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**WATER RESOURCES DEPT
SALEM, OREGON**

July 5, 2011

Mr. R. Craig Kohanek
Oregon Water Resources Department
725 Summer Street NE; Suite A
Salem, OR 97301-1271

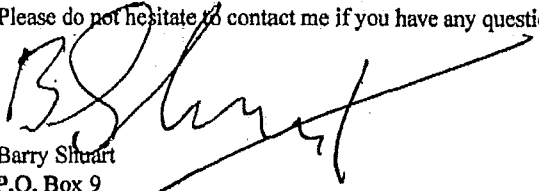
Re: Request for consideration of an application for a use not classified in the Division 515 Rogue Basin Program.

Mr. Kohanek;

I am seeking consideration of an application to reconstitute a minor hydroelectric project using water from Button Creek, tributary to Elk Creek located at Township 32S Range 2E Section 21 SE ¼ of the NW ¼.

I previously had a license for a minor hydroelectric project at this location from February 5, 1982 until October 16th 2000. Oregon Administrative Rule 690-515-0000(1)(B) states "The waters of Indian Creek, Evergreen Creek, Reese Creek, Trail Creek and Elk Creek and tributaries are classified only for domestic, livestock and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored..." I request this consideration to use this water under Oregon Revised Statute 536.295(1)(c) in that the use of this water for hydroelectric purposes "Is largely nonconsumptive in nature and not likely to be regulated for other water rights."

Please do not hesitate to contact me if you have any questions.



Barry Stuart
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