

Final Order

NOTE: Pursuant to OAR 690-051-0090(7), this final order is being issued with findings that 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 690-051-0290 and that the project would not impair or be detrimental to the public interest as provided in ORS 543.225.

Summary of Recommendation: The Hydroelectric Application Review Team (HART) recommends the authorization of a hydroelectric project PC 917 with conditions.

Application History

On August 8, 2024, the City of Tualatin applied for a minor hydroelectric water right to use 4 cubic feet per second (cfs) of water delivered by the City of Portland, in Washington County. The Project would use 165 feet of hydraulic head and a Francis Turbine to generate 75 theoretical horsepower (thp) for onsite use.

On April 29, 2025, notice of the amended application was included in the Oregon Water Resources Department's (OWRD) weekly public notice 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 contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified in ORS 183.484(2). Pursuant to OAR 137-004-0080, you may 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.

On October 22, 2025, The City of Tualatin submitted another amended application for a Minor Hydroelectric Project with updated information on flow and head for the project that aligns with its peak turbine capacity. The application was posted in OWRD's public notice for a 30-day comment period. Timely comments were received and considered by OWRD in making its findings of fact.

On January 13, 2026, OWRD gave public notice of the Proposed Final Order to authorize the project for a 60-day comment/protest period. The public notice ended on March 16, 2026, and no comments or protests were received.

Findings of Fact

1. Project Description:

The Project, located in Washington County, Oregon, would divert 4 cfs from the City's municipal water system, delivered from the City of Portland and sourced from the Bull Run River. The Project proposes to use 4 cfs and 165 feet of hydraulic head to generate up to 75 theoretical horsepower using a Francis Turbine in parallel to their existing Pressure Reducing Valve (PRV). The Project will be in an enclosure adjacent to an existing underground water system vault. When the turbine produces its peak 75 THP, the bypass system will engage and bypass additional flow to the adjacent PRV. Power generated will be used onsite to power City facilities and excess power will be sold to PGE.

2. Site Visit:

On Thursday November 14, 2024, members of the Hydroelectric Application Review Team (HART) met the applicants of PC 917 City of Tualatin for a site visit at the City's Public Works building. Members of the HART included Martin Sanchez (OWRD) and John Cox (ODFW). The applicants walked us through the municipal water 18-inch water conduit as it flows through their Pressure Reducing Valve (PRV). They proposed to install a Francis Turbine in parallel to their PRV to capture the pressure coming from the flow of the already flowing water in their municipal water system. The group then visited the City's point of diversion where the City of Portland delivers water to the City of Tualatin at a metered location in Tigard, OR.

No fish or wildlife concerns were identified by ODFW.

3. Location

The point of diversion is located within the SE ¼ of the NE 1/4 of Section 22, Township 2 SOUTH, Range 1 W, W.M., in Washington County, Oregon.

4. Water Rights

Water availability:

Water is available from the City of Portland year-round. Water use for hydroelectric purposes is non-consumptive, and may be made on a year-round basis, when water is available. As conditioned, the project does not interfere with any existing water right certificates or permits. OAR 690-503, the Sandy Basin Program, does not classify the waters of the Sandy River for power development. A Basin Exception was granted by the Oregon Water Resources Commission (Commission) on March 13, 2025. The Project is not located within a state designated scenic waterway.

Existing water rights: As conditioned, the Project will not interfere with any existing rights or permits for the use of water. This water right is inferior in right and subsequent in time to any appropriation of water upstream for beneficial uses that were issued before this use was initiated.

5. Fish and Wildlife Resources:

Based on a review of the facts contained in the file, OWRD finds that the project complies with the standards and requirements of ORS 543.017 and OAR 690-051-0200.

6. Basin Plan:

OAR 690-503; Sandy Basin, does not identify power development as an allowed use. The Commission approved a Basin Exception on March 13, 2025.

7. Water Quality:

ODEQ requested that OWRD add the standard water quality conditions but provided no additional comments on water quality. The Project complies with the standards and requirements of ORS 543.017.

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

8. Public Land Safety:

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

9. Wetland Resources:

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

10. Other Resources:

- a. **Recreation:** OWRD previously notified the State Parks and Recreation Department, the agency responsible for recreational opportunities within the state, of the request for authorization. The Parks Department identified no recreation impacts. OWRD concurs with that assessment.
- b. **Historic, Cultural and Archaeological:** OWRD previously notified the State Historic and Preservation Office, the agency responsible for historic, cultural, and archaeological resources, of the request for authorization and received no feedback.

Conclusions of Law

Based upon the findings, the OWRD concludes that the use will not impair or be detrimental to the public interest under ORS 543.017(1). In addition, the Project satisfies the minimum requirements set forth in ORS 543.017.

No preference for this use is granted under the provisions of ORS 536.310(12).

The Project complies with the State Agency Agreement for land use.

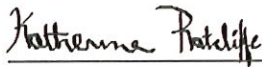
Recommendation

The HART recommends authorization of the Project and further recommends that the water use permit attached be issued.

Order

Application to authorize PC 917 is approved, and Permit S-55577 is issued.

Issued 4/16/2026



Katherine Ratcliffe, Administrator
Water Right Services Division, for
Ivan Gall, Director
Oregon Water Resources Department