

**Oregon Water Resources Department
Water Rights Division**

Hydroelectric Reauthorization & Consolidation
of Project's HE 549, HE 558, HE 584

Final Order

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

Application History

On June 20, 2002, Juliette Gunderman and Lucien Gunderman, Crown Hill Farms were granted a hydroelectric license, HE 549, conferring the right to appropriate not to exceed 4.0 cubic feet per second (CFS) of water from unnamed springs and rain runoff into Big Lake and Little Lake reservoirs to develop 56.81 theoretical horsepower. Big Lake Reservoir has a buried penstock 1,800 feet long, utilizing 160 feet of head at the powerhouse that is adjacent to Baker Creek. Water for HE 549 may be used November 1 through April 30 of each year without encumbrance and between May 1 and October 31, when Big Lake reservoir temperature is less than the temperature in Baker Creek.

On February 4, 2005, Juliette Gunderman and Lucien Gunderman, were granted HE 558 to augment flows allowed by HE 549. HE 558 allows the diversion of up to 2 CFS of water from an unnamed stream, tributary to Baker Creek, two unnamed springs, and rain runoff into two existing ditch/pipe systems. The dam, constructed of earthen material, is 8 feet high and the reservoir it creates is approximately 50 feet wide and 100 feet in length. The non-storage reservoir is to maximize hydraulic head for the pipe that delivers water to the turbine pump. The turbine pump pushes water back up the hill to Big Lake and Little Lake for hydroelectric production. Water under this right may be used for hydroelectric purposes from November 1 through June 14 of each year.

On October 31, 2008, Crown Hill Farm, Mochettaz and Gunderman were granted a hydroelectric license, HE 584, conferring the right to appropriate not to exceed 1.0 CFS of water from an unnamed stream, tributary to Snake Creek, to further supplement flows for HE 549 and HE 558. This project diverts water into a small reservoir that is approximately 50 feet wide by 75 feet in length with a depth of 4 to 6 feet. An 8-inch PVC pipe extending through the bottom of the dam and buried for 3,600 feet transports water to the powerhouse turbines.

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.

A low level outlet pipe, similar in size to the diversion pipe, is installed near the bottom of the reservoir dam to minimize erosion at its outfall, to ensure the riparian area downstream of the reservoir will not go dry when water is present above the reservoir, and in case of emergency evacuation of the reservoir. Water from this source may be diverted November 1 through April 30 each year.

The overall hydroelectric water usage under HE 584, HE 549, and HE 558 is limited to 4.0 CFS. The licenses are due to expire December 31, 2022.

On February 13, 2020, Crown Hill Farm, Mochettaz and Gunderman applied to the Water Resources Department (Department) to reauthorize and consolidate the three afore mentioned hydroelectric projects into a single project.


On February 9, 2021, the Department provided public notice of a Proposed Final Order in its weekly public notice to reauthorize the project for a 20-year license term. Protests or requests for standing were requested by March 26, 2021. No protests or requests for standing were received.

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

Recommendation

The HART recommends reauthorization of the project and further recommends that the water right certificate attached be issued as conditioned therein. Because the points of diversion are within native fish habitat it is recommended that the license term be for 20 years.

Issued APR 20 2021



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

This document was prepared by 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

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