

**WATER RIGHT APPLICATION
PROCESS FOR REAUTHORIZING A
FEDERALLY LICENSED PROJECT**

543A.060 Coordination of state and federal reauthorization processes. (1) For a federally licensed project, the Water Resources Department and the Hydroelectric Application Review Team shall conduct the state reauthorization review, to the maximum extent feasible, in a manner that is consistent with and avoids duplication of federal agency review. Such coordination shall include, but need not be limited to:

(a) Whenever feasible, elimination of duplicative application, study and reporting requirements;

(b) Hydroelectric Application Review Team use of information generated and documents prepared for the federal agency review;

(c) Development with the federal agency and reliance on a joint record to address applicable state standards;

(d) Whenever feasible, joint hearings and issuance of a state water right decision in a time frame consistent with the federal agency review; and

(e) To the extent consistent with applicable state standards, establishment of conditions in any state hydroelectric water right that are consistent with the conditions established, or required to be incorporated into licensing, by the federal agency.

(2) In order to better coordinate with the review of the project by the Federal Energy Regulatory Commission, the team may, at the request of an applicant, make changes to the process set forth in ORS 543A.060 to 543A.115, if the changes do not diminish opportunities for public input otherwise provided by ORS 543A.060 to 543A.115. [1997 c.449 §12]

543A.065 Changes to expiration date of water right for existing project. (1) Notwithstanding the expiration date set forth in a water right for an existing federally licensed project, upon the request of the holder of the water right, the Water Resources Department may:

(a) Extend the expiration date of the water right, for a period of up to 15 years, to correspond to the expiration date of the federal license for the project; or

(b) Process an application for reauthorization of the water right prior to the actual expiration date of the water right in order to correspond with the expiration of the federal license for the project.

(2) For a project with a water right that expires more than 15 years before the expiration date of the federal license for the

project, the Hydroelectric Application Review Team shall evaluate the project under the process and standards established in ORS 543A.005 to 543A.025 and 543A.060 to 543A.410 for a state project. A reauthorized water right for such a project may be for a term concurrent with the federal license. [1997 c.449 §13]

543A.070 [1997 c.449 §14; repealed by 1999 c.873 §14 (543A.071 enacted in lieu of 543A.070)]

543A.071 Water Resources Department notification to holder of hydroelectric license or water right for hydroelectric purposes; response of holder. (1) Not later than six years before the expiration of any state or federal hydroelectric license or state authorized water right issued to a federally licensed project, the Water Resources Department shall notify the holder of the date of expiration of the right or license and shall ask that the holder advise the department whether the holder intends to seek reauthorization or relicensing.

(2) If the holder does not intend to seek reauthorization, the holder shall inform the department within 90 days after receiving notice under subsection (1) of this section of the proposed disposition of the federally licensed project.

(3) If the holder intends to seek reauthorization, the holder shall inform the department within 90 days after receiving notice under subsection (1) of this section whether the holder intends to seek reauthorization of the water right concurrently with the federal relicensing.

(4) A holder seeking relicensing and reauthorization concurrently:

(a) Shall not, by applying for reauthorization, under ORS 543A.075 and in the absence of agreement by the holder, be deemed to have accelerated the actual expiration date of the project's water right; and

(b) May, upon providing concurrent notification to the Federal Energy Regulatory Commission, withdraw and void its application for reauthorization at any time prior to issuance of the final water right certificate issued by the Water Resources Director without prejudice to its right to reapply for reauthorization of its water right.

(5) Any water right issued by the Water Resources Department pursuant to an application filed under this chapter shall become effective upon the issuance of the new water right. The existing water right shall be canceled immediately upon issuance of the new water right.

(6) A holder not electing to concurrently seek reauthorization but seeking relicensing shall notify the Water Resources Department