

than the fee paid, the team shall refund the excess to the applicant.

(6) The Water Resources Department shall reimburse participating agencies for costs incurred in their review of a project. Such costs shall not include expenses of other state agencies for which a fee is otherwise collected under state law. [1997 c.449 §33; 2001 c.369 §7]

**543A.410 Fee schedule; appeal.** (1) All expenses incurred by the Hydroelectric Application Review Team and its participating agencies that are charged to or allocated to the fee paid by an applicant shall be necessary, just and reasonable. Upon request, the team shall provide the applicant with a detailed justification for all charges. Not later than January 1 of each year, the Water Resources Director by order shall establish a schedule of fees that those persons submitting a notice of intent must submit under ORS 543A.030 or 543A.075. The fee schedule shall be designed to recover the actual costs of evaluating the notice of intent. Fees shall be based on actual, historical costs incurred by the team and its participating agencies to the extent historical costs are available. The fees established by the schedule shall reflect the size and complexity of the project for which a notice of intent is submitted.

(2) If a dispute arises regarding the necessity or reasonableness of expenses charged to or allocated to the fee paid by an applicant, and if the dispute is not resolved by the directors of the affected agencies, the applicant may seek judicial review in circuit court of the amount of expenses charged or allocated as provided in ORS 183.480, 183.484, 183.490 and 183.500. If the applicant establishes that any of the charges or allocations are unnecessary or unreasonable, the amount found to be unnecessary or unreasonable shall be refunded to the applicant. The applicant shall not waive the right to judicial review by paying the portion of the fee or expense in dispute. [1997 c.449 §34]

**543A.415 Reauthorization fee.** (1) Except as provided in subsection (2) of this section, each holder of an existing hydroelectric license shall pay to the Water Resources Department annually a reauthorization fee in an amount per theoretical horsepower covered by the existing license that, when added to the amount per theoretical horsepower covered by the existing license that is paid under ORS 543.300, equals 28 cents for each horsepower covered by the existing license, or \$15, whichever is greater, for the purpose of implementing the state reauthorization process established by this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710. The reauthorization fee shall be

paid until the project is reauthorized, and a water right issued, under this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710. Upon reauthorization and issuance of a water right, a new annual fee shall be assessed under ORS 543.300, and the reauthorization fee shall no longer apply.

(2) The department shall notify existing license holders of the amount of the fee described in subsection (1) of this section. The notice shall state the date by which the license holder must notify the department if the license holder does not intend to reauthorize the project. The department shall assess the fee described in subsection (1) of this section unless the license holder notifies the state that it does not intend to apply to reauthorize the project upon expiration of the license. The holder of an existing hydroelectric license that notifies the department that it does not intend to reauthorize the project need not pay the reauthorization fee and may not seek reauthorization of the project upon expiration of the existing license.

(3) The department shall submit a report to the Legislative Assembly during each odd-numbered year regular session describing the department's use of reauthorization funds.

(4) Four cents of each 28 cents paid as a reauthorization fee as required by subsection (1) of this section shall be deposited to the Water Resources Department Hydroelectric Fund and disbursed to the Department of Environmental Quality. [1997 c.449 §37; 1999 c.873 §17; 2003 c.14 §348; 2011 c.545 §61]

## MISCELLANEOUS

**543A.800 Effect of hydroelectric reauthorization process on existing rights.** (1) Nothing in this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710 shall prejudice or alter any rights granted to the state or its agencies under federal law.

(2) Nothing in this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710 shall prejudice or alter any rights of an existing federally licensed project to apply for or obtain a new federal license for the project. Nothing in this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710 shall be construed to create any preference or priority on behalf of any applicant for a federal license. [1997 c.449 §§42a,45]

**543A.805 Reference to licensee or license.** Notwithstanding any other provision of law, any reference to a licensee or to a hydroelectric license for a hydroelectric