

(e) Compensating for the impact by replacing or providing comparable substitute resources or environments. [1997 c.449 §5]

**WATER RIGHT APPLICATION  
PROCESS FOR REAUTHORIZING A  
STATE PROJECT**

**543A.030 Notice of intent.** (1) Not later than three years before the expiration of a water right for a state project, the Water Resources Department shall notify the project owner of the expiration of the water right and request that the owner advise the department whether the owner intends to seek reauthorization of the water right for the state project.

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

(3) If the owner intends to seek reauthorization, the owner shall, within 90 days after receiving notice under subsection (1) of this section, submit to the department a notice of intent to file an application for reauthorization of the water right. The notice of intent shall:

(a) Include a statement of the applicant's intent to continue operation of the state project; and

(b) Describe the state project, including but not limited to the location and capacity of the state project and the identification of affected Indian tribes and local government entities.

(4) The department shall cause public notice to be given upon receipt of a notice of intent. The public notice shall include the date of expiration of the water right and a description of the state project.

(5) Only the project owner may apply to reauthorize the water right for a state project. [1997 c.449 §6]

**543A.035 Reauthorization application and public comment.** (1) Within 60 days after submitting a notice of intent under ORS 543A.030, the applicant shall submit to the Water Resources Department an application to reauthorize the water right for the state project on a form prescribed by the department.

(2) The reauthorization application for a water right for the use of water for hydroelectric purposes shall set forth:

(a) The name and post-office address of the applicant;

(b) The location of the project by county and stream and, when appropriate, by city or nearby city;

(c) The amount of water in cubic feet per second;

(d) The theoretical water horsepower; and

(e) Any other information required in the application form.

(3) Upon receipt of a reauthorization application for the use of water for hydroelectric purposes, the Water Resources Department shall convene the Hydroelectric Application Review Team for the state 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 state agency that has regulatory or advisory responsibility for the state project or a resource or hazard affected by the state project.

(4) Within seven days after receiving a reauthorization application under subsection (3) of this section, the department shall notify any person who responded to the notice of intent and give public notice of the application in the weekly notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and participate in the reauthorization process.

(5) Within 45 days after the public notice under subsection (4) of this section, any person interested in the application shall request future notices about the state project and may submit written comments to the department. [1997 c.449 §7]

**543A.040 Process determination.** (1) Within 60 days after the close of the period allowed for public comment under ORS 543A.035, the Hydroelectric Application Review Team shall determine whether the reauthorization application for the water right contains sufficient information to determine whether reauthorization of the state project will comply with ORS 543A.025.

(2) If the team decides that sufficient information is available to determine whether reauthorization of the water right for the state project will comply with ORS 543A.025, the team shall proceed with expedited processing of the reauthorization application. The team shall review the application and any public comments received on the application and prepare a draft proposed final order, including findings of fact and conclusions of law, for the water right. Upon completion of the draft proposed final order, the team shall give public notice of the draft proposed final order in the weekly notice published by the Water Resources Department.