

**Oregon Water Resources Department  
Water Right Services Division**

Hydroelectric Reauthorization  
Project HE 237

**Final Order**

*NOTE: This is a Final Order issued pursuant to Oregon Revised Statutes (ORS) 543A.120.*

***Summary of Recommendation:***

The Hydroelectric Application Review Team (HART) recommends the reauthorization of hydroelectric project HE 237 in the name of John L. & Sarah E.A. Pierce with conditions.

***Application History:***

On December 3, 1975, A. C. Pierce was granted hydroelectric license HE 237 conferring the right to appropriate not to exceed 0.80 cubic feet per second of water from two unnamed streams, tributaries to Squaw Creek, tributary to Applegate River utilizing a gross head of 350 feet to develop up to 31.8 theoretical horsepower. The original license was issued in 1975 to Archie "AC" Pierce for a period of 20 years terminating December 31, 1995. The license was subsequently assigned to L. John Pierce. Under the provisions of ORS 543A.150 the expiration date was extended until December 31, 2000. The project was relicensed January 2, 2001 and terminates December 31, 2020.

On March 21, 2018, L. John Pierce submitted an application to the Department for reauthorization of hydroelectric Project HE 237.

On February 13, 2018, and March 27, 2018, the Department provided public notice of the application in its weekly public notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the application. No persons submitted written comments or asked to be included on the mailing list for the Project within the 45 day comment period.

**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 specified in ORS 183.484(2). Pursuant to OAR 137-004-080 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 is filed, the petition shall be deemed denied.

On October 1, 2019, the Department provided public notice of a Draft Proposed Final Order in its weekly notice. The public notice included a request for comments within 60 days of publication of the notice. No comments were received by December 2, 2019.

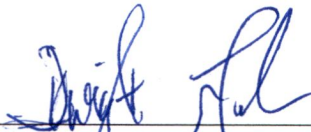
On December 17, 2019, the Department provided public notice of the Proposed Final Order in its weekly notice. The public notice included a request for protests or requests for standing within 45 days of publication of the notice. No protests or requests for standing were received by January 31, 2020.

The Department concludes that the use will not impair or be detrimental to the public interest under in ORS 543A.025 (1). In addition, the Project as conditioned in the water right certificate satisfies the minimum requirements set forth in ORS 543A.025(2).

The Oregon Water Resources Department (Department) will coordinate a HART site visit to the project every 10 years to review the project and its operation.

Upon receipt of the remaining application reauthorization fees, Hydroelectric Reauthorization application HE 237 shall be approved consistent with the Proposed Final Order and as provide in the draft certificate. Application reauthorization fees are required in the amount of \$300.00. Said fees are due and payable no later than 60 days from the date of the Final Order. Failure to pay the required fee within 60 days from the date of this final Order may result in the proposed rejection of Hydroelectric Reauthorization Application HE 237.

Issued     AUG 26 2020    



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

*This document was prepared by R. Craig Kohanek. If you have any questions about any of the statements contained in this document please contact me at 503-986-0823 or [ron.c.kohanek@oregon.gov](mailto:ron.c.kohanek@oregon.gov)*

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