

BEFORE THE WATER POLICY REVIEW BOARD
OF THE
STATE OF OREGON

In the Matter of the Referral of)	
Permit Application 64061)	
involving use of water)	FINDINGS OF FACT,
from Hood River and selected)	CONCLUSION AND
tributaries for Hydroelectric)	ORDER
Power)	
)	
)	

Farmers Irrigation District has submitted Permit Application 64061 amending application 61243 for a hydroelectric project exceeding 100 theoretical horsepower.

The original permit application was referred to the Water Policy Review Board by the Director of the Water Resources Department under the provisions of ORS 537.170.

The Water Policy Review Board authorized the acceptance of application 64061 amending application 61243 on September 17, 1982.

A hearing on the matter was held in Hood River, Oregon, on July 14, 1981. As a result of said hearing and the supplemental information submitted with the amended application, the Water Policy Review Board makes the following:

FINDINGS OF FACT

1. Permit Application 64061 for a hydroelectric project using water from Dead Point Creek, South Pine Creek, North Pine Creek, Ditch Creek and the Hood River was submitted by Farmers Irrigation District.
2. Permit Application 64061 amends application 61243.
3. The proposed project will generate power at two separate sites.
4. Combined generating capacity of the two sites is 7,852 theoretical horsepower or 4,150 kilowatts.
5. Average annual energy production of the project is estimated at 20.4 million kilowatt hours of electricity.
6. The upper powerhouse, Powerhouse #3, will utilize up to 35 cubic feet per second from the Low Line Canal.

7. The Low Line Canal diverts water from Dead Point, South Pine, North Pine and Ditch Creeks.
8. Low Line Canal diversions on South and North Forks of Green Point Creek are in disrepair and will not be used for the proposed project.
9. The Low Line Canal will be connected with Powerhouse #3 via a 30 inch diameter, 4.1 mile long penstock.
10. Powerhouse #3 will be located on the west bank of Farmers Ditch near the west intersection of Orchard and Tucker Roads.
11. Water discharged from Powerhouse #3 will mingle with water from Farmers Ditch.
12. The lower powerhouse, Powerhouse #2, with a capacity of 95 cubic feet per second, will utilize up to 73 cubic feet per second from Farmers Ditch.
13. The diversion point from Powerhouse #2 will be from the afterbay of Powerhouse #3.
14. Farmers Ditch diverts water from the mainstem Hood River.
15. Water will be conveyed to Powerhouse #2 through a 42 inch diameter, 6200 foot long penstock.
16. Powerhouse #2 will be located on the west bank of the Hood River about 500 feet upstream from the Powerdale Dam.
17. Water from Powerhouse #2 will discharge directly into the Hood River.
18. The applicant owns or has easements on all project lands.
19. Hood River County will require a conditional use permit for the proposed project.
20. The District has not been issued a conditional use permit from Hood River County.
21. The project is estimated to cost six million dollars.
22. The district proposes to finance the project through a loan from the Department of Energy.
23. The district has not yet made application to the Department of Energy for a Small Energy Loan to finance the project.
24. The district estimates it can produce power for 6.1 cents per kilowatt hour.

25. The district proposes sale of the power to Pacific Power & Light Company.
26. The district has not yet signed a contract for the sale of power.
27. Irrigation depletions will have a substantial impact on the proposed project.
28. Powerhouse #3 is not expected to operate during the irrigation season in normal water years.
29. Only about 15 cfs of the 95 cfs capacity of Powerhouse #2 will be available during the irrigation season.
30. Flow estimates for Dead Point, South Pine, North Pine and Ditch Creeks indicate sufficient flow available to provide the maximum 35 cfs appropriation during two months of the year in wet years.
31. Records from U.S. Geological Survey gage #14120000, Hood River At Tucker Bridge, Near Hood River, Oregon, show flows considerably in excess of the proposed 73 cfs diversion by Farmers Ditch in all months of the year for all years of record.
32. The project area is primarily agricultural land.
33. Recreation opportunities in the project area are minimal.
34. The penstocks will be buried so as not to interfere with existing land use.
35. The district has diverted water from Dead Point, South Pine, North Pine and Ditch Creeks for 75 years.
36. There are non-district water rights on Dead Point Creek, South Pine Creek and Ditch Creek below the district's diversion points.
37. The project is expected to have minimal impacts on fish life.
38. The project area has no history of damage from recurring floods, slides or geologic instability.
39. Power development is a classified use of the waters of the Hood Basin.
40. No limitations or restrictions on power development apply to the streams proposed for power development in Permit Application 64061.

OFFICIAL NOTICE

The Water Policy Review Board has taken official notice of the records of the Water Resources Department pertaining to water use permits on Dead Point Creek, South Pine Creek, North Pine Creek, Ditch Creek and the Hood River in the project vicinity.

ULTIMATE FINDINGS

ORS 537.170 (3a) through (3g) directs the Water Policy Review Board in its determination of impacts on the public interest from hydroelectric projects.

1. The proposed use is non-consumptive and will occur in conjunction with and in addition to the district's usual irrigation activities. Improvements made in the water conveyance facilities for the proposed project will also benefit irrigation useage and potential downstream uses through increased system efficiency and water control.
2. The proposed project represents greater economic development of the water than presently exists. Economic benefit will be derived from the use of the water year round as opposed to the seasonal irrigation benefits obtained now. Increased system efficiency resulting from the proposed project will also enhance irrigation benefits through reduced system losses.
3. Facilities of the proposed project will improve the district's control of the water for irrigation and other potential uses. The replacement of open, unlined canals with buried pipelines is expected to greatly reduce system losses from seepage and evaporation with resultant benefits in drainage control. The proposed project will have no apparent effects on sanitation or flood control.
4. Flow estimates for Dead Point, South Pine, North Pine and Ditch Creeks indicate sufficient flow to operate the upper powerhouse at capacity for two months a year in wet years. Irrigation depletions will preclude power generation at the upper powerhouse during the irrigation season. Flow estimates during the remainder of the year indicate sufficient water to operate the upper plant at above 50 percent capacity. Gage records for the mainstem Hood River show adequate flow to operate the lower powerhouse all year, though irrigation depletions will reduce its output significantly during the irrigation season.
5. The proposed project will improve the efficiency of the district's irrigation system, reducing loss of water in conveyance canals. There is no evidence in the record that the proposed project is an uneconomic, impracticable or unreasonable use of water.
6. There are water rights of record on Dead Point, South Pine and Ditch Creeks not associated with the district. The district's use of water for power generation will be subject to these rights. There is no evidence that the proposed project will affect any vested, inchoate or permit rights upstream of the diversion points or downstream from the project discharge.
7. Power development is a classified use in the Water Use Program for the Hood Basin. No special policy restrictions or limitations apply to power development on the proposed streams.

CONCLUSION

The district proposes to use existing irrigation works and construct new facilities to expand its present seasonal irrigation activity to year round operation for the purpose of generating hydroelectric power. The proposed project will operate in conjunction with and provide benefits to the district's irrigation functions. There is no evidence that the proposed project will impair or be detrimental to the public interest.

ORDER

It is hereby ordered that Permit Application 64061 for a hydroelectric project using water from Dead Point Creek, South Pine Creek, North Pine Creek, Ditch Creek and the Hood River be and hereby is approved and that prior to the issuance of a permit, Farmers Irrigation District shall provide to the Water Resources Director:

1. Evidence that the district has or can obtain the necessary conditional use permit from Hood River County.
2. Evidence the applicant has or can obtain a loan from the Department of Energy or adequate financing from other sources.
3. Evidence the applicant has or can obtain a contract for the sale of the power produced by the project.

It is further ordered that the application be returned to the Director of the Water Resources Department for such further proceedings as may be required by statute.

Dated February 24, 1983

WATER POLICY REVIEW BOARD


James E. Sexson, Director
WATER RESOURCES DEPARTMENT

APPEALS AND JUDICIAL REVIEW

ORS 536.560 provides any order, rule or regulation of the Water Policy Review Board may be appealed to the circuit court of the county in which the property affected by such order, rule or regulation or any part of such property is situated.

ORS 183.482(1) provides that judicial review of contested cases is conferred upon the Court of Appeals. Judicial review may be obtained by filling out a petition for review within 60 days from the service of this order. Judicial review is pursuant to the provisions of ORS 183.482. Until this conflict is judicially resolved, and an appeal is desired, it may be advisable to commence appeal or review procedures in the circuit court and Court of Appeals simultaneously.

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