

of its position and shall indicate in the notification its plans for the project and the project's state water right.

(7) In the absence of agreement by the holder to pay the application fees under ORS 543A.405, and notwithstanding the provisions of ORS 543A.015, the state is not required to develop and provide a coordinated state position. [1999 c.873 §15 (enacted in lieu of 543A.070)]

**543A.075 Notice of intent to apply for reauthorization of right to use water for hydroelectric purposes.** (1) Each person operating an existing federally licensed project and intending to apply for reauthorization shall submit to the Water Resources Department a notice of intent to file an application for reauthorization of the water right for the project. If the person intends to seek reauthorization concurrently with federal relicensing, the notice of intent shall be submitted at the same time the person provides the information to the department under ORS 543A.071 (3). The notice of intent shall include:

- (a) The name and post-office address of the applicant;
- (b) The federal project number;
- (c) The expiration date of the federal license and state water right for the project;
- (d) An unequivocal statement of the applicant's intention to file an application for reauthorization of the state water right;
- (e) The location of the project by county and stream and, when appropriate, by city or nearby city;
- (f) The amount of water in cubic feet per second; and
- (g) The project capacity.

(2) Upon receipt of a notice of intent under subsection (1) of this section, the department shall:

(a) Convene the Hydroelectric Application Review Team for the project. The team shall consist of representatives of the Water Resources Department, the Department of Environmental Quality and the State Department of Fish and Wildlife and may include a representative of any other agency that has regulatory or advisory responsibility for the project or a resource or hazard affected by the project.

(b) Provide public notice of the receipt of the notice of intent. The public notice shall provide the date of the public scoping meeting to be conducted under ORS 543A.085 and include a description of the hydroelectric project, the location of the project, the expiration dates of the water right for the project and the Federal Energy Regulatory Commis-

sion license for the project, and information pertaining to how an interested person may obtain future notices about the application and participate in the reauthorization process.

(3) Any person who is authorized by the Federal Energy Regulatory Commission to apply for a license for a federally licensed project may apply to reauthorize a water right for the project. The team shall process such applications under the standards and process set forth in ORS 543A.060 to 543A.300 for a federally licensed project. A nonowner applicant may obtain a water right with the priority date of the expiring water right only if the applicant submits a notice of intent within six months after the owner submits a preliminary application as described in ORS 543A.080, or within 30 days after June 30, 1997, whichever is later. [1997 c.449 §15; 1999 c.873 §16]

**543A.080 Submission of preliminary application information.** Within 30 days after an applicant provides a notice of intent under ORS 543A.075, the applicant shall provide to the Water Resources Department a preliminary application, which shall be the first-stage consultation document of the Federal Energy Regulatory Commission. The preliminary application shall include the following information:

(1) Detailed maps showing existing project boundaries, if any, proper land descriptions of the entire project area by township, range and section, and also showing the specific location of all existing and proposed project facilities, including but not limited to roads, transmission lines and other appurtenant facilities;

(2) A general engineering design of the existing project and any proposed changes, with a description of any existing or proposed diversion of a stream through a canal or a penstock;

(3) A summary of the existing operational mode of the project and any proposed changes;

(4) Identification of the environment affected or to be affected, the significant resources and hazards present and the applicant's existing and proposed environmental protection, mitigation and enhancement plans, to the extent known at that time;

(5) Streamflow and water information;

(6) Detailed descriptions of any proposed studies and the proposed methodologies to be employed; and

(7) Any other information required in the application form provided by the department. [1997 c.449 §16]