

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CONVERSION OF	}	
HYDROELECTRIC WATER RIGHT CERTIFICATE	}	
79462 IN THE NAME OF PIOTR ZENCZAK	}	FINAL ORDER
TO AN INSTREAM WATER RIGHT	}	

Summary of Final Order

This Final Order converts Water Right Certificate 79461 to an instream right for 1.12 cubic feet per second (cfs) in an Unnamed Stream, tributary to the Luckiamute River, in Benton County, Oregon. This Instream Conversion of the hydroelectric water right terminates Certificate 79462. Conversions of hydroelectric water rights to in-stream water rights are authorized as provided by ORS 543A.305 and OAR Chapter 690, Division 54.

Findings of Fact

Piotr Zenczak perfected the use of 1.12 cfs of water from an Unnamed Stream, tributary to Luckiamute River, in Benton County, Oregon for hydroelectric power purposes as evidenced by water right certificate 79462. No part of the water right has been transferred under ORS 540.520 or ORS 540.530. During the time of hydroelectric use, all 1.12 cfs of water was used to produce hydroelectric power. No part of the right was used in conjunction with another water right under ORS 543.765 or was part of a larger distribution system for municipal, irrigation, or other beneficial purposes. No portion of the right was used in conjunction with multi-purpose dam releases.

The priority date of the water right is February 22, 1982.

The location of the diversion of the water right was 260 Feet South and 60 Feet East from the SE Corner of Landerkin DLC 58, in the SW ¼ SE 1/4 of Section 4, Township 11 North, Range 6 West, W.M., Benton County, Oregon.

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.

The water right associated with certificate 79462 was limited in duration, expired on December 31, 2022, and was not extended or reauthorized since that date. The water right associated with certificate 79462 has not been used since it expired.

There will be no injury to existing water rights from the conversion of the water right from a hydroelectric water right to an instream water right, based on the following:

During the time of hydroelectric use, all the water was used exclusively for hydroelectric purposes; no part of the right was used in conjunction with another water right. 1.12 cfs of water was used to produce hydroelectric power.

WRD has records no of water right certificates or permits that are junior to October 23, 1999, that are upstream of the point of diversion.

Conclusions of Law

Water right certificate 79462 is a hydroelectric water right. *See* ORS 543A.005(8); OAR 690-054-0010(6). Water right certificate 79462 is associated with a Project. *See* ORS 543A.005(5); ORS 543.010(2); OAR 690-054-0010(11); OAR 690-054-0020(1). The hydroelectric water right was beneficially used and beneficial use ceased when the time limited water right expired on December 31, 2022. *See* OAR 690-054-0020(1)(b).

Water right certificate 79462 is eligible for conversion to an Instream Water Right. *See* ORS 543A.305(3); OAR 690-054-0000; OAR 690-054-0020(1)(a-d). 1.12 cfs of water right certificate 79462 are eligible for conversion to an Instream Water Right under OAR 690-054-0020(2) and OAR 543A.305(3). The priority date for the Instream Water Right is February 22, 1982. *See* ORS 543A.305(2). The point of diversion is 260 Feet South and 60 Feet East from the SE Corner of Landerkin DLC 58, in the SW ¼ SE 1/4 of Section 4, Township 11 North, Range 6 West, W.M., Benton County, Oregon. *See* ORS 543A.305(2).

There will be no injury to existing water rights through the conversion of water right certificate 79462 to an Instream Water Right. *See* ORS 543A.305(3); OAR 690-054-0020(3).

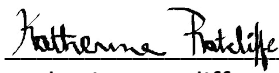
The new instream water right has been subordinated, consistent with the most recent time limited hydroelectric water right. OAR 690-054-0040(6)(b)(C) provides a rebuttable presumption that if the water right is already subordinated to Other Existing Water Rights as of May 21, 2002, no injury will occur to water rights existing as of October 23, 1999, and no mitigation measures are required to ensure the continuation of authorized water uses. The presumption has not been rebutted. No additional mitigation measures will be required to avoid injury or to ensure the continuation of authorized water users.

Final Order

1.12 cfs of water, authorized under water right certificate 79462, shall be converted from a Hydroelectric Water Right to an Instream Water Right under ORS 543.305(3) at the location of the former point of diversion on an Unnamed Stream, tributary to the Luckiamute River.

A new water right certificate for instream use shall be issued with a priority date of February 22, 1982, and shall be subordinated, same as the recent hydroelectric water right. The time-limited hydroelectric water right HE 384, certificate 79462, is terminated and this certificate supersedes it. The water right certificate is attached as Exhibit A to this Final Order. See OAR 690-054-0080.

Issued October 1, 2025



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