

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 5891-009]

**Deschutes Valley Water District; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Comments, Recommendations, Terms and Conditions, and Fishway Prescriptions**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Settlement Agreement, Amendment Application, and Fish Passage Operation Plan.
- b. *Project No.:* 5891-009.
- c. *Date Filed:* October 8, 2015.
- d. *Applicant:* Deschutes Valley Water District (licensee).
- e. *Name of Project:* Opal Springs Hydroelectric Project.
- f. *Location:* The project is located on the Crooked River in Jefferson County, Oregon.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r) and Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.
- h. *Applicant Contact:* Edson Pugh, General Manager, Deschutes Valley Water District, 881 SW Culver Highway, Madras, Oregon 97741; telephone (541) 475-3849; email [edson@dvwd.org](mailto:edson@dvwd.org).
- i. *FERC Contact:* Jennifer Ambler; telephone: (202) 502-8586; email address: [jennifer.ambler@ferc.gov](mailto:jennifer.ambler@ferc.gov).
- j. *Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and fishway prescriptions is 60 days from the issuance date of this notice by the Commission. Reply comments are due 105 days from the issuance date of this notice by the Commission.*

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov/docs-filing/efiling.asp>. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, terms and conditions and fishway prescriptions using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end

of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-5891-009.

k. *Description of Request:* The licensee filed a settlement agreement, amendment application, and a fish passage operation plan for Commission approval. All three documents address the need for fish passage at the Opal Springs Project. The licensee proposes to construct upstream fish passage facilities on the east bank of the diversion dam and to modify the existing spillway to improve downstream passage. To accommodate the proposed modifications, the licensee would raise the project's normal maximum reservoir elevation by 6 feet and would replace the current flashboard system with a series of five inflatable weirs to attain the proposed higher reservoir elevation. The licensee states that the proposed changes are necessary to facilitate the reintroduction of steelhead trout (*Oncorhynchus mykiss*) and Chinook salmon (*Oncorhynchus tshawytscha*).

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all

protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "FISHWAY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, recommendations, terms and conditions or prescriptions should relate to the settlement agreement, proposed amendment application, and fish passage operation plan. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: November 5, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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