

Oregon Water Resources Department

In the Matter of
Amendment to Minor Hydroelectric
License HE 549, in the name of
Lucien and Juliette Gunderman

Final Order

On June 6, 2004, Juliette and Lucien Gunderman submitted an application to the Department to amend the temperature operating conditions for the hydroelectric project HE 549, as specified by the Oregon Department of Environmental Quality.

On June 15, 2004, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the propose order.

No written comments were received within 30 days.

A proposed final order was issued on July 5, 2005; no comments were received with 45 days.

Findings of Fact

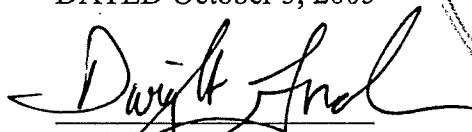
The Department has determined that the proposed amendment may be considered under OAR 690-053-0025(2)(b), and it is consistent with the standards in OAR 690-053-0020. No public hearing is required for this amendment.

Conclusions of Law

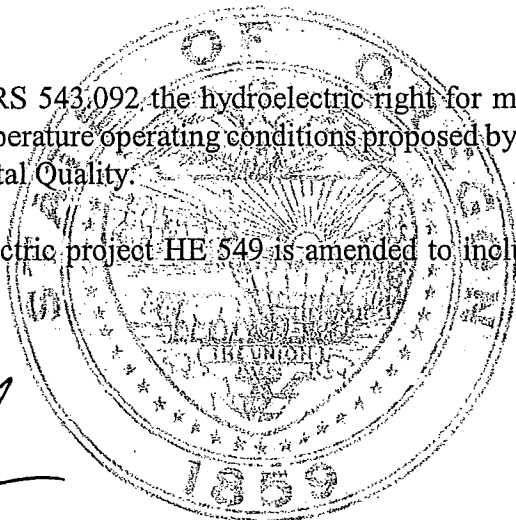
Under the provisions of ORS 543.092, the hydroelectric right for minor project HE 549 may be amended to include the temperature operating conditions proposed by the applicant and the Oregon Department of Environmental Quality.

Therefore, Minor hydroelectric project HE 549 is amended to include the attached temperature operating conditions.

DATED October 3, 2005



Dwight French
Water Rights Section Manager



Appeals Rights

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.

Proposed New Conditions for Water Right HE 549

The conditions below would replace the section in the current water right under Article 3, Temperature Operation Conditions. The Table following the text simply repeats the same information, in a format that may be more easily referred to than the text.

• Temperature Operation Conditions

The project must be equipped with an automated system that (1) measures temperature in both Baker Creek and the Big Lake reservoir above the project tailrace hourly, and (2) controls the powerhouse operation. Turbine operation shall be governed by temperature between May 1 and October 31 in accordance with these rules:

- 1) from May 1- May 15, and again from October 15-October 31,
 - a) if the lake temperature is less than or equal to 13° C (55.4° F), operate up to full generation as otherwise allowed by this water right,
 - b) if the lake and Baker Creek are greater than 13° C (55.4° F), and the temperature in the lake is cooler than or equal to the temperature in Baker Creek, operate up to full generation as otherwise allowed by this water right,
 - c) if the lake temperature and Baker Creek temperature are greater than 13° C (55.4° F), and the temperature in the lake is warmer than Baker Creek, and water would otherwise overflow the pond, operate at minimum generation (100 gpm, using the 063 nozzle)
 - d) if the lake temperature and Baker Creek are greater than 13° C (55.4° F) and the lake is warmer than the creek, and there is room to store water in the lake, no generation is allowed.

- 2) from May 16-October 14:
 - a) if the lake temperature is less than or equal to 18 ° C (64.4° F), operate up to full generation as otherwise allowed by this water right,
 - b) if the lake temperature and Baker Creek temperature are greater than 18° C (64.4° F), and less than or equal to the temperature in Baker Creek, operate up to full operation as otherwise allowed by this water right, .
 - c) if the lake temperature and Baker Creek temperature are greater than 18° C (64.4° F), and the temperature in the lake is warmer than Baker Creek, and water would otherwise overflow the pond, operate at minimum generation (100 gpm, using the 0.63 nozzle)
 - d) if the lake temperature and Baker Creek are greater than 18° C (64.4° F) and the lake is warmer than the creek, and there is room to store water in the lake, no generation is allowed.

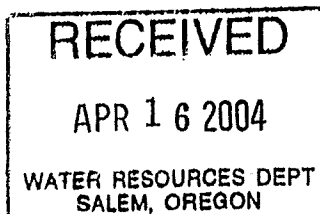


Table operating conditions proposed (3/10/04) to control water temperature for HE 549.

November 1-April 30	No Temperature monitoring required	Operate in accordance with terms in water right; no restrictions due to water temperature
May 1-May 15	Lake temperature less than or equal to 13° C (55.4° F)	Operate up to full generation as allowed by water right
	Lake and Creek are warmer than 13° C (55.4° F), and lake is cooler or equal to creek temperature	Operate up to full generation as allowed by water right
	Lake and Creek are warmer than 13° C (55.4° F), and lake is warmer than creek	Operate at minimum generation (100 gpm, 0.63 nozzle) when pond would otherwise overflow; No generation when water can be stored in in Pond
May 16-October 14	Lake temperature less than or equal to 18° C (64.4° F)	Operate up to full generation as allowed by water right
	Lake and Creek are warmer than 18° C (64.4° F), and lake is cooler or equal to creek temperature	Operate up to full generation as allowed by water right
	Lake and Creek are warmer than 18° C (64.4° F), and lake is warmer than creek	Operate at minimum generation (100 gpm, 0.63 nozzle) when pond would otherwise overflow; No generation when water can be stored in Pond
October 15-October 31	Lake temperature less than or equal to 13° C (55.4° F)	Operate up to full generation as allowed by water right
	Lake and Creek are warmer than 13° C (55.4° F), and lake is cooler or equal to creek temperature	Operate up to full generation as allowed by water right
	Lake and Creek are warmer than 13° C (55.4° F), and lake is warmer than creek	Operate at minimum generation (100 gpm, 0.63 nozzle) when pond would otherwise overflow; No generation when water can be stored in Pond

