

OREGON



WATER RESOURCES
DEPARTMENT

Division 54 Conversion of Hydroelectric Water Rights to Instream

Oregon Water Resources Commission

March 18, 2022

Rulemaking Steps



Develop Draft Rules



Rulemaking Advisory Committee (RAC)



Notice of Proposed Rulemaking

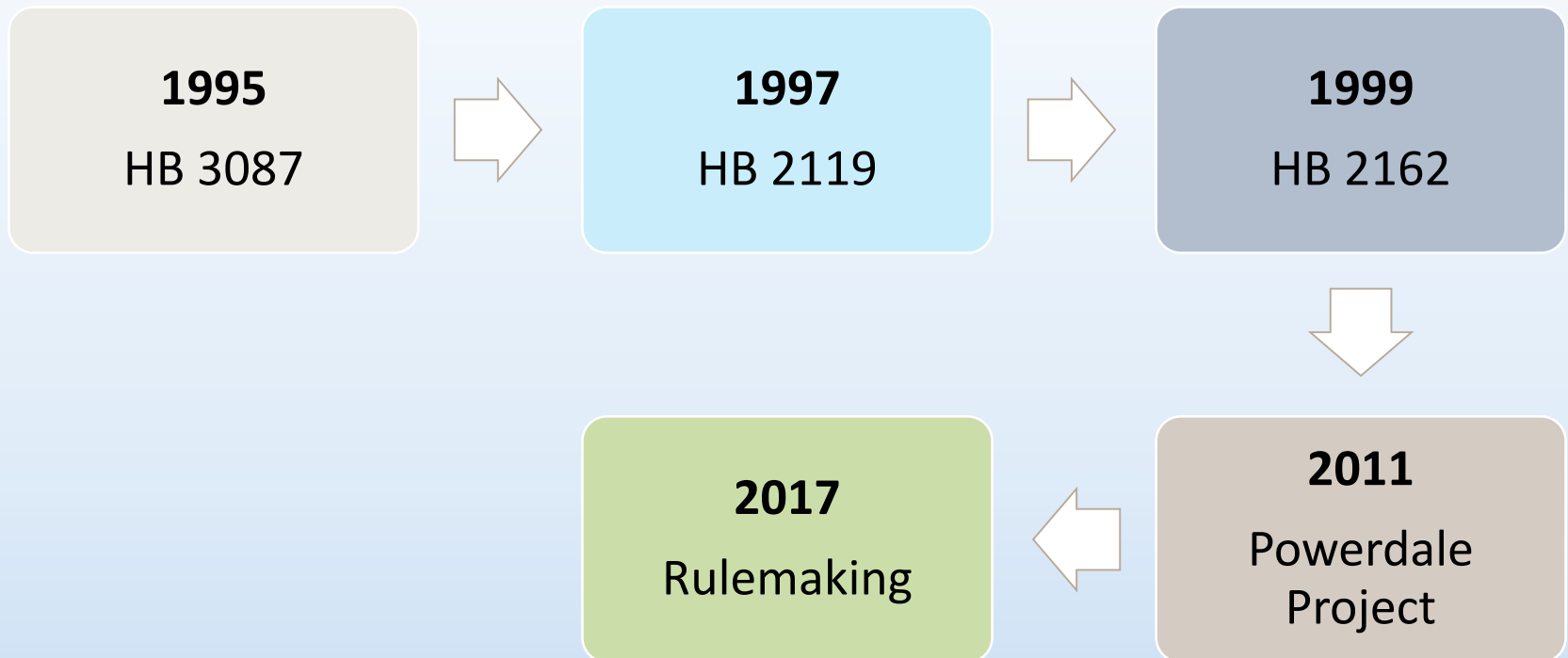


Public Comment Period & Hearing(s)



Staff Recommendation & Commission Decision

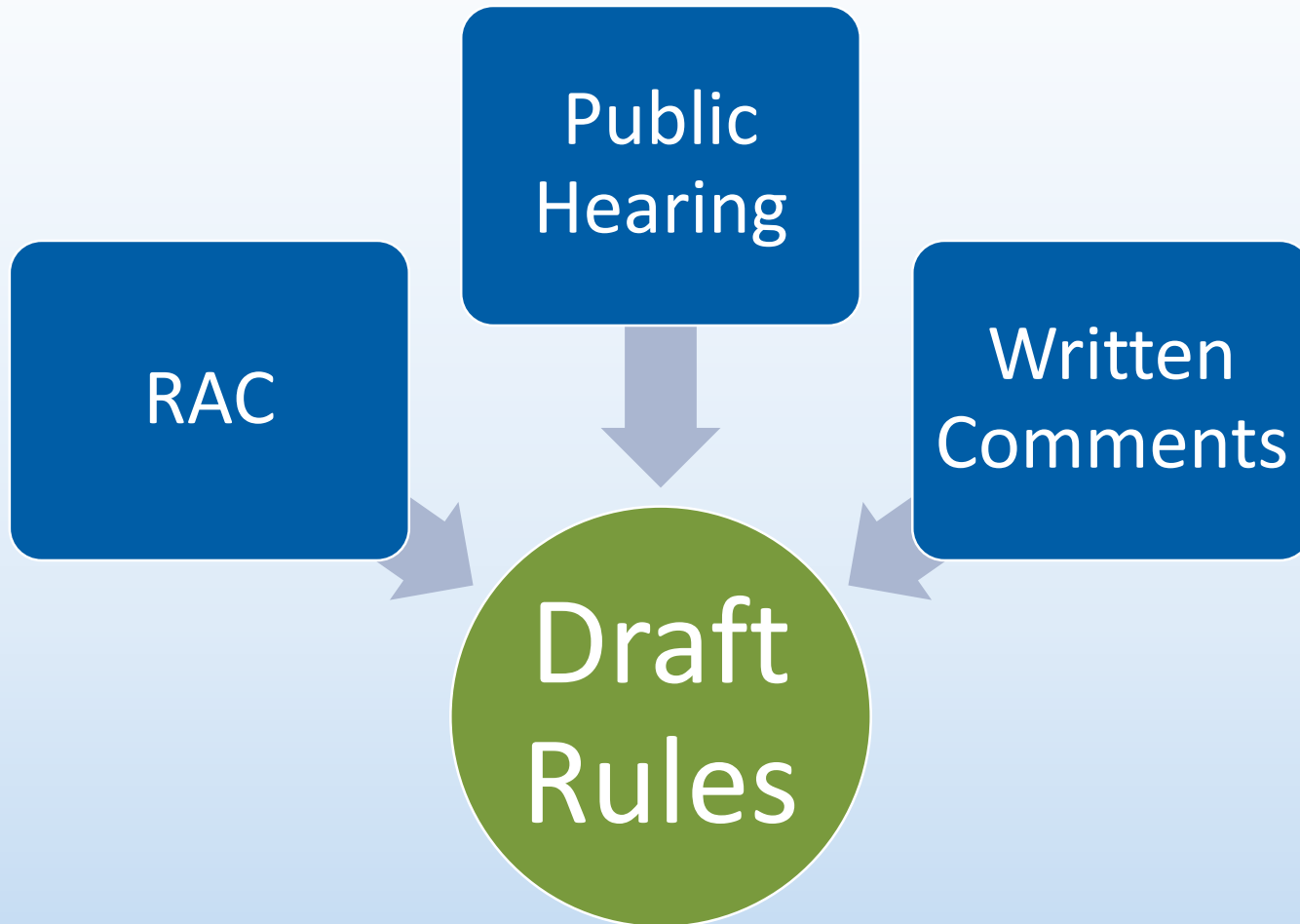
History & Background



Overview of Governing Law

- ORS 543A.305
- Requires conversion of hydroelectric water right five years after use ceases
- Requires unique injury determination
- Authorizes Director to include mitigation measures

Rule Development



Propose Standards for Determining:

- Actual Use
- Resulting impacts on Actual Use
- Injury
- Mitigation Measures

Conversion Process

Eligibility Determinations &
Preliminary Findings of Fact

Notice of Consideration &
Comment Period

Proposed Final Order

Protests & Hearings

Final Order & Instream Water Right
Certificate

Alternatives

1. Adopt the proposed rules for a new OAR Chapter 690, Division 54, as contained in Attachment 2.
2. Adopt the proposed rules for a new OAR Chapter 690, Division 54, as contained in Attachment 2 with specific modifications.
3. Direct Department staff to do further work on the rules and return to a future Commission meeting.

Director's Recommendation

The Director recommends Alternative 1, to adopt the proposed rules for a new OAR Chapter 690, Division 54, as contained in Attachment 2.

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