

**Oregon Water Resources Department  
Water Rights Division**

Hydroelectric Reauthorization  
Project HE 313

**Final Order**

*NOTE: This is a Final Order issued pursuant to Oregon Revised Statutes (ORS) 543A.130.*

*Application History*

HE 313: On June 1, 1981, Richard N. Von, was granted a hydroelectric license conferring the right to appropriate not to exceed 4.0 cubic feet per second (CFS) of water from Kane Creek and a license for the development of 95 theoretical horsepower (THP).

HE 517: On December 4, 1989, Richard N. Von, was granted a hydroelectric license conferring the right to appropriate not to exceed 1.5 CFS from an unnamed stream and a license to develop 35.8 THP. The water to be diverted from Kane Creek under hydroelectric license HE 313 when available with any deficiency in the available water supply from Kane Creek to be made by appropriation from the unnamed stream tributary to Kane Creek provided the total quantity diverted from both sources shall not exceed 4.0 CFS. With 210 feet of gross head, the total theoretical horsepower is expected to be 95.0 THP.

On March 20, 2001, the two Projects were relicensed and consolidated under water right Certificate 76825, so HE 517 is no longer in effect. Certificate 79500 was issued as a correction certificate and terminates on December 31, 2021.

On March 6, 2019, Lorrie J. Von, Administrator, Von Heritage Enterprises LLC, submitted an application to the Water Resources Department (Department) for reauthorization of the hydroelectric project:

On April 28, 2020 the Department provided public notice of a draft proposed final order in its weekly public notice. Written comments were requested by June 26, 2020.

**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 July 7, 2020 the Department provided public notice of a proposed final order in its weekly public notice. Written comments, protests or requests for standing were requested by August 21, 2020. No protest or requests for standing were requested.

The Department concludes that the use will not impair or be detrimental to the public interest under ORS 543A.025 (1). In addition, the Project as conditioned in the draft water right certificate attached herein, satisfies the minimum requirements set forth in ORS543A.025 (2).

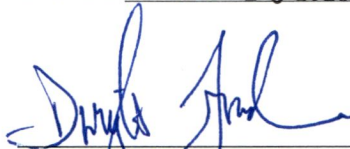
OWRD will coordinate a HART site visit to the project every 10 years to review the project and its operation.

*If additional time is needed to submit the required fees, a written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.*

### Order

HE 313 is reauthorized and the attached water right certificate is issued.

DATED SEP 16 2020



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

*This document was prepared by R. Craig Kohanek. If you have 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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