhancement measures, is consistent with conserving the highest use of the waters of the state for all beneficial purposes. The project is consistent with controlling the waters of the state for all beneficial purposes, including, drainage, sanitation and flood control. Construction and operation of the proposed project shall comply with water quality standards established in OAR Chapter 340, Division 41.

- **Fish Resources**
(OAR 690-051-0200)

This minor Project does not have significant adverse impacts on fish or their habitats. The Project facilitates the monitoring of instream flows below the dam and so is integral to maintaining quality fish habitats. Separate from this small project, Middle Fork Irrigation District is working with the fish agencies on dam improvements to fish screening and fish passage.

The Project is not located in an area designated by the Northwest Power Planning Council as a protected area.

- **Wildlife**
(OAR 690-051-0210)

This minor Project is built at the base of an existing dam for the purpose of powering local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. A small quantity of water is obtained from a 2 inch tap from the 36 inch outlet pipe for the dam. All water is returned to the Clear Branch Creek. No impacts are expected to wildlife or their habitats. No impacts

are expected to threatened, endangered or sensitive species of wildlife. The Project is consistent with applicable ODFW management programs.

- **Plant Life**
(OAR 690-051-0220)

This minor Project built at the base of an existing dam powers local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. A small quantity of water is obtained from a 2 inch tap from the 36 inch outlet pipe for the dam. All water is returned to the Clear Branch. No impacts are expected to threatened, endangered or candidate species of plants.

- **Recreation**
(OAR 690-051-0230)

This minor Project built at the base of an existing dam powers local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. A small quantity of water is obtained from a 2 inch tap from the 36 inch outlet pipe for the dam. All water is returned to the Clear Branch Creek.

The Project does not cause visible or audible intrusion on the natural setting integral to existing recreational facilities, activities or opportunities. The project does not reduce the abundance or variety of recreational facilities or opportunities available in the project vicinity. There are no adverse impacts on nonwater-dependent recreation facilities, or on any unique, unusual or distinct natural feature which provides the focus or attraction for non water-dependent recreational facilities or activities. The project will not cause the loss of or have a significant adverse impact to any water-dependent recreational opportunities of statewide significance.

- **Historic, Cultural, and Archaeological Resources**
(OAR 690-051-0240)

This minor Project built at the base of an existing dam powers local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project.

The project will not result in significant adverse impact(s) on any historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places. The project must comply with state laws to protect Indian graves (ORS 97.740 - 97.760), historical materials (ORS 273 .705 - 273.711) and archaeological objects and sites (ORS 358.905 - 358.955).

- **Land Resources**
(OAR 690-051-0250)

This minor Project built at the base of an existing dam powers local monitoring, safety and telemetry equipment. No new construction or ground-disturbing activities are expected for this Project. No impacts are expected to high value or important farm land, agricultural lands, prime forestlands, wetlands, or to outstanding scenic or aesthetic views. Project features are designed and located to blend with adjacent features.

Project facilities located in geologically unstable areas are designed with appropriate safeguards. Project facilities located in areas subject to naturally occurring conditions or hazards, such as flooding or ice formation are designed to withstand damage to project facilities and allow reasonable access for project maintenance or operation under such conditions.

- **Land Use**
(OAR 690-051-0260)

The Applicant is in compliance with applicable land use laws and has provided a completed land use review form from Hood River County Planning Department.

- **Need for Power**
(OAR 690-051-0280)

The need for power exists based on the finding that this small facility is intended to supply power for on-site uses. OAR 690-051-280(2)(a).

- **Consolidated Review**
(OAR 690-051-0290)

It is presumed that if there are other existing, approved or proposed projects, in the same river basin, there is a potential for cumulative impacts. The Director finds that the impacts of the proposed Project are so small in extent, short termed or localized that there is no reasonable likelihood of cumulative impacts, therefore the presumption is rebutted. The Department has consulted with the agencies listed in OAR 690-051-0060 on cumulative impacts. Natural resources on which the potential for cumulative impacts were considered are listed in OAR 690-051-0190 through 690-051-0250 as above.

G. 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 0290, and is consistent with the public interest. The proposed Project is well adapted to the development and utilization of the water involved.

H. PERMIT CONDITIONS

The proposed use of water is subject to the following express conditions:

1. The priority date for the proposed water right is November 18, 2019.
2. The proposed use of water is limited to the amount that the generation facilities can utilize efficiently, and shall not exceed the specifications noted in the permit.
3. The Applicant shall comply with all statutes and rules applicable to the Project.
4. Water may be used on a year-round basis when water is present
5. This water right is inferior in right and subsequent in time to any future appropriation of water upstream for beneficial consumptive uses.
6. The permittee shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078(2)(b) or subsequent statute. This amount shall be due by the date specified on the invoice. The permittee shall submit an annual claim statement as provided in ORS 543.720
7. Upon a decision to terminate the hydroelectric use for more than five years, the Applicant shall comply with any decommissioning statutes and rules in effect at that time. On termination of the permit, the right to use water shall revert to the public.
8. If, after completing construction of the Project, the Applicant fails to use or operate the Project facilities for any period of five consecutive years, the permit shall be subject to termination by the OWRD.
9. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens are not necessary. The required screens and are to be in place, functional, and approved by ODFW before diversion of any water.
10. The Applicant shall construct and build the Project according to the maps, plans and specifications filed with and approved by the WRC, and within the time fixed by the permit or by any lawful extension thereof. The Project map will be incorporated into the permit.
11. Use of water is governed by this permit. However, the operations of the Project by the Applicant so far as those operations affect the use, storage and discharge from storage of waters affected by the Applicant, shall at all times be controlled by such reasonable rules as the WRC may prescribe for the protection of life, health and property, and in the interest of the fullest practicable conservation and utilization of such waters for power

purposes and for other beneficial public uses.

13. The applicant shall complete construction of the Project within two years of the date the permit is issued.
14. No voluntary transfer of the permit or of any property acquired, constructed or operated pursuant to the permit issued under ORS 537.289 shall be made to any nonmunicipal entity so as to result in a loss of ownership of the right by a municipal corporation or district. The holder of this permit must remain qualified as a municipal applicant under ORS 537.285 and 537.287. If the municipal corporation or district proposes to generate hydroelectric power jointly with a nonmunicipal entity, any proposed changes in the agreement between the municipal corporation and the nonmunicipal entity must be reviewed by the Water Resources Commission to determine whether the permittee remains qualified as a municipal applicant. If the department determines that a permittee no longer qualifies as a municipal applicant, the department shall notify the permittee and any nonmunicipal entity that the parties have 90 days to amend their joint relationship to continue qualifying as a municipal corporation or district. If the permittee fails, after receiving notice under ORS 537.289(2), to amend the joint agreement so the owner continues to qualify as a municipal applicant, or if the permittee has assigned ownership of the right to an entity other than a municipal corporation or district, the Water Resources Commission shall initiate proceedings to cancel the permit.
15. The Project must meet the water quality standards stated in OAR Chapter 340, Division 41. No significant temperature-related problems have been identified nor are they expected given the existing Project facilities, operations and management. However, to protect from any significant future temperature-related adverse impacts to aquatic organisms, any future modifications of vegetation surrounding Project waters should be carefully evaluated. The applicant shall consult with ODEQ prior to undertaking any activity that directly or indirectly results in removal of vegetation adjacent to Project waterways. Waterways include, but are not necessarily limited to bypass reaches, siltation/forebay ponds, open-channel diversions, and above ground pipes.
16. Notwithstanding any specific conditions established by this permit, the applicant must comply with all water quality standards adopted by the Environmental Quality Commission pursuant to state and federal law, ORS 468B.048 and Section 303 of the Clean Water Act.
17. The Project shall be designed to minimize visual, aesthetic, and noise impacts.
18. Although there are no known cultural sites within the Project area, if any cultural material is discovered during Project construction, all activities should stop and an archaeologist contacted to assess the discovery. It is a Class B misdemeanor to impact an archaeological site (ORS 358.905-955) and a Class C felony to impact Indian Burials (ORS 97-740-990).

19. The Applicant shall allow the OWRD Director and authorized agents and employees of the ODEQ, ODFW, and OWRD free and unrestricted access in, through, and across the Project in the performance of their official duties, and shall allow free access to all reports, accounts, records, and other data relating to said Project.
20. The Applicant shall be liable for all damages occasioned to the persons or property of others by the construction, operation, or maintenance of the Project facilities, and in no event will the State of Oregon be liable therefore.
21. Issuance of the permit does not absolve the Applicant from compliance with the requirements and enforcement of the requirements under other applicable local, state, and federal laws.
22. Prior to receiving a final permit, the Applicant shall pay the remainder of the application fee (\$500.00) to OWRD.

I. RECOMMENDATION:

The OWRD proposes to issue a hydroelectric permit for the Project that would allow the Applicant to use 0.10 cfs of water to generate hydroelectric power as specified and conditioned above.

J. PROPOSED FINAL ORDER PROTESTS, COMMENTS AND REQUESTS FOR STANDING

1. Any person may submit a comment or protest against a proposed final order. Comments or protests must state facts which support the allegation that the proposed minor hydroelectric use should not be acted upon as proposed by the proposed final order.
2. A protest shall be in writing and shall include (OAR 690-051-0150(2):
 - (a) The name, address and telephone number of the protestant;
 - (b) A description of the protestant's interest in the proposed final order and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - (c) A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest;
 - (d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - (e) Any citation of legal authority supporting the protest, if known; and
 - (f) For persons other than the applicant, the protest fee required under ORS 536.050.

3. Upon receiving a protest, the Director shall evaluate the protest to determine whether significant issues are raised and if so shall refer the application, with the accompanying protest, to the Office of Administrative Hearings (OAH) established under ORS 183.605 to 183.685 for a contested case hearing. If the Director determines the protests do not raise significant issues, the Director shall issue a final order and a hydroelectric license containing a time-limited water right. A final order issued pursuant to this section is a final order in other than a contested case subject to judicial review under ORS 183.484. (OAR 690-051-0090(3)(f))

4. Any person who supports the proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. The request for standing must be in writing, signed by the requester, and include the following (OAR 690-051-0150(3)):

(a) The requester's name, mailing address and telephone number;

(b) If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;

(c) A statement that the requester supports the proposed final order as issued;


(d) A detailed statement of how the requester would be harmed if the proposed final order is modified; and

(e) The fee established under ORS 536.050.

5. The Department shall send a copy of all protests and requests for standing received to the applicant, the protestant(s), if any, and to each person who requested standing.

NOTICE TO ACTIVE DUTY SERVICE MEMBERS: Active Duty service members have a right to stay these proceedings under federal Service Members Civil Relief Act. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.of.mil>

Issued JUN 30 2020


Dwight French, Administrator
Water Right Services Division, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON
COUNTY OF HOOD RIVER
PROPOSED PERMIT TO APPROPRIATE THE PUBLIC WATERS

MIDDLE FORK IRRIGATION DISTRICT
8235 CLEAR CREEK ROAD
MT HOOD, OR 97041

is issued this permit to use the waters of LAURANCE LAKE, a tributary of CLEAR CREEK, tributary to MIDDLE FORK of HOOD RIVER, with 100 feet of head for HYDROELECTRIC development of 1 THEORETICAL HORSEPOWER (THP) capacity.

This permit is issued under application PC 909. The date of priority is NOVEMBER 18, 2019. The amount of water to be diverted is 0.1 CUBIC FEET PER SECOND (cfs).

The project will divert water from the reservoir through a screened 36 inch outlet pipe for 70 feet, then a 2 inch line for approximately 30 feet. The project uses a small Pelton wheel and 100 feet of gross head to drive a 24 volt generator to charge two car batteries to operate instream flow telemetry and safety monitoring equipment. Return flows are released to Clear Branch Creek at the base of Clear Branch Dam for additional instream flows or other water uses.

The point of diversion is located:
NW ¼ NE ¼, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The authorized place of use is located:
NW ¼ NE ¼, SECTION 27, TOWNSHIP 1 SOUTH, RANGE 9 EAST, W.M.

The use of water is limited to the amount that the generation facilities can utilize efficiently, and shall not exceed the specifications noted in this permit.

The use of water under this permit is inferior in right and subsequent in time to any future appropriation of water upstream for beneficial consumptive uses. Water use for hydroelectric purposes as specified in this permit may be made on a year-round basis, when water is available.

PERMIT CONDITIONS

Upon a review of the application and input received from state and federal agencies and private citizens, Oregon Water Resources Department (OWRD) finds that the Project, with the conditions set forth below, will not violate the standards expressed in Oregon Administrative Rules (OAR) 690-051-0160 through -0270, and is consistent with the public interest. No other application has been filed in competition with this application. The Project is well adapted to the development and utilization of the waterpower involved.

The use of water is subject to the following express conditions:

1. The permittee shall comply with all statutes and rules applicable to the Project.
2. The permittee shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078(2)(b) or subsequent statute. This amount shall be due by the date specified on the invoice. The permittee shall submit an annual claim statement as provided in ORS 543.720.
3. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. Otherwise, the permittee shall submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens are unnecessary. The required screens are to be in place, functional, and approved by ODFW before diversion of any water.
4. The permittee shall construct and build the project according to the maps, plans and specifications filed with and approved by the Department, and within the time fixed by the permit or by any lawful extension thereof. The project map will be incorporated into the permit. No substantial change to the project shall be made unless approved by the Director and incorporated into this permit by amendment or special order.
5. The permittee will maintain the Project, and each part thereof, in good order and repair and in efficient operation, for the development and transmission of electricity to its reasonable capacity; shall make all necessary renewals and replacements as required; and shall maintain and operate the Project, and all parts thereof, conformably to the rules of the Department not inconsistent with Oregon Revised Statutes (ORS) 543.010 to 543.610.
6. The permittee shall complete construction of the Project within two years of the date the permit is issued.
7. No voluntary transfer of this permit or of any property acquired, constructed or operated pursuant to the permit issued under ORS 537.289 shall be made to any nonmunicipal

entity so as to result in a loss of ownership of the permit by a municipal corporation or district. The holder of this permit must remain qualified as a municipal applicant under ORS 537.285 and 537.287. If the municipal corporation or district proposes to generate hydroelectric power jointly with a nonmunicipal entity, any proposed changes in the agreement between the municipal corporation and the nonmunicipal entity must be reviewed by the Department to determine whether the permittee remains qualified as a municipal applicant. If the department determines that a permittee no longer qualifies as a municipal applicant, the department shall notify the permittee and any nonmunicipal entity that the parties have 90 days to amend their joint relationship to continue qualifying as a municipal corporation or district. If the permittee fails, after receiving notice under ORS 537.289(2), to amend the joint agreement so the permittee continues to qualify as a municipal applicant, or if the permittee has assigned ownership of the permit to an entity other than a municipal corporation or district, the Department shall initiate proceedings to cancel the permit.

8. The Project must meet the water quality standards stated in OAR Chapter 340, Division 41. No significant temperature-related problems have been identified nor are they expected given the existing Project facilities, operations and management. However, to protect from any significant future temperature-related adverse impacts to aquatic organisms, any future modifications of vegetation surrounding Project waters should be carefully evaluated. The permittee shall consult with Oregon Department of Environmental Quality (ODEQ) prior to undertaking any activity that directly or indirectly results in removal of vegetation adjacent to Project waterways. Waterways include, but are not necessarily limited to bypass reaches, siltation/forebay ponds, open-channel diversions, and above ground pipes.
9. Notwithstanding any specific conditions established by this permit, the permittee must comply with all water quality standards adopted by the Environmental Quality Commission pursuant to state and federal law, ORS 468B.048 and Section 303 of the Clean Water Act.
10. The Project shall be designed to minimize visual, aesthetic, and noise impacts.
11. Although there are no known cultural sites within the Project area, if any cultural material is discovered during Project construction, all activities should stop and an archaeologist contacted to assess the discovery. It is a Class B misdemeanor to impact an archaeological site (ORS 358.905-955) and a Class C felony to impact Indian Burials (ORS 97-740-990).
12. The permittee shall allow the OWRD Director and authorized agents and employees of the ODEQ, ODFW, and OWRD free and unrestricted access in, through, and across the Project in the performance of their official duties, and shall allow free access to all reports, accounts, records, and other data relating to said Project.

13. The permittee shall be liable for all damages occasioned to the persons or property of others by the construction, operation, or maintenance of the Project facilities, and in no event will the State of Oregon be liable therefore.
14. Issuance of this permit does not absolve the permittee from compliance with the requirements and enforcement of the requirements under other applicable local, state, and federal laws. The permittee is made aware that permits may be required from the United States Army Corps of Engineers under Section 404 of the Clean Water Act, or from the Division of State Lands for removal and fill of material.
15. If at any time, unanticipated circumstances or emergency situations arise in which fish or wildlife are being killed, harmed or endangered by any of the project facilities including the fish passage and screening facilities, the Middle Fork Irrigation District (MFID) shall immediately take appropriate action to prevent further loss. The MFID shall notify the nearest ODFW office within 24 hours and shall comply with measures required by ODFW to prevent additional injury or mortality.
16. Failure to comply with any of the provisions of this water right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the water right.

Issued _____

Dwight French, Administrator
Water Right Services Division
{For} Thomas M. Byler, Director
Oregon Water Resources Department

KOHANEK Ron C * WRD

From: FONSECA Marilyn <Marilyn.FONSECA@state.or.us>
Sent: Wednesday, February 26, 2020 3:38 PM
To: Craig Kohanek (kohanerc@wrdd.state.or.us)
Cc: DADOLY John; FONSECA Marilyn
Subject: New Proposed Minor Hydroelectric Project in Hood River County, Oregon PC 909

Good afternoon Craig – here are DEQ’s comments on the minor hydroelectric project for Middle Fork Irrigation District. Question #44 is more appropriate for DSL, since DSL has authority to make jurisdictional determinations of wetland locations. Also, it appears that the reference to OAR 141-085-0010(20) is outdated, since a search for these Oregon Administrative Rules didn’t yield any results.

NOTICE of Minor Hydroelectric Project in Hood River County -- Comments must be received by 5:00 PM on February 28, 2020.

10. Construction and operation of the proposed project shall comply with water quality standards established in OAR Chapter 340, Division 41. Exceptions to this standard may be allowed if permitted by Division 41 rules, granted by the DEQ and approved by the Director, or in cases where an exception has been filed to the Director's proposed order, the Commission.

YES or NO Explain:

The Western Hood Subbasin Temperature TMDL (ODEQ 2018 revision) contains a temperature load allocation for Laurence Lake Reservoir. In order to receive the US Forest Service Special Use Permit for use of Laurence Lake for irrigation, the Middle Fork Irrigation District must apply for a water quality certification under Section 401 of the Clean Water Act. MFID has not yet submitted a final application for water quality certification to ODEQ for review, but attainment of the applicable temperature criteria and the TMDL allocation will have to be addressed by MFID.

44. Will adverse impacts on wetlands as defined by OAR 141-085-0010(20) or identified by any national or local wetlands inventory be avoided, minimized, or offset by acceptable mitigation?

YES or NO Explain

Unknown.

47. Will mechanical noise caused by the project comply with applicable noise standards in OAR Chapter 340, Division 35?

YES or NO Explain:

Effective July 1, 1991, the DEQ Noise Control Program was terminated. DEQ eliminated the program as a cost-saving measure, in anticipation of reduced revenue. However, construction and operation of the project may be subject to local or municipal laws.

48. Will the location, design, construction or operation of the project:

A. Disturb fragile or unstable soils.

YES or NO Explain:

There is insufficient information in the application to determine whether fragile or unstable soils exist in the project area or whether construction or operation of the project will disturb fragile soils. However, DEQ is unaware of any concerns with unstable soils in the existing project area. If the applicant needs to disturb soils, the applicant must consider design alternatives which avoid placing project elements in direct contact with fragile or unstable soils, steep slopes. Any work within portions of the streambed may require coverage under a permit from the Army Corps of

Engineers. The applicant must employ generally accepted best management practices (BMPs) during both construction and operation of the project to minimize disturbance to riparian soils. Project construction should avoid the removal of riparian vegetation which provides stream shade and/or soil stability.

B. Cause soil erosion which would impair other water uses.

YES or NO Explain:

There is insufficient information in the application to determine whether project construction or operation will cause soil erosion or impair other water uses. However, DEQ is unaware of any concerns about erosion around the existing hydroelectric facility. If the applicant decides that construction is required, the applicant shall consider design and construction alternatives which employ appropriate BMPs which minimize soil erosion.

Thank you,

Marilyn Fonseca
Oregon Department of Environmental Quality
700 NE Multnomah, Suite 600
Portland, OR 97232
(503) 229-6804

KOHANEK Ron C * WRD

From: Ted Wise <Ted.G.Wise@state.or.us>
Sent: Wednesday, February 19, 2020 10:11 AM
To: KOHANEK Ron C * WRD
Cc: FRENCH Rod A
Subject: RE: PC 909, not PC 908

Craig –

My cell number is 541-610-5383

- Ted

Ted Wise
Oregon Department of Fish & Wildlife
East Region Hydropower Program
61374 Parrell Road
Bend, Oregon 97702
541-633- 1115

From: KOHANEK Ron C * WRD [mailto:Ron.C.Kohanek@oregon.gov]
Sent: Wednesday, February 19, 2020 7:32 AM
To: WISE Ted G <Ted.G.Wise@state.or.us>; FRENCH Rod A <Rod.A.French@state.or.us>
Subject: RE: PC 909, not PC 908

Ted & Rod,

That location works for me. I will confirm with both parties tomorrow that we are a go.

My cell # is 503-5074-9952. Ted please provide me yours.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

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From: Ted Wise <Ted.G.Wise@state.or.us>
Sent: Tuesday, February 18, 2020 4:54 PM
To: FRENCH Rod A <Rod.A.French@state.or.us>; KOHANEK Ron C * WRD <Ron.C.Kohanek@oregon.gov>
Subject: RE: PC 909, not PC 908

Rod -

Thanks – So we can plan on meeting around 10ish.

Craig ---- do you feel this is the most efficient location for you to meet us given the route your traveling over from Salem??

- Ted

From: Rod French [<mailto:Rod.A.French@state.or.us>]
Sent: Tuesday, February 18, 2020 4:12 PM
To: Ted Wise <Ted.G.Wise@state.or.us>; KOHANEK Ron C * WRD <Ron.C.Kohanek@oregon.gov>
Subject: RE: PC 909, not PC 908

Ted/Craig,

The intersection with the 4 way stop is on the east side of hwy 35 at the 4 way stop with state street (historic hwy 30), across the street from the Chinese restaurant. It will take about 15 minutes from there to the meeting location.

Rod A. French
Mid-Columbia District Fish Biologist
3701 W. 13th St.
The Dalles, OR 97058
o. 541-296-4628 ext 322
c. 541-980-1960
rod.a.french@state.or.us

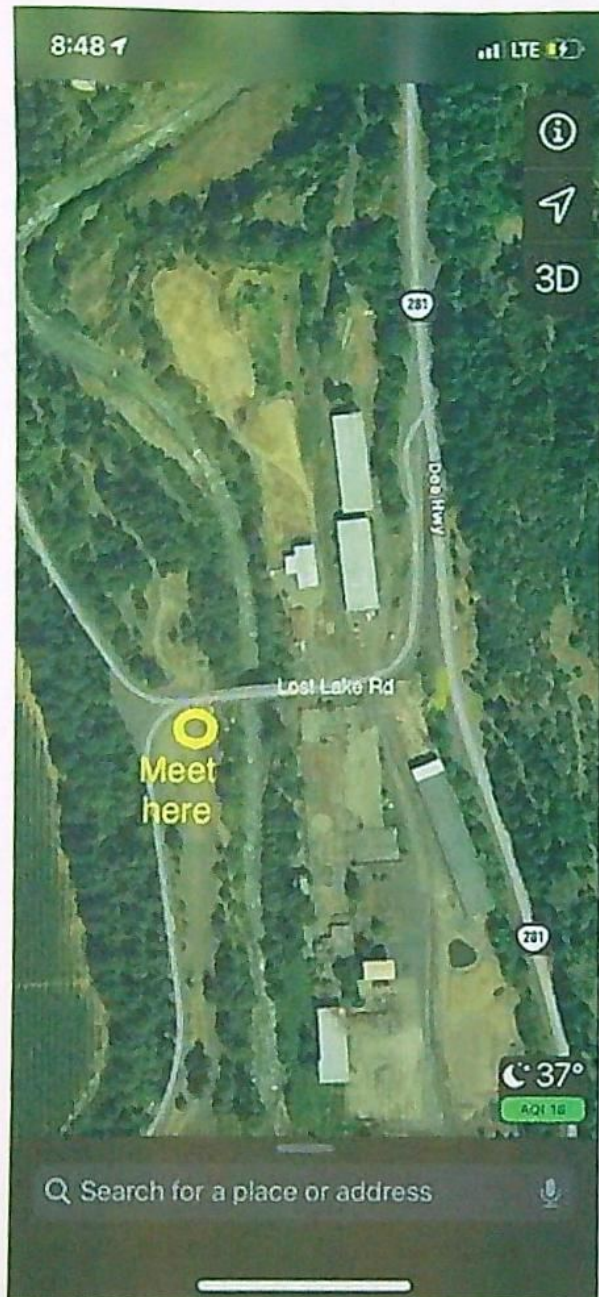
From: Ted Wise <Ted.G.Wise@state.or.us>
Sent: Tuesday, February 18, 2020 3:18 PM
To: KOHANEK Ron C * WRD <Ron.C.Kohanek@oregon.gov>
Cc: rod.a.french@state.or.us
Subject: RE: PC 909, not PC 908

Craig –

Rod French has suggested that you, I and him meet at the Park and Ride located on OR 35. Apparently there is a 4 way stop at this location???. As I have no idea exactly where this might be, I'm cc'ing him on this email so he can provide us all a more exact reference and or set of directions for this proposed location. Also, as our meeting with Jon Munk is at 10:30 AM, at the location described below perhaps Rod can also suggest what time we should meet at the park and ride to give us time to make the 10:30 AM apt. with Jon.

Rod -

We're meeting Jon Munk at the intersection of Tony Creek Rd and Lost Lake Rd. The location is a large gravel lot just west of the Hood River on the south side of Lost Lake Rd.



- Ted

Ted Wise
Oregon Department of Fish & Wildlife
East Region Hydropower Program
61374 Parrell Road
Bend, Oregon 97702
541-633- 1115

From: KOHANEK Ron C * WRD [<mailto:Ron.C.Kohanek@oregon.gov>]
Sent: Friday, February 14, 2020 8:38 AM

To: WISE Ted G <Ted.G.Wise@state.or.us>
Subject: FW: PC 909, not PC 908

Ted,

See the email below from the Middle Fork Irrigation District's confirming our site visit for 1pm on Monday, February 24th. We'll meet them at their office. As far as Rod, you and I rendezvousing in Odell, do you have a suggestion? The Post Office perhaps?

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

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From: niklas@mfidp.com <niklas@mfidp.com>
Sent: Friday, February 14, 2020 8:19 AM
To: KOHANEK Ron C * WRD <Ron.C.Kohanek@oregon.gov>
Cc: 'CRAIG@MFID' <Craig@mfidp.com>
Subject: RE: PC 909, not PC 908

Hi Craig –

Both Craig DeHart and I are available on the 24th at 1 PM. Let's meet at the MFID office (8235 Clear Creek Rd) which is on the way to the site.

Also, can you confirm PC-909 references the new minor hydro application at the base of the dam?

Thanks- N

From: KOHANEK Ron C * WRD <Ron.C.Kohanek@oregon.gov>
Sent: Thursday, February 13, 2020 8:30 AM
To: niklas@mfidp.com
Cc: mfid@mfidp.com
Subject: PC 909, not PC 908

Niklas,

My apologies for the confusion of having referenced PC 908 when I meant PC 909. Too many projects in process I guess.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

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KOHANEK Ron C * WRD

From: KOHANEK Ron C * WRD
Sent: Thursday, February 13, 2020 8:04 AM
To: 'niklas@mfidp.com'
Cc: 'mfid@mfidp.com'
Subject: Request - Is a PC 908 Site visit possible 2/24 @ 1pm?

Niklas,

There is a site visit scheduled with Water Resources and ODFW staff, in the Tony Creek area outside of Hood River, the morning of Monday, February 24th and we thought it would be prudent to try and schedule a site visit that afternoon. Please let me know if 1pm on 2/24 works, and if so where you'd like to rendezvous. Ted Wise – ODFW Bend and Rod French – ODFW The Dalles will be included. I plan to attend, unless the weather makes I-84 and driving generally treacherous.

I look forward to hearing from you.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

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KOHANEK Ron C * WRD

From: HARTMAN Heidi <heidi.m.hartman@state.or.us>
Sent: Wednesday, February 12, 2020 5:26 PM
To: KOHANEK Ron C * WRD
Subject: Proposed Minor Hydroelectric Project in Hood River County, Oregon PC 909

Please Respond To These Questions:

1G. Is the project located in an area of concern to your agency such as ... a Federal research natural area established under federal regulation?

NO

44. Will adverse impacts on wetlands as defined by OAR 141-085-0010(20) or identified by any national or local wetlands inventory be avoided, minimized, or offset by acceptable mitigation?

It is my understanding after speaking with Craig DeHart of the Middle Fork Irrigation District, that there is no removal and/or fill (R/F) actions proposed in waters of the state for this project. If there is R/F work proposed in waters of the state (wetlands and/or waters) then a DSL permit may be required.

Heidi Hartman

Aquatic Resource Coordinator

*Baker, Gilliam, Grant, Hood River, Jefferson, Morrow,
Sherman, Umatilla, Union, Wallowa, Wasco & Wheeler Counties*

Oregon Department of State Lands

1645 NE Forbes Road, Suite 112

Bend, OR 97701

Office: 541-388-6060 | Fax: 541-388-6480 | Cell: 541-419-7650

pronouns: she/her/hers

KOHANEK Ron C * WRD

From: Ted Wise <Ted.G.Wise@state.or.us>
Sent: Wednesday, February 12, 2020 12:59 PM
To: KOHANEK Ron C * WRD
Subject: RE: Taking advantage of PC 910 site visit

Craig –

A splendid idea. Yes, if you would make the arrangements it would be appreciated.

Regards

- Ted

Ted Wise
Oregon Department of Fish & Wildlife
East Region Hydropower Program
61374 Parrell Road
Bend, Oregon 97702
541-633- 1115

From: KOHANEK Ron C * WRD [mailto:Ron.C.Kohanek@oregon.gov]
Sent: Wednesday, February 12, 2020 10:01 AM
To: WISE Ted G <Ted.G.Wise@state.or.us>
Subject: Taking advantage of PC 910 site visit

Ted,

I'm wondering if you want me to see if I can arrange a site visit to PC 909 Middle Fork Irrigation District's (MFID) Laurence Lake hydro project for February 24th, to coincide with the PC 910 Upcountry site visit. As you know this is an existing project that is an HE that expires 12/31/2022 and MFID is applying for a new right to operate as a PC, which will theoretically allow them to operate in perpetuity without having to reauthorize. The power is used for dam monitoring and safety equipment. If you'd like me to try to arrange a site visit, how does 1:15 pm sound?

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

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KOHANEK Ron C * WRD

From: KOHANEK Ron C * WRD
Sent: Wednesday, February 12, 2020 10:01 AM
To: WISE Ted G
Subject: Taking advantage of PC 910 site visit

Ted,

I'm wondering if you want me to see if I can arrange a site visit to PC 909 Middle Fork Irrigation District's (MFID) Laurence Lake hydro project for February 24th, to coincide with the PC 910 Upcountry site visit. As you know this is an existing project that is an HE that expires 12/31/2022 and MFID is applying for a new right to operate as a PC, which will theoretically allow them to operate in perpetuity without having to reauthorize. The power is used for dam monitoring and safety equipment. If you'd like me to try to arrange a site visit, how does 1:15 pm sound?

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

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KOHANEK Ron C * WRD

From: Karl Weist <kweist@nwcouncil.org>
Sent: Thursday, January 30, 2020 9:13 AM
To: KOHANEK Ron C * WRD
Subject: RE: New Proposed Minor Hydroelectric Project in Hood River County, Oregon (NWPCC NOTICE)
Attachments: PC 909 MFID Clear Branch.docx

Craig: Attached are the comments of the Oregon Office of the Northwest Power and Conservation Council on PC 909 from the Middle Fork Irrigation District. Thanks for the opportunity to comment.

KARL

503-229-5192

From: KOHANEK Ron C * WRD <Ron.C.Kohanek@oregon.gov>
Sent: Monday, January 27, 2020 9:33 AM
To: Karl Weist <kweist@nwcouncil.org>
Subject: New Proposed Minor Hydroelectric Project in Hood River County, Oregon (NWPCC NOTICE)

To: Karl

NOTICE of Minor Hydroelectric Project in Hood River County -- Comments must be received by 5:00 PM on January 12, 2018.

The Oregon Water Resources Department (OWRD) is currently reviewing Hydroelectric Application PC 909, applicant Middle Fork Irrigation District (MFID) for a new minor hydroelectric water right in Hood River County. The application is for the use of up to 0.01 cubic foot per second (cfs) of water from Laurence Lake, tributary to Clear Creek. The project would take advantage of 100 feet of head to develop 1 THP to power onsite dam monitoring and safety equipment. The period of use identified in the application is year-round.

Project Description

This is an existing project that is scheduled to expire December 31, 2022, and as it is owned by a municipal entity has chosen to license under ORS 537 and Division 51 instead of reauthorizing under ORS 543A. According to the applicant, the source of water, Laurence Lake created by Clear Branch Dam, discharges into Clear Creek. The proposed project uses 0.057% of storage in the reservoir, however this water is a portion of the required streamflow release. The water is diverted into a 2-inch diameter galvanized iron pipe tapped off the existing outlet from Clear Branch dam. The water spins a small Pelton wheel that drives a 24 volt DC permanent magnetic generator. The generated power is used by MFID to power dam monitoring and safety equipment. The project tail water will be discharge back into the Clear Creek.

The point of diversion for this project is within the NW¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M.

Consultation

A "minor" hydroelectric project is any project generating less than 100 theoretical horsepower. As part of OWRD's application review process, a number of state and federal agencies must be consulted. This is the consultation and questionnaire for this application as it relates to your agency. Copies of the application for the existing project and a map generated by OWRD for the existing project are attached for your review.

The OWRD respectfully requests input from your agency on several questions that are specific to your agency's area of expertise. You may also submit general comments on the application, including whether your agency has any statutes, rules, permit requirements, etc., that apply to this project.

The OWRD has developed this questionnaire to fulfill the agency consultation requirement contained in Oregon Administrative Rules (OAR) 690-051-0060 and to generate information to enable the OWRD to make findings of fact on whether this application satisfies the resource protection standards contained in OAR 690-051-190 to OAR 690-51-260.

Please respond to each of the questions below concerning this application as they may relate to your agency's expertise, statutes, rules and other requirements. If you have additional comments, please include them. If you have no concerns regarding the application, you may state, "NO CONCERNS" and submit your reply to OWRD as indicated below.

Responses should be sent by reply e-mail to ron.c.kohanek@oregon.gov or U.S. mail as shown below. Comments must be received by 5:00 PM on February 28, 2020.

Please Respond To These Questions:

1. Is the project located in an area of concern to your agency such as ... a Federal research natural area established under federal regulation?

YES or NO If YES, please specify:

28. If within the Columbia River Basin, will the project be consistent with the provisions of the NPPC's Columbia River Basin Fish and Wildlife Program?

YES or NO Explain:

45. Will project facilities be designed and located to avoid or minimize adverse impacts on:...

B. Scenic and aesthetic resources identified by state or federal agencies as outstanding, significant or deserving special protection.

YES or NO Explain:

Next Step in the Process:

After the current 30-day comment period expires, OWRD will evaluate all public and agency comments and will prepare a technical report and draft water right (if OWRD recommends approval of the water right). The technical report will be issued for a 60-day comment period. If your agency does not submit any comments on the technical report and draft water right by the end of the 60-day comment period, OWRD will assume that your agency has no concerns on whether the application meets applicable resource protection standards, and/or your agency has no rules or regulations applicable to the project.

If you have any questions or concerns, please call me at 503-986-0823.

Thank you very much for your cooperation and input concerning this application.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

January 30, 2020

Oregon Water Resources Department
ATTN: R. Craig Kohanek
Hydroelectric Project Analyst
725 Summer St. NE
Salem, OR 97301-1271

RE: Comments of the Oregon Office of the Northwest Power and Conservation Council
regarding PC 909 application of Middle Fork Irrigation District

Dear Mr. Kohanek:

The staff of the Northwest Power and Conservation Council (Council) has reviewed the application for a “minor” hydroelectric project PC 909 the Middle Fork Irrigation District and offers the following comments in response to the three questions you addressed to the Council.

Questions:

1. Is the project located in an area of concern to your agency such as ... a Federal research natural area established under federal regulation?

No. The Council’s Fish and Wildlife Program designated certain stream reaches as protected from hydroelectric development, known as “Protected Areas.” However, the dam and diversion are located on Clear Branch, a stream not designated as a Protected Area.

28. If within the Columbia River Basin, will the project be consistent with the provisions of the NPPC's Columbia River Basin Fish and Wildlife Program and the Northwest Conservation and Electric Power Plan? Certification of compliance by the NPPC shall satisfy this standard.

YES for Protected Areas, POSSIBLY for the Hydroelectric Development Standards and the Hood River Subbasin Plan. Explain: As noted above in Question 1, Clear Branch is not a designated Protected Area. Also, the project merely continues hydroelectric generation from an existing dam and diversion water right, taking advantage of the existing dam and lake to generate electricity. The Council exempts “[a]ny addition of hydroelectric generation facilities to a non-hydroelectric dam or diversion structure” from a need to comply with “Protected Areas.” The water right has been in place for 17 years and the project requires no additional amount of water diverted.

However, the Program also contains a set of development standards to protect fish and wildlife that apply to the licensing and relicensing of any hydroelectric project.

<https://www.nwcouncil.org/reports/2014-columbia-river-basin-fish-and-wildlife-program/appendix-f-future-hydropower-electric-development-and-licensing-and-protected-areas#standards>. Standards include consultation with the fish and wildlife agencies and tribes and

the Council throughout study, design, construction, and operation of the project; provision of river flows and reservoir levels of sufficient quantity and quality to protect spawning, incubation, rearing, and migration of fish; use of the best available means to pass fish upstream and downstream; assurance the project will not unduly degrade fish habitat; assurance that all fish protection measures are fully operational; and more. The project applicant and OWRD should assure that the development standards are addressed in proposing and deciding on the renewed permit.

The Council's program identifies concerns about bull trout in Clear Branch. The Council's subbasin plan for the Hood River and its tributaries

https://www.nwcouncil.org/sites/default/files/Mgmt_Plan_Hood.pdf, an aspect of our Fish and Wildlife Program adopted in 2004, notes that existing bull trout populations in the Clear Branch of the Middle Fork are at risk of extinction from a random event due to low numbers of the species. The Hood Subbasin management plan, adopted into the Council program after the 2002 water right, proposes several objectives and strategies to improve the status of the bull trout population in the Clear Branch, quoted below from page 180:

“Environmental Conditions to Achieve Desired Biological Performance: Achieving successful juvenile and adult fish passage connectivity at Clear Branch Dam and other dams and diversions at 95% passage and screening effectiveness or better. Maintaining or restoring healthy upland conditions including low road densities (e.g., < 1.7 miles/square mile) in bull trout spawning and rearing areas; improving water temperature in Clear Branch below Laurance Lake reservoir to meet the bull trout standard of 52 degrees F. Increasing streamflows by a goal of 20% or more if feasible, especially during critical life stages such as spawning and migration, restoring fully functioning riparian, floodplain and instream channel conditions including side channel development and large woody debris at levels that approach template conditions characteristic to the Hood River. Improved rearing conditions in Laurance Lake include cool water temperatures, an adequate prey base, and natural predation levels. Depending on research results, this may necessitate reducing the abundance of non-endemic fishes present in bull trout habitats including smallmouth bass and brook trout.”

Objectives to achieve environmental conditions for a successful bull trout population, though not specific to the operation of the MFID diversion in question, should prompt some question over whether the diversion degrades optimal bull trout environmental conditions, and if so, what changes to operations can be done to effectuate more beneficial bull trout environmental conditions. The Council is unaware of how this particular diversion effects these conditions. We assume that the strategies incorporated in the Hood River Subbasin management plan in 2004, developed from the 1998 bull trout recovery plan, were somehow incorporated into the original water right granted the project in 1992, particularly those regarding screening for fish passage (page 193), habitat connectivity (page 191) and the temperature standard for bull trout below the diversion on Clear Branch (page 193). The Council requests the applicant specifically address these concerns through consultation with the relevant agencies and tribes.

45. Will project facilities be designed and located to avoid or minimize adverse impacts on:

...

B. Scenic and aesthetic resources identified by state or federal agencies as outstanding, significant or deserving special protection.

YES. NO CONCERNS.

Please feel free to contact John Shurts or me with any question you might have regarding this application. Thank you for considering our comments.

Sincerely,
Karl Weist
Fish and Wildlife Policy Analyst – Oregon Office
Northwest Power and Conservation Council
503-229-5192

c:\users\weist\documents\reflicens\good to go\he 597 madison farms commets docx (Karl Weist)

RE: HART Site Visit PC 909, Middle Fork Irrigation District

DATE: February 25, 2020

ATTENDEES: Craig DeHart – Applicant – Manager Middle Fork Irrigation District
Rod French & Ted Wise – ODFW
Craig Kohanek - OWRD

On Monday, February 25, 2020, Craig D, Rod, Ted and Craig K met at 12:00pm for a site visit appointment at the Middle Fork Irrigation District office. We introduced ourselves and identified the agencies for which we work. We explained that we wanted to see all the project features from the point of diversion, to where the tailwater returns to the stream, to the place of use. We drove to the base of Clear Branch dam where the project resides.

The project was built by the Middle Fork Irrigation District and licensed by OWRD in the early 2000's, as a hydroelectric license instead of a municipal power claim, to measure required minimum stream flows below the dam and to monitor the level of Laurence Lake. Prior to the hydroelectric project this monitoring was accomplished using solar panels, however the combination of cloudy days and vandalism proved impractical. The project is located on Taxlot 100, NW ¼ NE 1/4 Section 27, Township 1 South, Range 9 East Willamette Meridian on southeast downside face of the Clear Branch Dam. The water source for the project is Laurence Lake, tributary to Clear Branch, and is a portion of the water released to meet the minimum flow requirement. The point of diversion is the outlet for Clear Branch Dam, where a 2" galvanized iron pipe is tapped off the outlet and serves as the projects penstock with approximately 100 feet of hydraulic head. The 0.01 cubic feet per second (cfs) of water (5 gallons per minute), a small portion of the 3 cfs to 30 cfs minimum flow required below the dam, drives a 4" diameter multi-valve Harris Pelton wheel and 24 volt generator that charges two car batteries.



The batteries power the remote telemetry system that monitors the Laurence Lake level and the downstream flow level, which are required for dam safety, and power two ultrasonic flow meters that continuously measure downstream and penstock flows. The tailwater exits beneath the powerhouse and returns to the Clear Branch.

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 LEVEL OF EFFECT

Agency/Project: Middle Fork Irrigation District, Minor Hydro permit, (HE 551)

Street Address: 8235 Clear Creek Road

City, County Parkdale, Hood River

Preliminary Finding

Site visit Report

☐ No Historic Properties Adversely Affected

☐ Historic Properties Adversely Affected

Sta

Comments:

☐ No Historic Properties Adversely Affected

☐ Historic Properties Adversely Affected

Signe

Date

Comments

Provide written description of the project, and its potential effects on the subject property per 36 CFR 800. Include maps, drawings, and photographs as necessary to effectively describe and discuss the project. Use continuation sheets as needed.

This project involves the construction of a small 10' X 20' building at the base of Clear Branch Dam (CBD). CBD was constructed in the mid 1960's to store irrigation water for the Upper Hood River Valley. As a requirement of operating CBD, Middle Fork Irrigation District (MFID) maintains required stream flows in the Middle Fork of the Hood River. This small building will house a small generator. This project will very briefly use 0.10 Cubic Feet per Second (CFS) of the 3 to 30 CFS that maintains the required Instream flows to spin a 4 inch turbine. The 4 inch turbine spins an automotive size alternator and charges a 24 volt battery (2 car batteries). These batteries power a remote telemetry system that monitors lake level and downstream flow level. It is mandated that these things be monitored for dam safety. The batteries will also power two ultra sonic flow meters to continuously measure downstream and penstock flow. MFID has used solar panels in the past to charge these batteries however the number of cloudy days and vandalism at the dam have shown this to be impractical. This 10'X 20' building is in an area that has been disturbed numerous times in recent years due to floods, fish trap construction, dam improvements etc. This building is divided into two 10' X 10' rooms. One to house the small generator and appurtenances and one for the US Forest Service to use for storage of supplies and equipment used to collect data at the fish trap.

RECEIVED
JAN 11 2002
WATER RESOURCES DEPT.
SALEM, OREGON

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106 LEVEL OF EFFECT

Agency/Project: Middle Fork Irrigation District, Minor Hydro permit, (HE 551)

Street Address: 8235 Clear Creek Road

City, County Parkdale, Hood River

Preliminary Finding of Effect:

☒ No Historic Properties Affected

☐ No Historic Properties Adversely Affected

☐ Historic Properties Adversely Affected

State Historic Preservation Office Comments:

☐ Concur

☐ Do Not Concur

☐ No Historic Properties Affected

☐ No Historic Properties Adversely Affected

☐ Historic Properties Adversely Affected

Signed _____

Date _____

Comments:

Provide written description of the project, and its potential effects on the subject property per 36 CFR 800. Include maps, drawings, and photographs as necessary to effectively describe and discuss the project. Use continuation sheets as needed.

This project involves the construction of a small 10' X 20' building at the base of Clear Branch Dam (CBD). CBD was constructed in the mid 1960's to store irrigation water for the Upper Hood River Valley. As a requirement of operating CBD, Middle Fork Irrigation District (MFID) maintains required stream flows in the Middle Fork of the Hood River. This small building will house a small generator. This project will very briefly use 0.10 Cubic Feet per Second (CFS) of the 3 to 30 CFS that maintains the required Instream flows to spin a 4 inch turbine. The 4 inch turbine spins an automotive size alternator and charges a 24 volt battery (2 car batteries). These batteries power a remote telemetry system that monitors lake level and downstream flow level. It is mandated that these things be monitored for dam safety. The batteries will also power two ultra sonic flow meters to continuously measure downstream and penstock flow. MFID has used solar panels in the past to charge these batteries however the number of cloudy days and vandalism at the dam have shown this to be impractical. This 10'X 20' building is in an area that has been disturbed numerous times in recent years due to floods, fish trap construction, dam improvements etc. This building is divided into two 10' X 10' rooms. One to house the small generator and appurtenances and one for the US Forest Service to use for storage of supplies and equipment used to collect data at the fish trap.

RECEIVED
JAN 11 2002
WATER RESOURCES DEPT.
SALEM, OREGON

KOHANEK Ron C * WRD

From: GRIFFIN Dennis * OPRD
Sent: Tuesday, January 28, 2020 8:12 AM
To: KOHANEK Ron C * WRD
Subject: RE: New Proposed Minor Hydroelectric Project in Hood River County, Oregon PC 909

Thank you for submitting your project to the Oregon State Historic Preservation Office for consultation. For electronic submissions, please send your review material to ORSHPO.Clearance@oregon.gov and follow the Go Digital process and instructions (see below). This dedicated email account is monitored by staff and ensures your project receives a SHPO case number, that you receive notification of that SHPO case number, and that the project is assigned to the appropriate staff for review. Using the ORSHPO Clearance email streamlines and expedites the review process. Projects submitted electronically to individual staff members will not be accepted.

Revisions and updates to existing projects must also be submitted to ORSHPO.Clearance@oregon.gov.

The following link provides information regarding our Go Digital program including Submittal Guidelines and the Submittal Coversheet. Please contact Mary Beth Grover (MaryBeth.Grover@oregon.gov, 503-986-0672) or other appropriate staff with questions.

Go Digital Information & Instructions: <http://www.oregon.gov/oprd/HCD/SHPO/Pages/go-digital.aspx>

From: KOHANEK Ron C * WRD
Sent: Monday, January 27, 2020 11:38 AM
To: GRIFFIN Dennis * OPRD
Subject: New Proposed Minor Hydroelectric Project in Hood River County, Oregon PC 909

Dennis,

NOTICE of Minor Hydroelectric Project in Hood River County -- Comments must be received by 5:00 PM on February 28, 2020.

This application already appeared on the Oregon Water Resources Department (OWRD) public notice for a 30 day public comment period. No comments were received. (See Word attachment)

The Oregon Water Resources Department (OWRD) is currently reviewing Hydroelectric Application PC 909, applicant Middle Fork Irrigation District (MFID) for a new minor hydroelectric water right in Hood River County. The application is for the use of up to 0.01 cubic foot per second (cfs) of water from Laurence Lake, tributary to Clear Creek. The project would take advantage of 100 feet of head to develop 1 THP to power onsite dam monitoring and safety equipment. The period of use identified in the application is year-round.

Project Description

This is an existing project that is scheduled to expire December 31, 2022, and as it is owned by a municipal entity has chosen to license under ORS 537 and Division 51 instead of reauthorizing under ORS 543A. According to the applicant, the source of water, Laurence Lake created by Clear Branch Dam, discharges into Clear Creek. The proposed project uses 0.057% of storage in the reservoir, however this water is a portion of the required streamflow release. The water is

diverted into a 2-inch diameter galvanized iron pipe tapped off the existing outlet from Clear Branch dam. The water spins a small Pelton wheel that drives a 24 volt DC permanent magnetic generator. The generated power is used by MFID to power dam monitoring and safety equipment. The project tail water will be discharge back into the Clear Creek.

The point of diversion for this project is within the NW¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M.

Consultation

A "minor" hydroelectric project is any project generating less than 100 theoretical horsepower. As part of OWRD's application review process, a number of state and federal agencies must be consulted. This is the consultation and questionnaire for this application as it relates to your agency. Copies of the application for the existing project and a map generated by OWRD for the existing project are attached for your review.

The OWRD respectfully requests input from your agency on several questions that are specific to your agency's area of expertise. You may also submit general comments on the application, including whether your agency has any statutes, rules, permit requirements, etc., that apply to this project.

The OWRD has developed this questionnaire to fulfill the agency consultation requirement contained in Oregon Administrative Rules (OAR) 690-051-0060 and to generate information to enable the OWRD to make findings of fact on whether this application satisfies the resource protection standards contained in OAR 690-051-190 to OAR 690-51-260.

Please respond to each of the questions below concerning this application as they may relate to your agency's expertise, statutes, rules and other requirements. If you have additional comments, please include them. If you have no concerns regarding the application, you may state, "NO CONCERNS" and submit your reply to OWRD as indicated below.

Responses should be sent by reply e-mail to ron.c.kohanek@oregon.gov or U.S. mail as shown below. **Comments must be received by 5:00 PM on February 28, 2020.**

Please Respond To These Questions:

37. Will the project result in significant adverse impact(s) on any historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places?

YES or NO Explain:

38. Will the project comply with state laws to protect Indian graves (ORS 97.740 - 97.760), historical materials (ORS 273.705 - 273.711) and archaeological objects and sites (ORS 358.905 - 358.955)?

YES or NO Explain:

39. Will unavoidable adverse impacts on historic, cultural and archaeological resources be mitigated in accordance with generally accepted professional standards?

YES or NO Explain:

40. Will archaeological data of significance associated with a site not eligible for inclusion in the National Register of Historic Places be recovered in accordance with generally accepted professional standards?

YES or NO Explain:

45. Will project facilities be designed and located to avoid or minimize adverse impacts on:

B. Scenic and aesthetic resources identified by state or federal agencies as outstanding, significant or deserving special protection.

YES or NO Explain:

Next Step in the Process:



Hood River News

P.O. BOX 390 • 419 STATE ST. • HOOD RIVER, OR 97031

(541) 386-1234 • FAX 386-6796

INVOICE

TOTAL DUE

DECEMBER 11, 2019

OREGON WATER RESOURCES OREWR
ATTN: FISCAL DEPT.
725 SUMMER ST. NE. STE. A
SALEM OR 97301

35357

SALESMAN: 08
Please return top portion with payment.

DATE	RATE	QTY	TYPE	DESCRIPTION	ZONES	AMOUNT
12/11	18.00	I		#1276 NOT OF OPEN COMMENT		\$144.00
						=====
Sales tax:						\$0.00

						\$144.00
						=====

OK to Pay
Dwight Ful

RECEIVED
DEC 16 2019
OWRD

ALL ACCOUNTS ARE DUE BY THE 10th OF EACH MONTH.
1 1/2% per month will be charged on overdue accounts. \$1 minimum handling fee.

AFFIDAVIT OF PUBLICATION

STATE OF OREGON
COUNTY OF HOOD RIVER

I, Chelsea Marr being first duly sworn, depose and say that I am the publisher of the Hood River News, 419 State St., Hood River, Oregon, a newspaper of general circulation printed and published at Hood River in the aforesaid county and state, as defined by ORS 193.010 and 193.020 and that Notice of Open Comment - Hydroelectric Project, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 times in the following issues:
December 4, 11, 2019



Subscribed and sworn to before me this 11th
Day of December, 2019



NOTICE OF
OPEN COMMENT
PERIOD
FOR APPLICATION
FOR A MINOR
HYDROELECTRIC
PROJECT
The Department

seeks public comment on the following application to develop hydroelectric use (ORS 537.145, 537.283 and OAR 690-051.). The electricity will be used onsite to power monitoring equipment. The application and supporting documents can be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the application please contact R. Craig Kohanek

(503) 986-0823. A copying fee will be assessed as allowed in Oregon Revised Statute (ORS) Chapter 536.050(1)(e). Comments may be submitted in writing to the Oregon Water Resources Department by 5 p.m. Monday, January 5, 2020.
Application: PC 909
Applicant: Middle Fork Irrigation District
Address: 8235 Clear Creek Road
Amount of water: 0.01 cubic feet per

second

Source of water: Laurence Lake, tributary to Clear Creek
Location of the Point of Diversion: NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County

Place of Use:

NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County

Power developed: 1 Theoretical horsepower

Dec. 4, 11, 2019

#1276

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REGON
91324
R 25, 2023

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DEC 16 2019

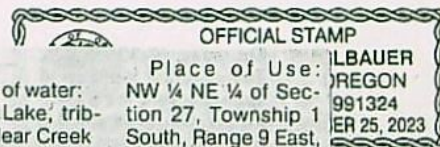
QWRD

AFFIDAVIT OF PUBLICATION

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COUNTY OF HOOD RIVER

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December 4, 11, 2019

Subscribed and sworn to before me this 11th
Day of December, 2019



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second
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Place of Use: NW 1/4 NE 1/4 of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Power developed: 1 Theoretical horsepower
Dec. 4, 11, 2019
#1276

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991324
ER 25, 2023

NOTICE OF
OPEN COMMENT
PERIOD
FOR APPLICATION
FOR A MINOR
HYDROELECTRIC
PROJECT
The Department

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Hood River News

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(541) 386-1234 • FAX 386-6796

DECEMBER 31, 2019

STATEMENT

PAGE 1 OF 1

OREGON WATER RESOURCES OREWR
ATTN: FISCAL DEPT.
725 SUMMER ST. NE. STE. A
SALEM OR 97301

	TOTAL DUE
CURRENT	\$144.00
OVER 30 DAYS	\$0.00
OVER 60 DAYS	\$0.00
OVER 90 DAYS	\$0.00
OVER 120 DAYS	\$0.00

Please return top portion with payment.

DATE	RATE	QTY	TYPE	DESCRIPTION	ZONES	AMOUNT	BALANCE
				PREVIOUS BALANCE			\$0.00
12/11	Z	18.00	I	#1276 NOT OF OPEN COMMENTA		\$144.00	\$144.00

RECEIVED

JAN 06 2020

OWRD

\$0.00 DISCOUNT ALLOWED IF PAID BY THE 10TH

ALL ACCOUNTS ARE DUE BY THE 10th OF EACH MONTH.

1 1/2% per month will be charged on overdue accounts. \$1 minimum handling fee.

OREGON WATER RESOURCES DEPARTMENT

725 Summer Street NE Suite A
Salem OR 97301



PUBLIC NOTICE OF WATER USE REQUESTS December 3, 2019

*This notice is also available on our web page at the following address:
http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- * **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**
Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- * **Alternate Reservoir Applications (ORS 537.409)**
Applications for storage permits for small ponds filed under a simplified review process.
- * **Expedited Secondary Applications to Use Stored Water**
Applications to use stored water exclusively, filed under a simplified review process.
- * **Applications for Limited Licenses**
Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
- * **Transfer Preliminary Determinations**
Requests to change point of diversion or appropriation, place of use, and character of use upon which the public may protest the application and Department's preliminary determination.
- * **Hydroelectric Project Public Meeting**
- * **PC 909 Application for Hydroelectric Permit**

The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to Tonya.L.Miller@oregon.gov.

Application for A Minor Hydroelectric Project

The Department seeks public comment on the following application to develop hydroelectric use (ORS 537.145, 537.283 and OAR 690-051.). Comments must be submitted within 30 days of publication of the notice. The application and supporting documents can be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the application please contact R. Craig Kohanek (503) 986-0823. A copying fee will be assessed as allowed in Oregon Revised Statute (ORS) Chapter 536.050(1)(e).

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Applicant:	Middle Fork Irrigation District
Address:	8235 Clear Creek Road
Amount of water:	0.01 cubic feet per second
Source of water:	Laurence Lake, tributary to Clear Creek
Location of the	
Point of Diversion:	NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Place of Use:	NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Power developed:	1 Theoretical horsepower, with the electricity will be used onsite to power monitoring equipment.

Comments are Due January 5, 2020

KOHANEK Ron C * WRD

From: KOHANEK Ron C * WRD
Sent: Wednesday, November 27, 2019 2:11 PM
To: WISE Ted G
Cc: HOMOLKA Ken; FONSECA Marilyn (Marilyn.FONSECA@state.or.us); STINE Chris
Subject: PC 909 Middle Fork Irrigation District public notice of application for hydroelectric project
Attachments: PC 909 Middle Fork Irrigation District Application.pdf; Agency 30 day public notice of application.docx

Hey Folks,

Attached is the OWRD public notice for PC 909 Middle Fork Irrigation District's application for hydroelectric project. Also attached is a copy of the application. This will appear in OWRD's public notice next Tuesday and will appear in the Hood River News' public notice for two consecutive weeks beginning December 4th.

Have a Happy Thanksgiving and a safe long weekend.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Application For A Minor Hydroelectric Project

The Department seeks public comment on the following application to develop hydroelectric use (ORS 537.145, 537.283 and OAR 690-051.). Comments must be submitted within 30 days of publication of the notice. The application and supporting documents can be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the application please contact R. Craig Kohanek (503) 986-0823. A copying fee will be assessed as allowed in Oregon Revised Statute (ORS) Chapter 536.050(1)(e).

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Location of the Point of Diversion:	NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Place of Use:	NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Power developed:	1 Theoretical horsepower, with the electricity will be used onsite to power monitoring equipment.

Comments are Due January 5, 2020



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Application to Develop a Minor
Hydroelectric Project
(Less than 100 theoretical horsepower)

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, please insert "n/a". Please read and refer to the instructions guide when completing your application. Thank you.

RECEIVED

NOV 18 2019

1. APPLICANT INFORMATION

Applicants: Niklas Christensen

First

Last

OWRD

Organization: Middle Fork Irrigation District

Mailing Address: 8235 Clear Creek Road

Mt. Hood

OR

97041

City

State

Zip

Phone: (541) 352-6468, (541) 490-4907

Home

Work

Other

E-mail address: mfid@mfidp.com, niklas@mfidp.com

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water? This includes diversion location and place of use; roads; rights-of-way; and canals or ditches.

☐ Yes, (Skip to section 3 "Water Use")

☒ No, Please check the appropriate box below.

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

Note: A water right cannot be issued without written authorization or easement provided to the Department.

List the names and mailing addresses of all affected landowners.

Mt. Hood National Forest, Hood River Ranger District, 6780 Highway 35 Parkdale, OR 97041

Attach a separate sheet if needed.

3. WATER USE

A. Proposed Source and Amount of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so. If the source will be a reservoir, list reservoir name and/or permit number:

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (CFS) or gallons per minute (GPM). If the proposed use is from storage, provide the amount in acre-feet (AF):

(1 cubic foot per second = 448.8 gallons per minute 1 acre-foot = 43,560 cubic feet)

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Source	Tributary to	Amount (AF, CFS, GPM)
Laurance Lake, tributary to Clear Creek		5 gpm, 2 acre-feet/year

B. Period of Use

Indicate the time of year when you propose to use water:

year around _____

C. Power Development

The project will utilize ¹⁰⁰ _____ (number of feet) of gross head to develop
1.1 _____ (number) theoretical horsepower (THP).

THP is calculated by multiplying the quantity of water to be diverted in cubic feet per second by the vertical head in feet and dividing the product by 8.8. The head is the difference in elevation between the intake of the pipeline and the return discharge to the stream.

D. Location

The point of diversion is located within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27

Township 1S, Range 09E, W.M.,

The power plant is located within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27

Township 1S, Range 09E, W.M., in Hood River County.

After passing through the power plant, the water utilized will be returned to

Clear Creek (stream) in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27

Township 1S, Range 09E, W.M.

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E. Project Facilities

- (IF APPLICABLE) The diversion dam will have a height of _____ feet, a crest width of _____ feet, an upstream slope of _____ feet horizontal to one foot vertical, and a downstream slope of _____ feet horizontal to one foot vertical.

Describe the type of dam and the material with which it will be constructed:

The source of water is the existing ~3,500 acre-feet Laurance Lake and Clear Branch dam.

This minor hydroelectric project uses 0.057% of the storage in the reservoir.

Generation water is a portion of required streamflow release volume.

- (IF APPLICABLE) The storage reservoir will be located on:

_____ (body of water), tributary to _____ (body of water)

in Section _____, Township _____, Range _____, W.M.

When full the reservoir will have a surface area of _____ acres and a total storage volume of _____ acre-feet.

- (IF APPLICABLE) The canal will have a length of _____ feet, a slope of _____ feet horizontal / feet vertical, a base width of _____ feet, and a top width of _____ feet.

- (IF APPLICABLE) The pipeline will have a length of _____ feet, a diameter of _____ inches, and the difference in elevation between the intake and discharge will be _____ feet. The type of pipe used is _____
2" galvanized iron pipe tapped off the existing outlet from Clear Branch dam.

Describe the type of water wheel and generator that will be used: _____

Small Pelton wheel driving a 24 V DC permanent magnetic generation.

4. WATER MANAGEMENT

A. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water?

☐ Weir ☐ Meter ☒ Periodic Sampling

Have you planned for a minimum bypass flow?

☐ Describe

Flow through the turbine discharges into Clear Creek and is a portion of the existing release schedule.

5. RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state requires careful control of activities that may affect the waterway or streamside area. Please indicate any of the practices you plan to undertake to protect water resources.

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions:

Intake is screened. Future intake upgrades will install a variable elevation release so MFID can more closely control release temperatures. Future activities are being coordinated through USFS, OWRD, NMFS, and others.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: No excavation or clearing of banks will occur.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: No operating equipment will be in a water body.

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: Riprap scour protection is present on the upstream face of the dam to prevent erosion. No wastes or chemicals are present in Laurance Lake.

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6. FINANCES AND SCHEDULE

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The estimated cost of the project is \$ 0.

The proposed use or market for the power to be developed is: OWRD
MFID to use the electricity to power dam monitoring and safety equipment.

The time schedule for completing the project after a water right is issued is _____
Project is already complete and operating.

The estimated life of this project is 100 years. Upon a decision to terminate project operations, the project must be decommissioned under applicable Oregon laws. Upon project termination, the proposed method of removal is _____
Dam safety and monitoring equipment should not be removed from the dam. If other power sources becomes available, equipment could be removed and tap off the outlet pipe capped.

7. NEIGHBORS

The following individuals own property within 300 feet of the proposed powerhouse:
(include names, physical addresses, and mailing addresses)

None

8. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

This application is being made to replace the existing small hydro license due to expire in three years.

9. MAP REQUIREMENTS

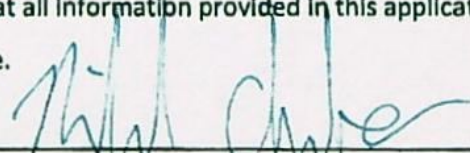
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter-quarter section of the proposed diversion location and powerhouse. See the map guidelines sheet for detailed map specifications.

10. SIGNATURE

By my signature below I confirm that I understand:

- X I am asking to use water specifically as described in this application.
- X Evaluation of this application will be based on information provided.
- X I cannot legally use water until the Water Resources Department issues a water right to me.
- X If I get a water right, I must not waste water.
- X If development of the water use is not according to the terms of the water right, the water right can be canceled.
- X The water use must be compatible with local comprehensive land use plans.
- X Even if the Department issues a water right to me, I may have to stop using water to allow senior water right holders, instream water rights or minimum bypass flows to get water they are entitled to, and

I affirm that all information provided in this application is true and correct to the best of my knowledge.



10/31/2019

Signature of applicant

Date

Signature of applicant

Date

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11. EXHIBITS

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The following Exhibits must be included as a part of this application:

- | | | |
|------------------|---|-------------|
| Exhibit A | Narrative Statement describing the proposed project from the point(s) of diversion to the water return area. | OWRD |
| Exhibit B | Project Map (See Guide for Minor Hydroelectric Applications) | |
| Exhibit C | Tax Assessors map showing all property lines within 300 feet of the proposed powerhouse. | |
| Exhibit D | Attach land use form. Land use form must be signed by the local planning official, certifying that the use and structures associated with this project are allowed. The land use form is attached to the end of this form, or is available from the OWRD Salem office or on OWRD web site using the link "Forms." | |

NARRATIVE STATEMENT:

Provide a detailed written description of each component of the proposed Project from the point(s) of diversion to the water return area. The reader should be able to draw a basic picture of the Project based on the Narrative Statement. Such features include points of diversion, dams and appurtenant works and structures, storage, diverting or forebay reservoirs connected therewith, conduits or pipes, powerhouses, water wheels, and primary lines transmitting power to the point of junction with a distributing system, or with any interconnected primary system, miscellaneous works and structures used in connection with the Project or any part thereof, rights of way, lands, flowage rights and all other properties, rights and structures necessary or appropriate in the use, operation and maintenance of the Project.

Before you submit your application be sure you have:

- Answered each question completely.
 - Attached a legible map which includes township, range, section and quarter-quarter section.
 - Attached an assessor's map showing tax lots within 300 feet of powerhouse.
 - Included a Land Use Information Form or receipt stub signed by a local official from a city or county planning office.
 - Included a check payable to the Water Resources Department for \$500. (If a water right is approved, an additional \$500 is required before the right can be issued.)
-

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Land Use Information Form

OWRD



725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



www.oregon.gov/OWRD

Applicant(s): Middle Fork Irrigation District
 Mailing Address: 8235 Clear Creek Road
 City: Mt. Hood State: OR Zip Code: 97041 Daytime Phone: (541) 352- 6468

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	XX	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
1S	9E	27	NWNE	01809E00100	Federally owned - vacant	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

At base of Clear Branch Dam (Laurance Lake) in Hood River County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water ☒ Hydroelectric Development

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 5gpm, 2AF/yr cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other minor hydroelectric

Briefly describe:

MFID maintains a 1 HP hydroelectric generator on the outflow of Clear Branch Dam that powers monitoring and safety equipment. OWRD has asked MFID to obtain a water right for the water use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the 'Receipt for Request' at the bottom of the next page and include it with the application filed with the Water Resources Department.

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For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits. **Please check the appropriate box below and provide the requested information**

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: MICHAELA KELLER Title: COMPLIANCE PLANNER

Signature: [Signature] Phone: 341-887-6840 Date: 10/30/2019

Government Entity: HOOD RIVER COUNTY

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Hydroelectric Project /10

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Middle Fork Irrigation District

P.O. Box 291
8235 Clear Creek Rd
Parkdale, OR 97041
Phone (541) 352-6468
Fax (541) 352-7794

Exhibits for OWRD minor hydroelectric water right application

Exhibit A Narrative Statement describing the proposed project from the point(s) of diversion to the water return area.

Middle Fork Irrigation District (MFID) installed a 1 horsepower hydroelectric turbine at the base of Clear Branch Dam in 2002. MFID has a license for this turbine (HE 551) that expires in December of 2022. Since the license expires in the next few years, MFID would like to obtain a water right permit for continued operation. This course of action was also suggested by OWRD.

The turbine powers local monitoring, safety, and telemetry equipment. The source of water for the turbine is the storage in Laurance Lake (formed by Clear Branch dam), which is fed by Clear and Pinnacle Creeks. The turbine is connected to the 36" outlet from the dam via a 2" tap and subsequent 2" galvanized iron pipe. All return flow from the turbine are discharged to Clear Branch Creek at the base of Clear Branch Dam.

Exhibit B Project Map (following)

Exhibit C Tax Assessors Map (3 following, no property lines within 300')

Exhibit D Signed Land Use Forms (following)

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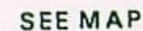
OWRD



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1°-2020

CANCELLED NO.
300
301
302



01S 09E 01

SEE MAP

01S 09E 12

SEE MAP
015 09E 13A

Location of micro hydro turbine at base of Clear Branch Dam

REVISED: JD
06/06/04

01S 09E
& INDEX

SEE MAP 025 00E

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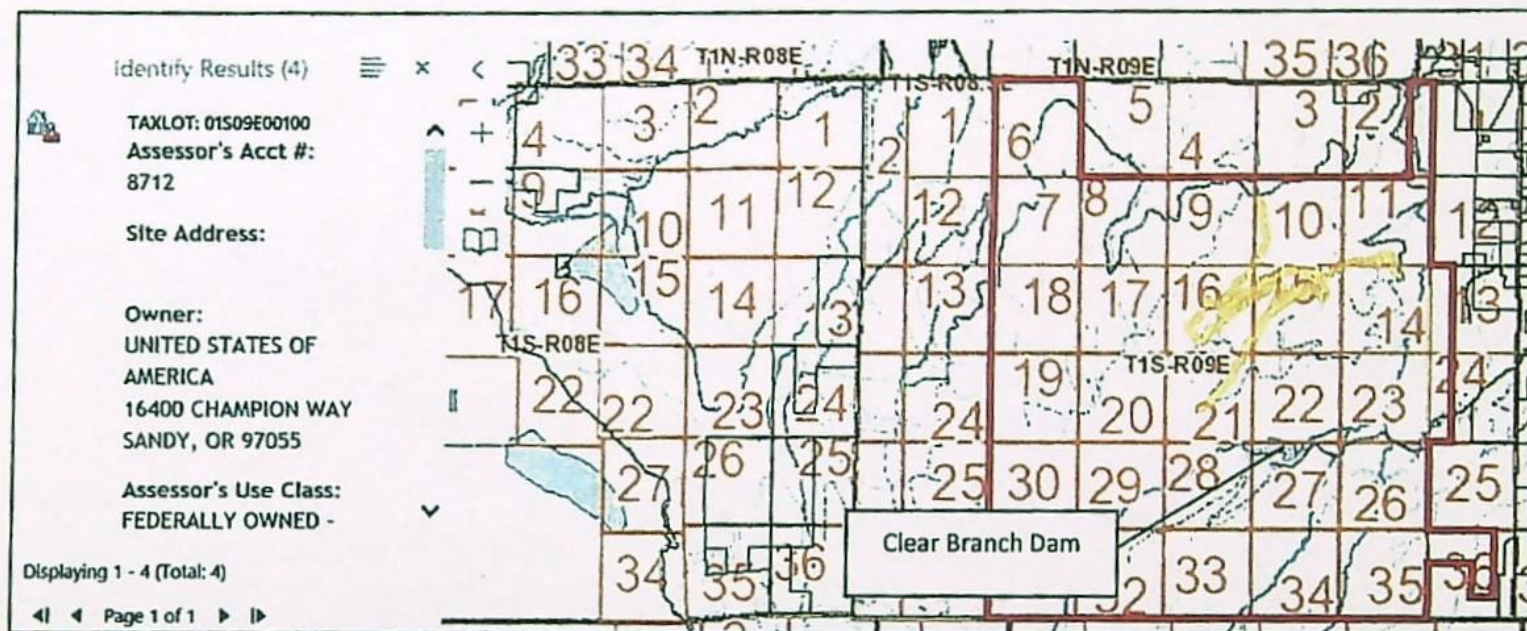
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Hood River County Tax Assessor's map shown on previous page.

This page and the following page are from the Hood River County WebMap and also show that no property lines exist within 300' of Clear Branch Dam.



TAXLOT: 01S09E00100
Assessor's Acct #:
8712

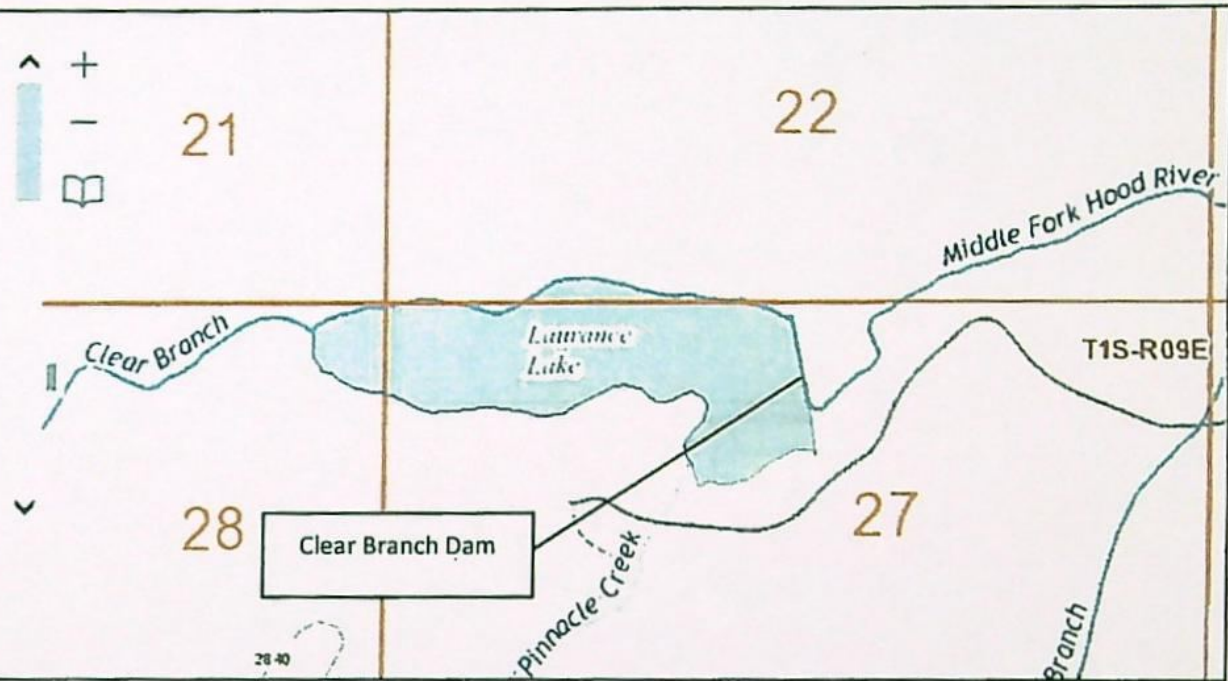
Site Address:

Owner:
UNITED STATES OF
AMERICA
16400 CHAMPION WAY
SANDY, OR 97055

Assessor's Use Class:
FEDERALLY OWNED -

ing 1 - 4 (Total: 4)

Page 1 of 1 ▶ ▶



KOHANEK Ron C * WRD

From: HRN Legals <HRNLegals@HoodRiverNews.com>
Sent: Wednesday, November 27, 2019 9:03 AM
To: KOHANEK Ron C * WRD
Subject: RE: State agency purchase order for public notice announcement

We will schedule this for Dec. 4, 11, 2019

Thank you

From: KOHANEK Ron C * WRD <Ron.C.Kohanek@oregon.gov>
Sent: Wednesday, November 27, 2019 8:07 AM
To: HRN Legals <HRNLegals@HoodRiverNews.com>
Subject: State agency purchase order for public notice announcement

Attached is the purchase order and the copy of the notice that I would like to appear for two consecutive weeks beginning December 4th. Please send your invoice to my attention. I will need evidence of the notice having been published both weeks.

Please let me know if you need anything else from me. I need to ensure that this is published on December 4th to coincide with our agency public noticing of this hydroelectric project.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

KOHANEK Ron C * WRD

From: KOHANEK Ron C * WRD
Sent: Wednesday, November 27, 2019 8:07 AM
To: 'hrnlegals@hoodrivernews.com'
Subject: State agency purchase order for public notice announcement
Attachments: Purchase Order 4 Hood River News public notice.pdf; Agency newspaper public notice of application per ORS 537.145.docx

Attached is the purchase order and the copy of the notice that I would like to appear for two consecutive weeks beginning December 4th. Please send your invoice to my attention. I will need evidence of the notice having been published both weeks.

Please let me know if you need anything else from me. I need to ensure that this is published on December 4th to coincide with our agency public noticing of this hydroelectric project.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

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Notice of Open comment Period
For Application for a Minor Hydroelectric Project

The Department seeks public comment on the following application to develop hydroelectric use (ORS 537.145, 537.283 and OAR 690-051.). The electricity will be used onsite to power monitoring equipment. The application and supporting documents can be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the application please contact R. Craig Kohanek (503) 986-0823. A copying fee will be assessed as allowed in Oregon Revised Statute (ORS) Chapter 536.050(1)(e). Comments may be submitted in writing to the Oregon Water Resources Department by 5 p.m. Monday, January 5, 2020.

Application:	PC 909
Applicant:	Middle Fork Irrigation District
Address:	8235 Clear Creek Road
Amount of water:	0.01 cubic feet per second
Source of water:	Laurence Lake, tributary to Clear Creek
Location of the	
Point of Diversion:	NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Place of Use:	NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Power developed:	1 Theoretical horsepower



Water Resources Department
Fiscal Services Section
PURCHASE REQUISITION

Purchase Order Number

PO

Section 1 - This is a request for a:

- ☐ PURCHASE ORDER (Items are not on a state price agreement) Forward form w/supporting documents to Kim Hall.
☐ PURCHASE AUTHORIZATION Forward form w/supporting documents to Abby Hungate.
☐ CHECK REQUEST Forward form w/justification & supporting documents to Abby Hungate. Mark Section 2 instructions.

Section 2 - The completed request should be:

- ☐ PO MAILED BY FISCAL SERVICES ☐ CHECK RETURNED TO THE REQUESTING EMPLOYEE
☐ PO FAXED BY FISCAL SERVICES ☐ CHECK OTHER: _____

Section 3 - Vendor Information:

- ☐ OFFICE MAX
☐ NOT AVAILABLE FROM OFFICE MAX
☐ OTHER VENDOR (REQUIRES 3 quotes for purchases over \$2,500 not on price agreement - See page 2 instructions.)

Vendor Number: _____ Mail Code: _____ Name: Hood River News
Address: 419 State St City: Hood River State: OR Zip: 97031
Contact: _____ Phone: _____ Fax: _____

Section 4 - Justification for Purchase:

Section 5 - Order:

Item	Program Cost Account (PCA)	Agency Object	Description	Quantity	Unit of Measure	Unit Price	Extended Amount
1	61200		Newspaper Legal Notice	2		72.00	144.00
2							0.00
3							0.00
4							0.00
5							0.00
6							0.00
Please ship to: _____						Est. Freight	
_____						Total	144.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE FISCAL DEPARTMENT!

Section 6 - Approval:

Requested by:	<u>Craig Kohanek</u>	Date:	<u>11/26/2019</u>
Information Services (see back):	<u><i>[Signature]</i></u>	Date:	_____
Supervisor/Division:	<u><i>[Signature]</i></u>	Date:	<u>11/26/19</u>
Fiscal Services:	_____	Date:	_____

Less than \$2,500

- ☒ COMPLETE PURCHASE REQUESTION FORM, OBTAIN APPROPRIATE APPROVALS
☐ IF HARDWARE, INFORMATION SERVICES REVIEW AND APPROVE REQUEST
☐ IF NON-STANDARD SOFTWARE, INFORMATION SERVICES REVIEW AND APPROVE REQUEST (SEE BELOW)

DATABASE _____ MICROSOFT ACCESS _____

WORD PROCESSING _____ MICROSOFT WORD _____

SPREADSHEET _____ MICROSOFT EXCEL _____

\$2,500 TO \$25,000

- ☐ PREPARE JUSTIFICATION
☐ ACQUIRE 3 COMPETITIVE BIDS (UNLESS ON STATE PRICE AGREEMENT)
IF UNDER \$2,500 MAY BE PHONE QUOTES RECORDED BELOW
IF OVER \$2,500 QUOTES MUST BE WRITTEN VENDOR QUOTES
☐ COMPLETE PURCHASE REQUISITION FORM, OBTAIN APPROPRIATE APPROVALS
☐ INFORMATION SERVICES REVIEW AND APPROVE REQUEST

Over \$25,000

- ☐ CONTACT FISCAL SERVICES OR INFORMATION SERVICES FOR ASSISTANCE

COMPETITIVE QUOTE WORKSHEET

Project Description:

ATTACH DESCRIPTION OF ITEMS FOR WHICH QUOTES WERE REQUESTED

	Vendor 1	Vendor 2	Vendor 3
Name			
Address			
Address			
City			
State, Zip			
Contact			
Phone			
Price Quoted	\$	\$	\$

KOHANEK Ron C * WRD

From: HRN Legals <HRNLegals@HoodRiverNews.com>
Sent: Tuesday, November 26, 2019 2:38 PM
To: KOHANEK Ron C * WRD
Subject: FW: Cost to have announcement in public notice for two successive weeks

Cost would be \$144.00 for 2 insertions

Purchase order sent to hrnlegals@hoodrivernews.com

At this point Dec 4 would be the first date if approved by 5pm Friday the 29th

To: HRN Legals <HRNLegals@HoodRiverNews.com>
Subject: Re: Cost to have announcement in public notice for two successive weeks

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3Aef46c118-7502-4fad-a51b-55269db69df7>

From: KOHANEK Ron C * WRD <Ron.C.Kohanek@oregon.gov>
Sent: Tuesday, November 26, 2019 10:24 AM
To: HRN News <HRNews@HoodRiverNews.com>
Subject: Cost to have announcement in public notice for two successive weeks

To concerned party,

I am seeking to have an application to appropriate water for hydroelectric purposes public noticed for two consecutive weeks and have several questions.

- Based on the attached document how much will this cost?
- To whom should the purchase order be sent?
- What would be the first week it would be published?

Please let me know what you need from me and we will figure it out.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Less than \$2,500

- ☒ COMPLETE PURCHASE REQUESTION FORM, OBTAIN APPROPRIATE APPROVALS
☐ IF HARDWARE, INFORMATION SERVICES REVIEW AND APPROVE REQUEST
☐ IF NON-STANDARD SOFTWARE, INFORMATION SERVICES REVIEW AND APPROVE REQUEST (SEE BELOW)

DATABASE _____ MICROSOFT ACCESS _____
WORD PROCESSING _____ MICROSOFT WORD _____
SPREADSHEET _____ MICROSOFT EXCEL _____

\$2,500 TO \$25,000

- ☐ PREPARE JUSTIFICATION
☐ ACQUIRE 3 COMPETITIVE BIDS (UNLESS ON STATE PRICE AGREEMENT)
IF UNDER \$2,500 MAY BE PHONE QUOTES RECORDED BELOW
IF OVER \$2,500 QUOTES MUST BE WRITTEN VENDOR QUOTES
☐ COMPLETE PURCHASE REQUISITION FORM, OBTAIN APPROPRIATE APPROVALS
☐ INFORMATION SERVICES REVIEW AND APPROVE REQUEST

Over \$25,000

- ☐ CONTACT FISCAL SERVICES OR INFORMATION SERVICES FOR ASSISTANCE

COMPETITIVE QUOTE WORKSHEET**Project Description:****ATTACH DESCRIPTION OF ITEMS FOR WHICH QUOTES WERE REQUESTED**

	Vendor 1	Vendor 2	Vendor 3
Name			
Address			
Address			
City			
State, Zip			
Contact			
Phone			
Price Quoted	\$	\$	\$

KOHANEK Ron C * WRD

From: KOHANEK Ron C * WRD
Sent: Tuesday, November 26, 2019 10:24 AM
To: 'hrnews@hoodrivernews.com'
Subject: Cost to have announcement in public notice for two successive weeks
Attachments: Agency newspaper public notice of application per ORS 537.145.docx

To concerned party,

I am seeking to have an application to appropriate water for hydroelectric purposes public noticed for two consecutive weeks and have several questions.

- Based on the attached document how much will this cost?
- To whom should the purchase order be sent?
- What would be the first week it would be published?

Please let me know what you need from me and we will figure it out.

R. Craig Kohanek
Hydroelectric Project Analyst
Oregon Water Resources Department

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Notice of Open comment Period
For Application for a Minor Hydroelectric Project

The Department seeks public comment on the following application to develop hydroelectric use (ORS 537.145, 537.283 and OAR 690-051.). The electricity will be used onsite to power monitoring equipment. The application and supporting documents can be viewed at the Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you would like a copy of the application please contact R. Craig Kohanek (503) 986-0823. A copying fee will be assessed as allowed in Oregon Revised Statute (ORS) Chapter 536.050(1)(e). Comments may be submitted in writing to the Oregon Water Resources Department by 5 p.m. Monday, January 5, 2020.

Application:	PC 909
Applicant:	Middle Fork Irrigation District
Address:	8235 Clear Creek Road
Amount of water:	0.01 cubic feet per second
Source of water:	Laurence Lake, tributary to Clear Creek
Location of the Point of Diversion:	NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Place of Use:	NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East, W.M., Hood River County
Power developed:	1 Theoretical horsepower



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Application to Develop a Minor Hydroelectric Project (Less than 100 theoretical horsepower)

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, please insert "n/a". Please read and refer to the instructions guide when completing your application. Thank you.

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1. APPLICANT INFORMATION

Applicants: Niklas Christensen

First

Last

Organization: Middle Fork Irrigation District

Mailing Address: 8235 Clear Creek Road

Mt. Hood

OR

97041

City

State

Zip

Phone: (541) 352-6468, (541) 490-4907

Home

Work

Other

E-mail address: mfid@mfidp.com, niklas@mfidp.com

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water? This includes diversion location and place of use; roads; rights-of-way; and canals or ditches.

☐ Yes, (Skip to section 3 "Water Use")

☒ No, Please check the appropriate box below.

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

Note: A water right cannot be issued without written authorization or easement provided to the Department.

List the names and mailing addresses of all affected landowners.

Mt. Hood National Forest, Hood River Ranger District, 6780 Highway 35 Parkdale, OR 97041

Attach a separate sheet if needed.

3. WATER USE

A. Proposed Source and Amount of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so. If the source will be a reservoir, list reservoir name and/or permit number:

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (CFS) or gallons per minute (GPM). If the proposed use is from storage, provide the amount in acre-feet (AF):

(1 cubic foot per second = 448.8 gallons per minute 1 acre-foot = 43,560 cubic feet)

Source	Tributary to	Amount (AF, CFS, GPM)
Laurance Lake, tributary to Clear Creek		5 gpm, 2 acre-feet/year

B. Period of Use

Indicate the time of year when you propose to use water:

year around _____

C. Power Development

The project will utilize 100 (number of feet) of gross head to develop

1.1 (number) theoretical horsepower (THP).

THP is calculated by multiplying the quantity of water to be diverted in cubic feet per second by the vertical head in feet and dividing the product by 8.8). The head is the difference in elevation between the intake of the pipeline and the return discharge to the stream.

D. Location

The point of diversion is located within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27

Township 1S, Range 09E, W.M.,

The power plant is located within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27

Township 1S, Range 09E, W.M., in Hood River County.

After passing through the power plant, the water utilized will be returned to

Clear Creek (stream) in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27

Township 1S, Range 09E, W.M.

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E. Project Facilities

- (IF APPLICABLE) The diversion dam will have a height of _____ feet, a crest width of _____ feet, an upstream slope of _____ feet horizontal to one foot vertical, and a downstream slope of _____ feet horizontal to one foot vertical.

Describe the type of dam and the material with which it will be constructed:

The source of water is the existing ~3,500 acre-feet Laurance Lake and Clear Branch dam.

This minor hydroelectric project uses 0.057% of the storage in the reservoir.

Generation water is a portion of required streamflow release volume.

- (IF APPLICABLE) The storage reservoir will be located on:

_____ (body of water), tributary to _____ (body of water)

in Section _____, Township _____, Range _____, W.M.

When full the reservoir will have a surface area of _____ acres and a total storage volume of _____ acre-feet.

- (IF APPLICABLE) The canal will have a length of _____ feet, a slope of _____ feet horizontal /feet vertical, a base width of _____ feet, and a top width of _____ feet.

- (IF APPLICABLE) The pipeline will have a length of _____ feet, a diameter of _____ inches, and the difference in elevation between the intake and discharge will be _____ feet. The type of pipe used is _____
2" galvanized iron pipe tapped off the existing outlet from Clear Branch dam.

Describe the type of water wheel and generator that will be used: _____

Small Pelton wheel driving a 24 V DC permanent magnetic generation.

4. WATER MANAGEMENT

A. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water?

☐ Weir

☐ Meter

☒ Periodic Sampling

Have you planned for a minimum bypass flow?

☐ Describe

Flow through the turbine discharges into Clear Creek and is a portion of the existing release schedule.

5. RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state requires careful control of activities that may affect the waterway or streamside area. Please indicate any of the practices you plan to undertake to protect water resources.

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions:

Intake is screened. Future intake upgrades will install a variable elevation release so MFID can more closely control release temperatures. Future activities are being coordinated through USFS, OWRD, NMFS, and others.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: No excavation or clearing of banks will occur.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: No operating equipment will be in a water body.

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: Riprap scour protection is present on the upstream face of the dam to prevent erosion. No wastes or chemicals are present in Laurance Lake.

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6. FINANCES AND SCHEDULE

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The estimated cost of the project is \$0.

The proposed use or market for the power to be developed is: MFID to use the electricity to power dam monitoring and safety equipment.

The time schedule for completing the project after a water right is issued is Project is already complete and operating.

The estimated life of this project is 100 years. Upon a decision to terminate project operations, the project must be decommissioned under applicable Oregon laws. Upon project termination, the proposed method of removal is Dam safety and monitoring equipment should not be removed from the dam. If other power sources becomes available, equipment could be removed and tap off the outlet pipe capped.

7. NEIGHBORS

The following individuals own property within 300 feet of the proposed powerhouse:
(include names, physical addresses, and mailing addresses)

None

8. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

This application is being made to replace the existing small hydro license due to expire in three years.

9. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter-quarter section of the proposed diversion location and powerhouse. See the map guidelines sheet for detailed map specifications.

10. SIGNATURE

By my signature below I confirm that I understand:

- X I am asking to use water specifically as described in this application.
- X Evaluation of this application will be based on information provided.
- X I cannot legally use water until the Water Resources Department issues a water right to me.
- X If I get a water right, I must not waste water.
- X If development of the water use is not according to the terms of the water right, the water right can be canceled.
- X The water use must be compatible with local comprehensive land use plans.
- X Even if the Department issues a water right to me, I may have to stop using water to allow senior water right holders, instream water rights or minimum bypass flows to get water they are entitled to, and

I affirm that all information provided in this application is true and correct to the best of my knowledge.

Signature of applicant

Date

Signature of applicant

Date

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11. EXHIBITS

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The following Exhibits must be included as a part of this application:

- | | |
|------------------|---|
| Exhibit A | Narrative Statement describing the proposed project from the point(s) of diversion to the water return area. |
| Exhibit B | Project Map (See Guide for Minor Hydroelectric Applications) |
| Exhibit C | Tax Assessors map showing all property lines within 300 feet of the proposed powerhouse. |
| Exhibit D | Attach land use form. Land use form must be signed by the local planning official, certifying that the use and structures associated with this project are allowed. The land use form is attached to the end of this form, or is available from the OWRD Salem office or on OWRD web site using the link "Forms." |

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NARRATIVE STATEMENT:

Provide a detailed written description of each component of the proposed Project from the point(s) of diversion to the water return area. The reader should be able to draw a basic picture of the Project based on the Narrative Statement. Such features include points of diversion, dams and appurtenant works and structures, storage, diverting or forebay reservoirs connected therewith, conduits or pipes, powerhouses, water wheels, and primary lines transmitting power to the point of junction with a distributing system, or with any interconnected primary system, miscellaneous works and structures used in connection with the Project or any part thereof, rights of way, lands, flowage rights and all other properties, rights and structures necessary or appropriate in the use, operation and maintenance of the Project.

Before you submit your application be sure you have:

- Answered each question completely.
 - Attached a legible map which includes township, range, section and quarter-quarter section.
 - Attached an assessor's map showing tax lots within 300 feet of powerhouse.
 - Included a Land Use Information Form or receipt stub signed by a local official from a city or county planning office.
 - Included a check payable to the Water Resources Department for \$500. (If a water right is approved, an additional \$500 is required before the right can be issued.)
-

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Land Use Information Form

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725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



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Applicant(s): Middle Fork Irrigation DistrictMailing Address: 8235 Clear Creek RoadCity: Mt. Hood State: OR Zip Code: 97041 Daytime Phone: (541) 352-6468

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
1S	9E	27	NWNE	01S09E00100	Federally owned - vacant	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	No Change
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

At base of Clear Branch Dam (Laurance Lake) in Hood River County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water ☒ Hydroelectric Development

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 5gpm, 2AF/yr ☐ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other minor hydroelectric

Briefly describe:

MFID maintains a 1 HP hydroelectric generator on the outflow of Clear Branch Dam that powers monitoring and safety equipment. OWRD has asked MFID to obtain a water right for the water use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the 'Receipt for Request' at the bottom of the next page and include it with the application filed with the Water Resources Department.

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits. **Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: MICHAELA KEUER Title: COMPLIANCE PLANNER

Signature: [Signature] Phone: 341-387-6840 Date: 10/30/2019

Government Entity: HOOD RIVER COUNTY

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Hydroelectric Project /10

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Middle Fork Irrigation District

P.O. Box 291
8235 Clear Creek Rd
Parkdale, OR 97041
Phone (541) 352-6468
Fax (541) 352-7794

Exhibits for OWRD minor hydroelectric water right application

Exhibit A Narrative Statement describing the proposed project from the point(s) of diversion to the water return area.

Middle Fork Irrigation District (MFID) installed a 1 horsepower hydroelectric turbine at the base of Clear Branch Dam in 2002. MFID has a license for this turbine (HE 551) that expires in December of 2022. Since the license expires in the next few years, MFID would like to obtain a water right permit for continued operation. This course of action was also suggested by OWRD.

The turbine powers local monitoring, safety, and telemetry equipment. The source of water for the turbine is the storage in Laurance Lake (formed by Clear Branch dam), which is fed by Clear and Pinnacle Creeks. The turbine is connected to the 36" outlet from the dam via a 2" tap and subsequent 2" galvanized iron pipe. All return flow from the turbine are discharged to Clear Branch Creek at the base of Clear Branch Dam.

Exhibit B Project Map (following)

Exhibit C Tax Assessors Map (3 following, no property lines within 300')

Exhibit D Signed Land Use Forms (following)

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T.01S. R.09E. W.M.
HOOD RIVER COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SEE MAP 01N 09E

1"=2000'

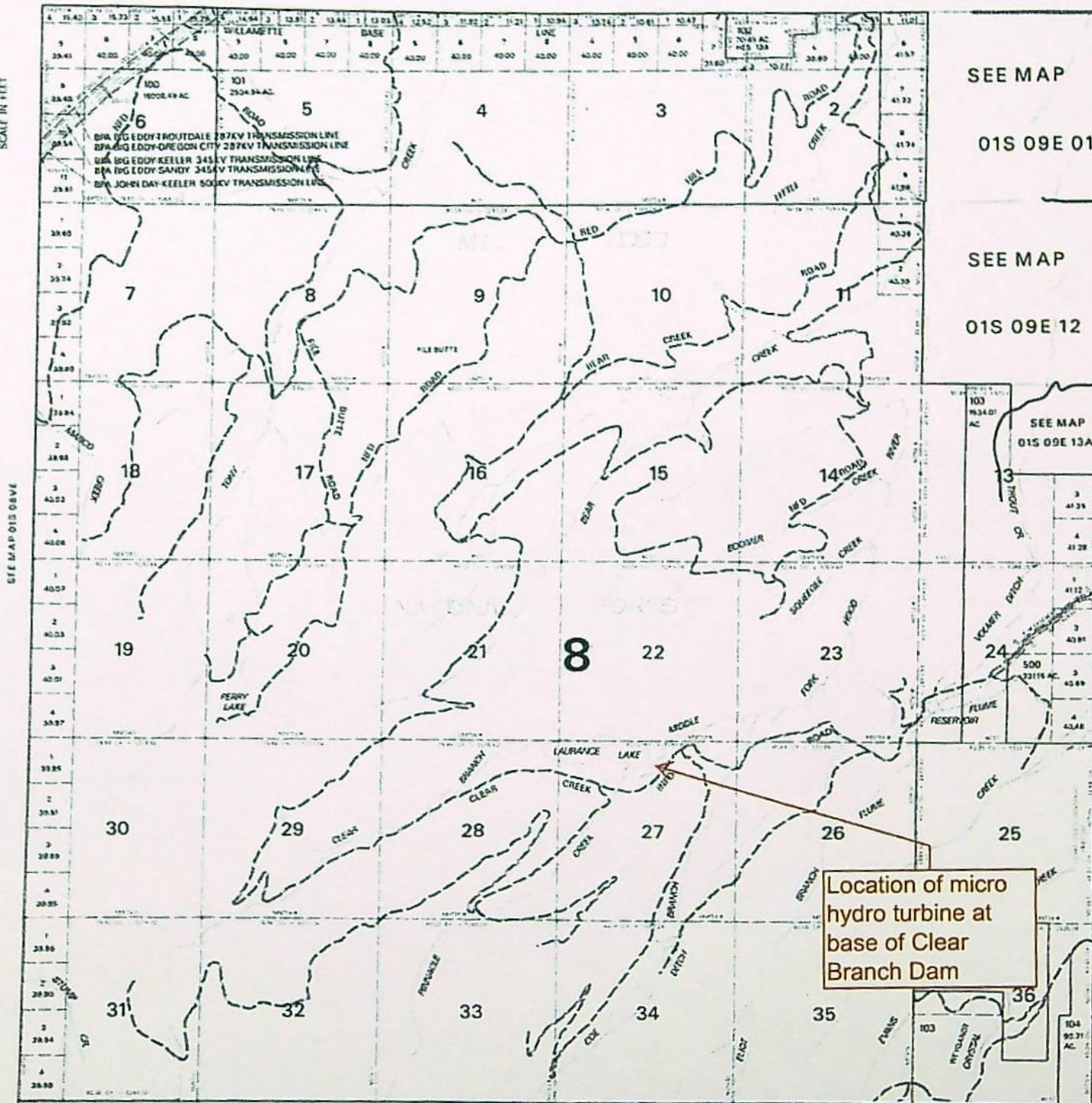
SEE MAP 01N 10E

01S 09E
& INDEX

CANCELLED NOS.

300
301
302

0 2000 4000
SCALE IN FEET



SEE MAP 02S 09E

REVISED: JO
06/08/04

01S 09E
& INDEX

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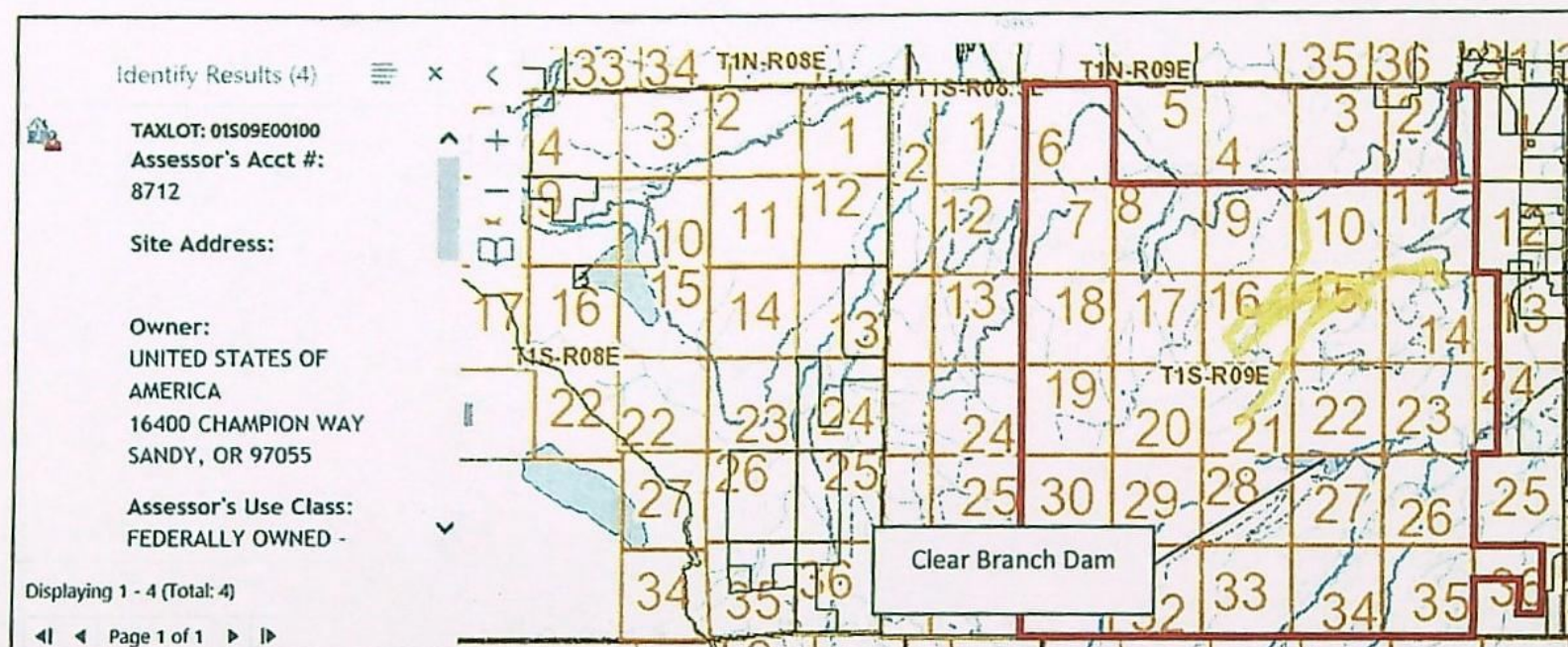
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Hood River County Tax Assessor's map shown on previous page.

This page and the following page are from the Hood River County WebMap and also show that no property lines exist within 300' of Clear Branch Dam.



TAXLOT: 01S09E00100

Assessor's Acct #:

8712

Site Address:

Owner:

UNITED STATES OF
AMERICA

16400 CHAMPION WAY
SANDY, OR 97055

Assessor's Use Class:

FEDERALLY OWNED -

ing 1 - 4 (Total: 4)

Page 1 of 1 ▶▶



21

22

Clear Branch

Lawrence
Lake

Middle Fork Hood River

T1S-R09E

28

Clear Branch Dam

27

Pinnacle Creek

Branch

28.40

STATE OF OREGON

WATER RESOURCES DEPARTMENT

LICENSE FOR HYDROELECTRIC PROJECT HE 551

WHEREAS, by act of the Legislature of the State of Oregon, ORS 543.010 to 543.620 and 543.990, as amended, herein called the Hydroelectric Act, the Oregon Water Resources Department (department) Director (Director) is authorized to issue licenses to acquire and hold the right to the use of the waters within the state, and for the construction, operation and maintenance of facilities for the generation and utilization of hydroelectric energy; and

WHEREAS, Middle Fork Irrigation District, herein referred to as the LICENSEE, whose address is 8235 Clear Creek Road, Parkdale, OR 97041, made application to the Director for a license for a minor hydroelectric project designated as Project HE 551 in the records of the Director; and

WHEREAS, the Middle Fork Irrigation District power project proposes the use of up to 0.10 cfs from Clear Branch, tributary of the Middle Fork of Hood River, located in the Northwest quarter of the Northeast quarter, Section 27, Township 1 South, Range 9 East, W.M.

WHEREAS, the Director finds that the proposed project is well adapted to the development and utilization of the water power involved, that no application for this project or in conflict with this project has been filed by any municipality or utility district, and that the LICENSEE has paid to the Water Resources Department all fees required prior to the issuance of this license; and

WHEREAS, there are no known resource conflicts within the parameters of the construction or operation of the project witnessed by staff and the Hydro Task Force has not identified any resource or land use issues relevant to this project which would restrict operation or alter the project design; and

WHEREAS, the LICENSEE on the 23 day of October, 2002, accepted in writing the terms and conditions of the Hydroelectric Act and of this license;

NOW, THEREFORE, the Director hereby issues this minor hydroelectric license to the LICENSEE to acquire and hold the right to the use of the waters from Clear Branch, tributary of

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the Middle Fork of Hood River in the Hood River Basin, and to construct, operate, and maintain the project facilities herein described for the generation and utilization of hydroelectric energy, subject to the following express conditions:

Article 1. Project specifications:

The project is to be used to provide power for two ultrasonic flow meters, a penstock and Clear Branch downstream flow feed.

The project's location is more particularly described and shown on the map designated as Exhibit A in the application. This map is hereby approved by the Director and made a part of this license. No substantial change shall be made to the project unless approved by the Director and incorporated into this license by appropriate amendment.

Article 2. Water Right Granted:

This license is issued for the period that becomes effective on the date of issuance and terminates on December 31, 2022. This license grants the right to appropriate up to 0.10 cubic foot per second from the Clear Branch to develop 1.13 theoretical horsepower. The period of use is year round. The use of water is limited to the amount which the generation facilities can utilize efficiently. The priority of the right hereby granted is June 5, 2001. On termination of this license, such right to the use of water shall revert to the public. The right granted herein is expressly made inferior in right and subsequent in time to any appropriation of water for this source which may hereafter be made for domestic, municipal, irrigation or any other beneficial consumptive use.

Article 3. Resource Conditions:

The LICENSEE shall comply with all statutes and rules applicable to the resources impacted by the project. Use of water under this license is also subject to the following express conditions:

Water Quality:

ODEQ did not indicate any special concerns about the project. However, construction and operation of the project still must meet the water quality standards stated in OAR Chapter 340, Division 41.

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SALEM, OREGON

Flow (OAR 340-41-525) - The highest and best practicable treatment and/or control of wastes, activities, and flows shall in every case be provided so as to maintain dissolved oxygen and overall water quality at the highest possible levels.

Fishery Resources:

If at any time an unanticipated situation arises in which the operator observes or suspects that fish, wildlife or their habitat may be harmed by any of the project facilities or as the result of project operation, the operator shall immediately notify and consult with the nearest office of the ODFW; in no case shall such contact occur later than the next business day. The operator shall subsequently restore any damaged fish and wildlife protection features of the project consistent with direction provided by ODFW.

No fish screening is required since no fish are currently present at the project site. However, the water right holder may be required to install and maintain intake screening as approved by the ODFW in the future if fish presence at this site becomes an issue.

The water right holder must obtain the department's review and approval before undertaking any repair, maintenance activity, or any change to the project that might significantly and adversely affect water quality, fish and wildlife or public health and safety, including changes to project operation and flows (OAR 690-20-025).

Article 4. Project Maintenance

At all times, the project must be maintained to operate in compliance with all provisions of the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) which are relevant to project maintenance. The LICENSEE shall maintain the project facilities in sufficiently good working order to make use of the water without waste and to ensure safety. If, after completing construction, the LICENSEE fails to use or operate the project facilities for any period of five consecutive years, the Director shall, after due notice, terminate this license by written order. If, at any time after two years non-use of water for this project, there shall be any conflicting application or claim to the use of this water, then the LICENSEE may be required by the Director to show cause why the conflicting application should not be granted and this license terminated.

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SALEM, OREGON

Upon permanent cessation of power generation, the owner/operator shall remove or modify project facilities to meet decommissioning standards adopted by the department.

Article 5. Annual Fee

The LICENSEE shall pay to the department on or before the first day of January of each year after issuance of this license, and during the period of this license, an annual fee of \$1.13 under ORS 543A.300 plus \$13.87 under ORS 543A.415 for a total annual fee of \$15.00.

Article 6. Construction Costs

The LICENSEE shall maintain an account of the actual cost of the construction of the project facilities and any additions thereto, and shall, under oath, provide such accounting to the Director upon request.

Article 7. Access

The Director and the Director's authorized agents and employees may have free and unrestricted access in, through, and across the project in the performance of their official duties. The LICENSEE, shall grant access to LICENSEE's reports, accounts, records, and other data relating to said project.

Article 8. Liability

The LICENSEE shall be liable for all damages occasioned to the persons or property of others by the construction, operation, or maintenance of the project facilities, and in no event will the State of Oregon be liable therefore.

Article 9. Statutory Provisions

This project, being a complete project of less than 100 theoretical horsepower capacity, the following provisions of the Hydroelectric Act and none other, in accordance with provisions of ORS 543.300(7), are specifically waived: ORS 543.530, ORS 543.550

Article 10. Modification of License

With the written consent of the LICENSEE, the Director may alter, enlarge, or omit any of the conditions of this license.

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IN TESTIMONY OF ACCEPTANCE of all the terms and conditions of this license, ORS 543.010 to 543.610, ORS 543.990, ORS 543A.415 and the rules and the regulations of the Director pursuant thereto, the LICENSEE has affixed his signature this 23 day of October 2002.

W. Brian Connors

(NAME)

Middle Fork Irrigation District
LICENSEE

IN WITNESS WHEREOF, the Director of the Water Resources Department of Oregon has signed his name at Salem, Oregon this 7th day of November, 2002.

Paul R. Cleary (for)

Paul R. Cleary, Director

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Kristen Richert

From: Amy Stuart [prihydro@crestviewcable.com]
Sent: Thursday, December 20, 2001 2:07 PM
To: Kristen Richert
Cc: Stephanie Burchfield; Paul DeVito
Subject: HE 551

Hi Kristen,

Just had a call from Bill Stanley re HE 551. He explained that basically it's a car generator that they installed last summer to better meter their bypass flows. Apparently they were running their gauging station with solar panels that did not work during the winter, and frequently they had to run up and change batteries and at times could not even get there due to snow. The HE 551 application is simply a paper trail to validate what they already did, with the installation of the car generator, and they will not be appropriating a single additional drop of water.

I asked him to write me a short memo explaining what we talked about and how there is no additional appropriation of water. I also said that it probably does not warrant a site visit and once we received the memo, would probably send a paper trail to OWRD withdrawing our concerns. Said I would run this by Stephanie and Steve Pribyl, our Mid-Columbia District Bio. Hope this is OK with you.

Amy



United States
Department of
Agriculture

Forest
Service

Mt. Hood National Forest

2955 NW Division St.
Gresham, OR 97030
(503) 666-0700
FAX # (503) 666-0641

Reply: 2720

Date: AUG 10 1994

William M. Stanley
Middle Fork Irrigation District
PO Box 291
Parkdale, OR 97041

Dear Mr. Stanley:

Enclosed is your fully executed copy of the Special Use Permit for the hydroelectric permit for FERC project #4458.

We realize there are still some unresolved issues and will continue to work toward resolution. We are seeking further legal advice regarding the 1967 permit and will contact you when we have obtained a legal opinion.

As discussed previously, the enclosed permit includes all the facilities from the 1967 permit because they are all part of the hydroelectric project being authorized. A proper authorization for operating this project is in both of our best interests.

The issue of a new fee schedule for hydroelectric projects is not within our control. When the new fee schedule is developed it will be published for public comment and you will have an opportunity to respond.

We appreciate your patience in working through this permit process that can be difficult at times. If you have any questions regarding the permit please call Christine Arredondo at this office or Dave Ozawa at the Hood River Ranger District.

Sincerely,

Judith E. Levin

JUDITH E. LEVIN
Acting Forest Supervisor

Enclosure

cc:

Christine Arredondo (w/o enclosure)
Dave Ozawa, Hood River RD (w/enclosure)

94/08/08 09.15 RN

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WATER RESOURCES DEPT.
SALEM, OREGON

Caring for the Land and Serving People



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United States Department of Agriculture Forest Service	a. Record no. (1-2) 70	b. Region (3-4) 06	c. Forest (5-6) 06
SPECIAL USE PERMIT EXEMPTED PROJECT	d. District (7-8) 06	e. User No. (9-12) 4141-05	f. Kind of Use (13-15) 612
Act of October 21, 1976 (P.L. 94-579) 36 CFR 251.50 et seq.	g. State (16-17) 41	h. County (18-20) 027	i. Card no. (21) 1

Permission is hereby granted to Middle Fork Irrigation District
of P.O. Box 291, Parkdale, OR 97041
hereinafter called the Holder, for the non-exclusive use, subject to the conditions set
out below, of the following described lands or improvements:

- Clear Branch Dam and Laurance Lake: portions of Sec. 22, 27, & 28, T1S, R9E, W.M.
- Settling Ponds: SW1/4 Sec 24, T1S, R9E.
- Penstock for Hydroelectric project: S1/2 S1/2, Sec.23; SW1/4 SW1/4, and NE1/4 Sec. 24; E1/2 NE1/4, Sec. 27; T.1S, R.9E, W.M.
- Coe Diversion: NE1/4 SE1/4, Sec. 27, T.1S, R.9E, W.M.
- Eliot Diversion: NE1/4 Sec. 26, NW1/4 NW1/4 Sec. 25, SW1/4 SW1/4 Sec.24, T1S, R9E.
- Penstock from Settling Pond to Forest Boundary: Sec. 24, T1S, R9E, W.M.
- Weirs (2): Sec. 28, T1S, R9E (Pinnacle Cr.); Sec. 27, T1S, R9E (Clear Branch of Middle Fork Hood River, approx. 200 yards below Clear Branch Dam)

This permit covers 132.5 acres including Dam, Reservoir, and Settling Pond; and/or 3.8 miles of penstock and water diversion and is issued for the purposes of irrigation as well as the operation and maintenance of a Hydroelectric Project, exempted from Federal Energy Regulatory Commission, #4458. The project includes the following facilities:

(See Map - Exhibit A)

Laurance Lake	120 acres
Settling ponds (Upper and Lower)	3 acres
Clear Branch Dam and spoil pile	5 acres
Penstocks from Dam to Settling Pond (9000'x10')	2 acres
Penstock from Coe Diversion to main penstock (2700'x10')	0.6 acres
Access road to Coe Diversion (off FS Rd. 2840)	1 acres
Penstock from settling pond to Forest Boundary (1200'x10')	0.3 acres
Open ditch from Eliot Diversion to main penstock (2970'x10')	0.6 acres
Weirs (Pinnacle Cr., just south of the 2840-650 Rd, and Clear Branch of the Middle Fork Hood River)	

This permit is made subject to the following terms, provisions, and conditions.

1. Development plans; layout plans; construction, reconstruction, or alteration of improvements plans; or revision of layout or construction plans for this area must be approved in advance and in writing by the Forest Supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the authorized officer has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the holder as follows: Merchantable timber at appraised value and young growth timber below merchantable size at current damage appraisal value; provided, that the Forest Service reserves the right to dispose of the merchantable timber to others than the holder at no stumpage cost to the holder.

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Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the authorized officer. Removal of hazards shall be done after securing approval from the authorized officer.

2. The holder shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer. For example, trash, debris, unusable machinery, and so forth, will be disposed of separately; other materials will be stacked, stored neatly, or within buildings. Disposal will be at an approved existing location, except as otherwise agreed to by the authorized officer.
3. This permit is subject to all valid claims and existing rights.
4. The holder, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations that are applicable to the area or operations covered by this permit.
5. The holder shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the authorized officer or his authorized agent.
6. The holder shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the holder, or by any agents or employees of the holder acting within the scope of their agency or employment.
7. The holder shall fully repair all damage to National Forest roads and trails caused by the holder in the exercise of the privileges granted by this permit.
8. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.
9. Upon abandonment, termination, revocation, or cancellation of this permit, the holder shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the holder fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the holder of liability for the cost of their removal and restoration of the site.
10. This permit is transferable in accordance with 36 CFR 251.59.
11. In case of change of address, the holder shall immediately notify the Forest Supervisor.
12. All or part of the use under this permit may be temporarily suspended by the Forest Service for breach of any condition contained herein. Continued use in violation of such suspension shall result in action toward cancellation of the

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SALEM, OREGON

permit. This permit may be terminated upon breach of any conditions herein at the discretion of the Regional Forester or the Chief, Forest Service, for reasons in the public interest. This permit shall terminate if the holder does not have a current valid authorization under the Federal Power Act.

13. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.
14. This permit is not exclusive. The Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not interfere with the rights and privileges hereby authorized, or authorized under the Federal Power Act. The holder shall allow officers of the United States free and unrestricted access to the project lands and project works in the performance of their official duties.
15. All construction, reconstruction, substantial change, or alteration shall be submitted for approval by the authorized officer issuing this permit; the proposed action may commence only upon approval by said authorized officer of plans, specifications, and written construction stipulations; such construction stipulations shall become part of this permit during the term of the proposed action as long as deemed necessary by said authorized officer.

16. Hydroelectric Fee

In consideration for this use the holder shall pay to the Forest Service, U.S. Department of Agriculture, the sum of seven hundred ten dollars (\$710.00) for the period from January 1, 1993 to December 31, 1993, and thereafter annually on January 1. Provided, however, that charges for this use shall be made or readjusted annually by the Consumer Price Index or similar index to reflect more nearly the fair market value of the use. At certain intervals the Forest Service shall review the fee and adjust the fee as necessary to assure that it is commensurate with the value of the authorized rights and privileges, as determined by appraisal or other sound business management principles.

17. Late Payment Interest Charge (A6)

Pursuant to the Federal Claims Collection Act of 1966, as amended, 31 USC 3101, et seq., and regulations at 7 CFR Part 3, Subpart B, an interest charge shall be assessed on any payment not made by the payment due date. Interest shall be assessed using the most current rate prescribed by the United States Department of the Treasury's Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, the cost of processing and handling the overdue payment shall be added to the amount due.

A penalty of 6 percent per year shall be assessed on any payment overdue in excess of 90 days from the payment due date.

Payments will be credited on the date received by the designated collection officer or deposit location. If the payment due date(s) falls on a nonworkday, the interest and penalty charges shall not apply until the close of business of the next workday.

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18. Permit Termination on Withdrawn Land

Any lands described in this permit that have been withdrawn for waterpower purposes under the Act of March 3, 1879, or the Act of June 25, 1910 (or are embraced in an application or license under the Federal Power Act of June 10, 1920), or have been withdrawn under the Reclamation Act of June 17, 1902, are subject at any time to use in connection with the development of waterpower or for reclamation purposes. The Forest Service, therefore, issues this permit with the specific understanding that (1) its use shall not interfere with such waterpower or reclamation development, and that (2) the permit may be, if necessary, terminated upon ninety (90) days notice when in the judgment of the Federal Energy Regulatory Commission, or of the Bureau of Reclamation in the event of reclamation withdrawals, the lands occupied are needed for use in connection with the generation of hydroelectric power, reclamation developments, or other purposes contemplated by the act or acts under which the lands have been withdrawn. The holder shall make no claim against the United States or power licensees for or on account of prospective profits or for any injury or damage to properties, improvements, or operations due to such development. The holder will be allowed ninety (90) days in which to remove its improvements.

19. Project Safety (K13)

The holder shall carry out all operations in a skillful manner, having due regard for the safety of employees and the public, and shall safeguard unsafe areas. The holder shall regularly inspect its facilities and provide further effective safety measures as needed for safety protection.

20. Water Pollution (K19)

The holder shall discharge no waste or byproduct if it contains any substances in concentrations that would result in violation of water quality standards set forth by the State; would impair present or future beneficial uses of water; would cause pollution, nuisance, or contamination; or would unreasonably degrade the quality of any waters. During the construction and operation of the project, the holder shall protect project water quality by using the existing Best Management Practices mutually agreed to by the Forest Service and the State.

21. Esthetics (K6)

The holder shall protect the scenic and esthetic values of the area under this permit during construction, operation, and maintenance of the project improvements.

22. Risk and Hazards (K33)

Avalanches, rising waters, high winds, falling limbs or trees, and other hazards are natural phenomena in the forest that present risks to the holder's property that the holder hereby assumes. The holder is responsible for inspecting its site, right-of-way, and the immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, is responsible for removing such hazards.

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WATER RESOURCES DEPT.
SALEM, OREGON

23. Signs (K11)

The holder shall erect no signs or advertising devices on the area covered by this permit without prior approval of the Forest Service as to location, design, size, color, and message. The holder shall maintain or renew erected signs as necessary to neat and presentable standards.

24. Improvement Relocation (K29)

The Forest Service grants this permit with the express understanding that should future location of Government improvements or road rights-of-way require the relocation or adjustment of the holder's linear-type improvements (such as transmission lines, penstocks, pipelines, ditches, or roads), the holder shall accomplish such relocation at the holder's expense within 180 days following written request to relocate.

25. Pesticide-Use Restrictions (K23)

Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, and so forth, without the prior written approval of the Forest Service. The holder shall submit a request for approval of planned uses of pesticides. The report must cover annual planned use and be updated as required by the Forest Service. The holder shall provide information essential for review in the form specified. Exceptions to this schedule may be allowed only when unexpected outbreaks of pests require control measures that were not anticipated at the time the report was submitted. In such an instance, an emergency request and approval may be made.

The holder shall use on National Forest System lands only those materials registered by the U. S. Environmental Protection Agency for the specific purpose planned. The holder must strictly follow label instructions in the preparation and application of pesticides and disposal of excess materials and containers.

26. Road Use by Government (K38)

The United States shall have unrestricted use of the said right-of-way and any road constructed thereon for all purposes deemed necessary or desirable in connection with the protection, administration, management, and utilization of Federal lands or resources and alone shall have the right to extend rights and privileges for use of the right-of-way and road thereon to States and local subdivisions thereof, as well as to other users, including members of the public, except contractors, agents, and employees of the holder; provided, that the agency having jurisdiction shall control such use so as not unreasonably to interfere with use of the road by the holder or cause the holder to bear a share of the cost of maintenance greater than the holder's use bears to all use of the road.

27. Area Access (X19)

The holder agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with

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WATER RESOURCES DEPT.
SALEM, OREGON

the intent of the permit or with the reasonable exercise and enjoyment by the holder of the privileges thereof.

28. Plans, Part of Authorization (K24)

The holder shall prepare the following plans in consultation with Forest Service and other appropriate agencies.

Revegetation/rehabilitation Plan
Spill Prevention Plan
Reservoir/Conveyance Operation and Maintenance Plan
Fisheries Management Plan

The holder shall submit these plans for Forest Service approval by December 31, 1994. Said plans shall be attached thereto and marked as Exhibits B, C, D, and E, respectively.

29. Fish and Wildlife Protection (K41)

The holder shall construct, maintain, and operate such protective devices and comply with such reasonable modifications of the project structures and operation in the interests of fish and wildlife resources as may be prescribed hereafter by the Forest Service upon the recommendation of the Secretary of the Interior or the State fish and game agency.

30. Streamflow Release Schedule (K22)

The holder shall bypass the following streamflows from the diversion structure for the specific protection fish and riparian habitat:

- a. 3 cfs for the period starting no earlier than May 15 and extending through August 31 of each year.
- b. Actual streamflow up to 15 cfs from September 1 through September 15 of each year.
- c. Actual stream flow up to 30 cfs from September 16 throughout the remainder of the non-irrigation season.
- d. These flows can be reduced at the discretion of the fishery management agencies if it would be in the interest of fisheries resources to do so insofar as such reduction does not interfere with the primary function of the reservoir.

The holder shall construct, operate, and maintain a guaranteed priority stream maintenance flow device as part of the diversion/intake structure. Required stream maintenance flows, listed above, will be automatically released before any flow can be diverted into the conduit. Downstream of the point of release of the bypass flow, the holder shall construct a water control section with a continuously-recording streamgage to accurately measure the maintenance flow. The holder shall provide the Forest Service with a stage-discharge chart before beginning operation of the project. The design of the bypass mechanism and the design and location of the measuring control section and streamgage require Forest Service approval. The holder shall file a report by December 31 of each year for the preceding water year (October 1 through September 30), of the streamflow at said gaging station. The holder shall file said report with the

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Forest Supervisor, Mt. Hood National Forest, and the Oregon Department of Fish and Wildlife.

WATER RESOURCES DEPT.
SALEM, OREGON

31. Nondiscrimination in Employment (K42)

In connection with the performance of work under this permit, including construction, maintenance, and operation of the facility, the holder shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or handicap in accordance with the Civil Rights Act of 1964, as amended.

32. Business Status and Documentation (K36)

The holder, if a corporation or partnership, shall furnish the Forest Supervisor with a copy of official documentation to establish who has legal interest in the business under permit and to show officially who is authorized by the business to represent the holder in its dealing with the Forest Service. The holder also shall furnish the Forest Supervisor with a list of all officers and directors of the business and their addresses and shall promptly notify the Forest Supervisor of any changes in officers, directors, or persons holding interest in this permit and of any changes in their addresses. Upon request of the Forest Supervisor, the holder shall provide a certified list of the stockholders or partners and amount of stock owned or interest held by each. The holder also shall provide such a list upon any change in anyone's interest that gives them more than 50 percent of the corporate stock or partnership interest.

33. Damage - High Hazard Clause (K10)

The holder is hereby made liable for all injury, loss, or damage, including but not limited to, fire suppression costs, directly or indirectly resulting from or caused by the holder's use and occupancy of the area covered by the permit, regardless of whether the holder is negligent or otherwise at fault, provided that the maximum liability without fault shall not exceed \$1,000,000 for any one occurrence, and provided further that the holder shall not be liable when such injury, loss, or damage results wholly, or in part, from a negligent act of the United States, or from an act of a third party not involving the facilities of the holder.

Determination of liability for injury, loss, or damage, including fire suppression costs, in excess of the specified maximum, shall be according to the laws governing ordinary negligence.

34. Permit Amendment, Exempted Project (K43)

The Regional Forester may after 90 days written notice to the holder, unilaterally amend, in the public interest, this special-use permit; provided, such amendment shall not unreasonably reduce the use herein authorized. Such modification may be made only after this permit has been in force for 5 years, or no sooner than 10 years from the date of the last modification. The holder shall have the opportunity to make input to the Regional Forester concerning the proposed change. The Regional Forester shall consider all relevant information concerning the environmental and economic impacts of such an amendment.

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WATER RESOURCES DEPT.
SALEM, OREGON

35. Water Rights (X-74)

This permit confers no right to the use of water by the holder.

36. Superseded Permit (X-18)

This permit supersedes and consolidates the previous special use permits designated as:

Middle Fork Irrigation District, permit # 4141 (922) Dam, Reservoir of May 22, 1967, no stated expiration date. Permit authorized construction of dam and appurtenances, a reservoir, pipeline, and settling basin for irrigation of 8,000 acres in Hood River Valley.

Middle Fork Irrigation District, permit # 4141-04 (612) Hydroelectric Project, of April 22, 1986, expired January 1, 1993. Permit authorized operations and maintenance of FERC exempted project.

37. Disputes (X-96)

Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

38. Permit Termination, Exempt Projects (K21)

Unless sooner terminated by the Forest Service in accordance with the provisions of the permit, this permit shall, subject to annual revalidation by the Forest Service and payment of fees by the holder, expire and become void on December 31, 2021; but the Forest Service may grant a new permit to occupy and use the same National Forest land for project operation, provided the holder complies with the then existing laws and regulations governing the occupancy and use of National Forest lands.

In Witness Whereof, the parties hereto have caused this permit to be duly executed on this 15 day of AUGUST 1994.

Middle Fork Irrigation District

USDA - Forest Service

by William Stanley
William Stanley
Manager
Middle Fork Irrigation District

by Judith E. Levin
JUDITH E. LEVIN
Acting Forest Supervisor
Mt. Hood National Forest

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **131329**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Middle Fork Irrigation District

BY: _____

CASH: ☐ CHECK # 19840 OTHER: (IDENTIFY) _____

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY) _____

\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

0227 HYDRO APPLICATION

\$ 500.00

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

CEIPT: **131329**

DATED: 11-18-19

BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **131329**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Middle Fork Irrigation District

BY: _____

CASH: ☐ CHECK: # 19840 OTHER: (IDENTIFY) ☐

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY) _____

\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

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0219

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LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD # _____

0210 MONITORING WELLS

\$

CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD) 65000

\$

0227 HYDRO APPLICATION Stage 1 PC 909

\$ 500.00

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **131329**

DATED: 11-18-19 BY: K. Hall

MIDDLE FORK IRRIGATION DISTRICT

19840

OR Water Resources Dept

11/12/2019

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/12/2019	Bill	2020	500.00	500.00		500.00
					Check Amount	500.00

RECEIVED

NOV 18 2019

OWRD

Checking

500.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **133463**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Middle Fork Irrigation District
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 20526 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$ _____	0202	\$ _____
0203	GROUND WATER	\$ _____	0204	\$ _____
0205	TRANSFER	\$ _____		

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
	LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$ _____	CARD #	_____
0210	MONITORING WELLS	\$ _____	CARD #	_____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	PC 909	\$ _____
0231	HYDRO LICENSE FEE (FW/WRD)		\$ _____

0228 HYDRO APPLICATION Slope 2 6500 \$ 500.00

TREASURY OTHER RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **133463**

DATED: 9-14-2020 BY: K. Hall

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **133463**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Middle Fork Irrigation District

BY: _____

CASH: ☐ CHECK: # 20526 OTHER: (IDENTIFY) _____

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY) _____

\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD # _____

0210 MONITORING WELLS

\$

CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

0228 HYDRO APPLICATION Stone 2 6000

\$ 500.00

TREASURY OTHER/RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **133463**

DATED: 9-14-2020

BY: K Ball

MIDDLE FORK IRRIGATION DISTRICT

20526

OR Water Resources Dept

Date	Type	Reference	Original Amt.	Balance Due	8/31/2020 Discount	Payment
8/25/2020	Bill	PC909	500.00	500.00		500.00
					Check Amount	500.00

RECEIVED

SEP 14 2020

OWRD

Checking

500.00