

OREGON



WATER RESOURCES
DEPARTMENT

Division 54 Conversion of a Hydroelectric Water Right to an Instream Water Right





Oregon Water Resources Commission

June 16, 2022

Overview of Governing Law

- ORS 543A.305
- Requires conversion of hydroelectric water right five years after use of water ceases
- Requires unique injury determination to ensure the continuation of authorized water uses as of October 23, 1999
- Authorizes Director to include mitigation measures

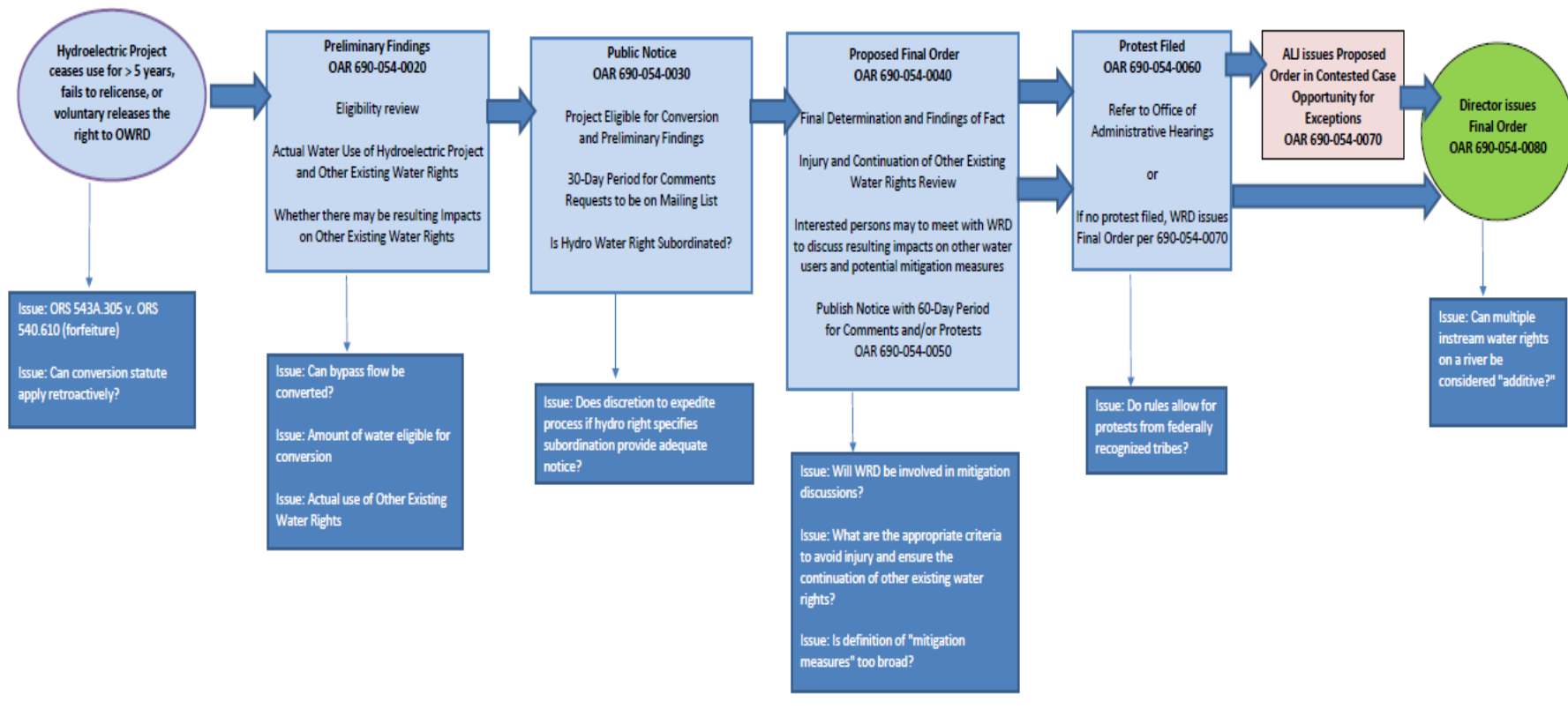
Rulemaking Steps

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- Draft rules to Rulemaking Advisory Committee (RAC)
- 
- Secretary of State's bulletin - Notice of Proposed Rulemaking – August 1, 2021
- 
- Commission report – March 2022
- 
- Final recommendation – June 2022

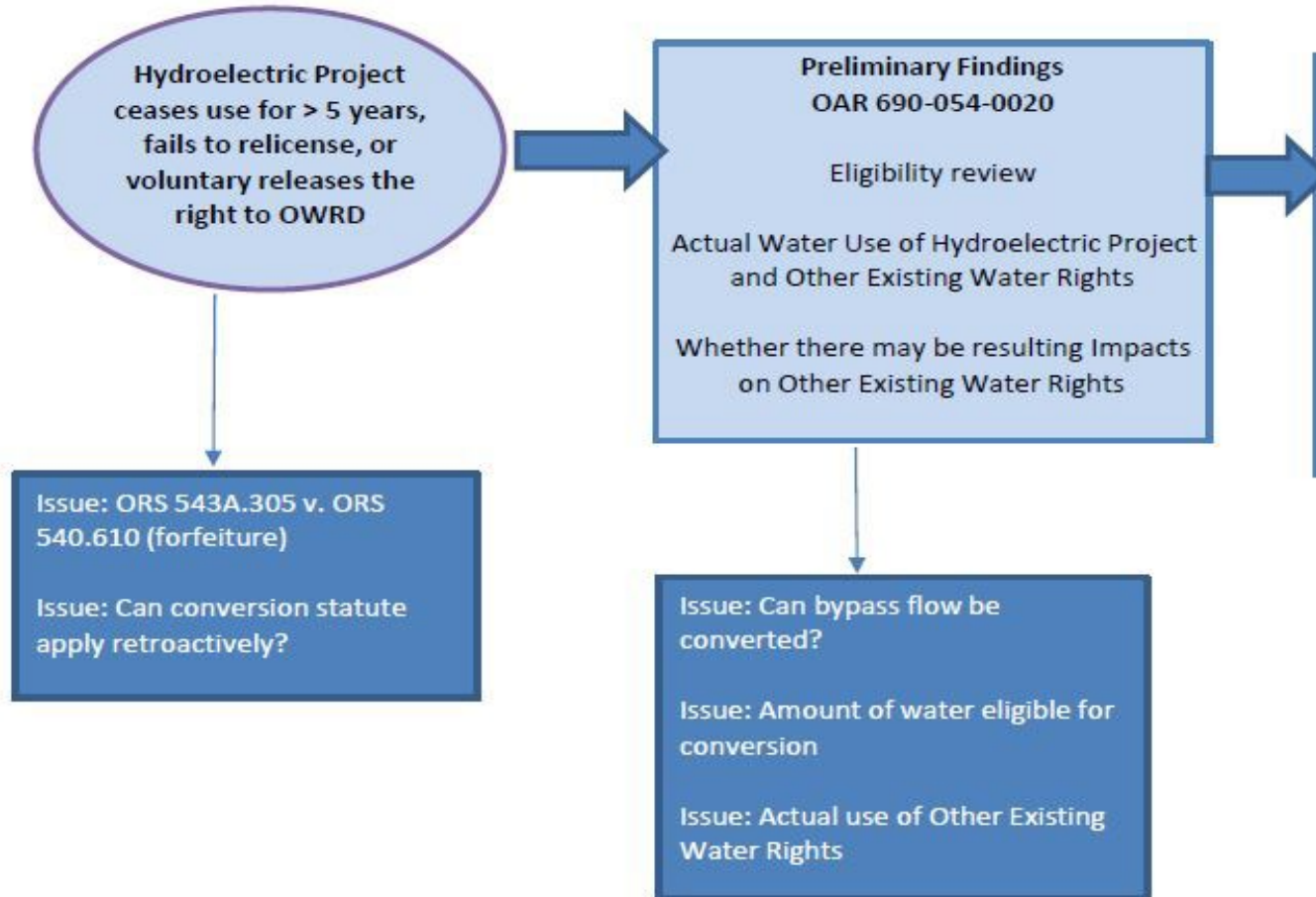
Propose Standards for Determining:

- Projects eligible for conversion
- Actual use of Hydroelectric Project
- Resulting impacts on actual use of other existing water rights as of October 23, 1999
- Injury analysis
- Mitigation measures

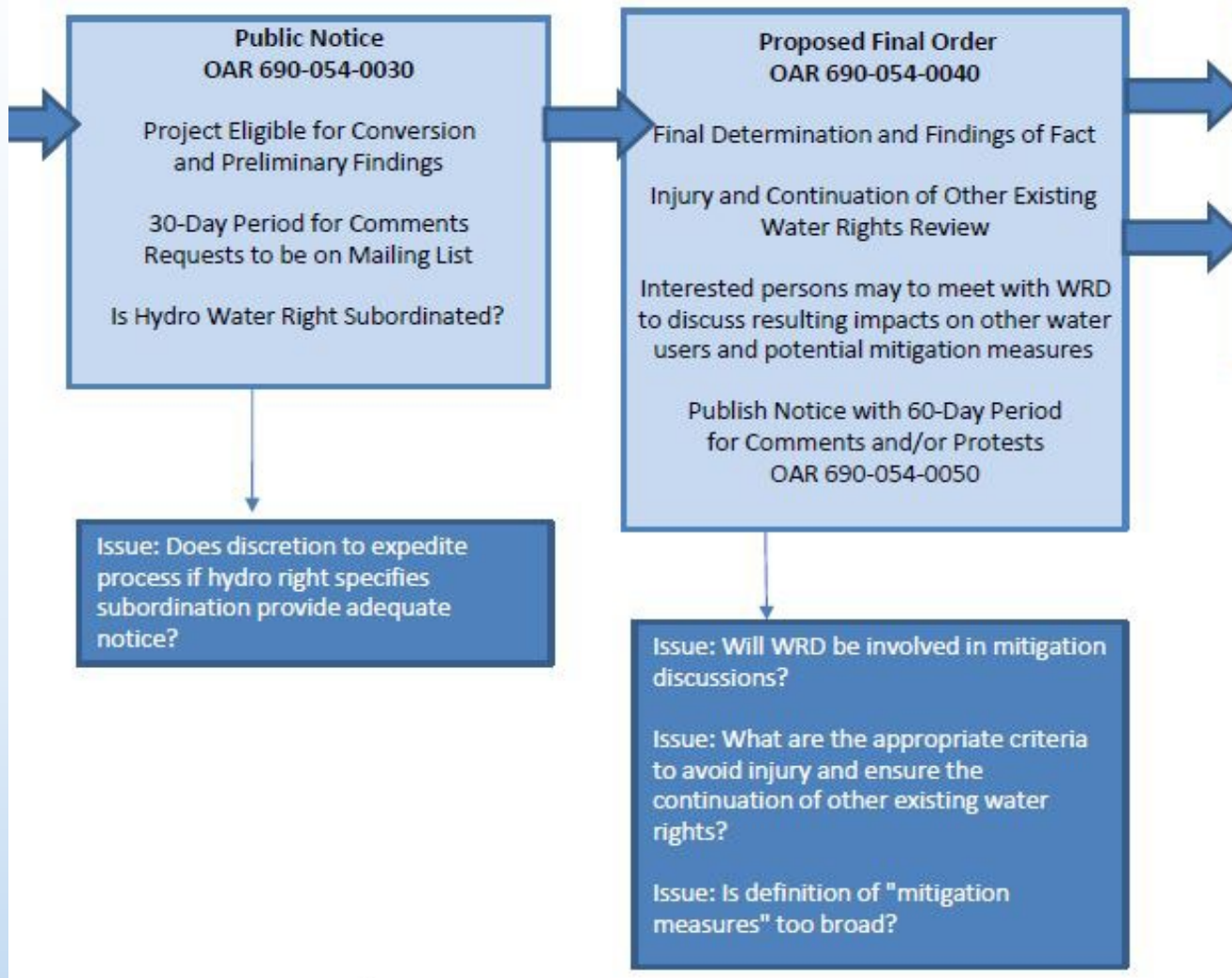
Flow Chart for Hydroelectric Conversions to Instream Water Rights – OAR 690-054



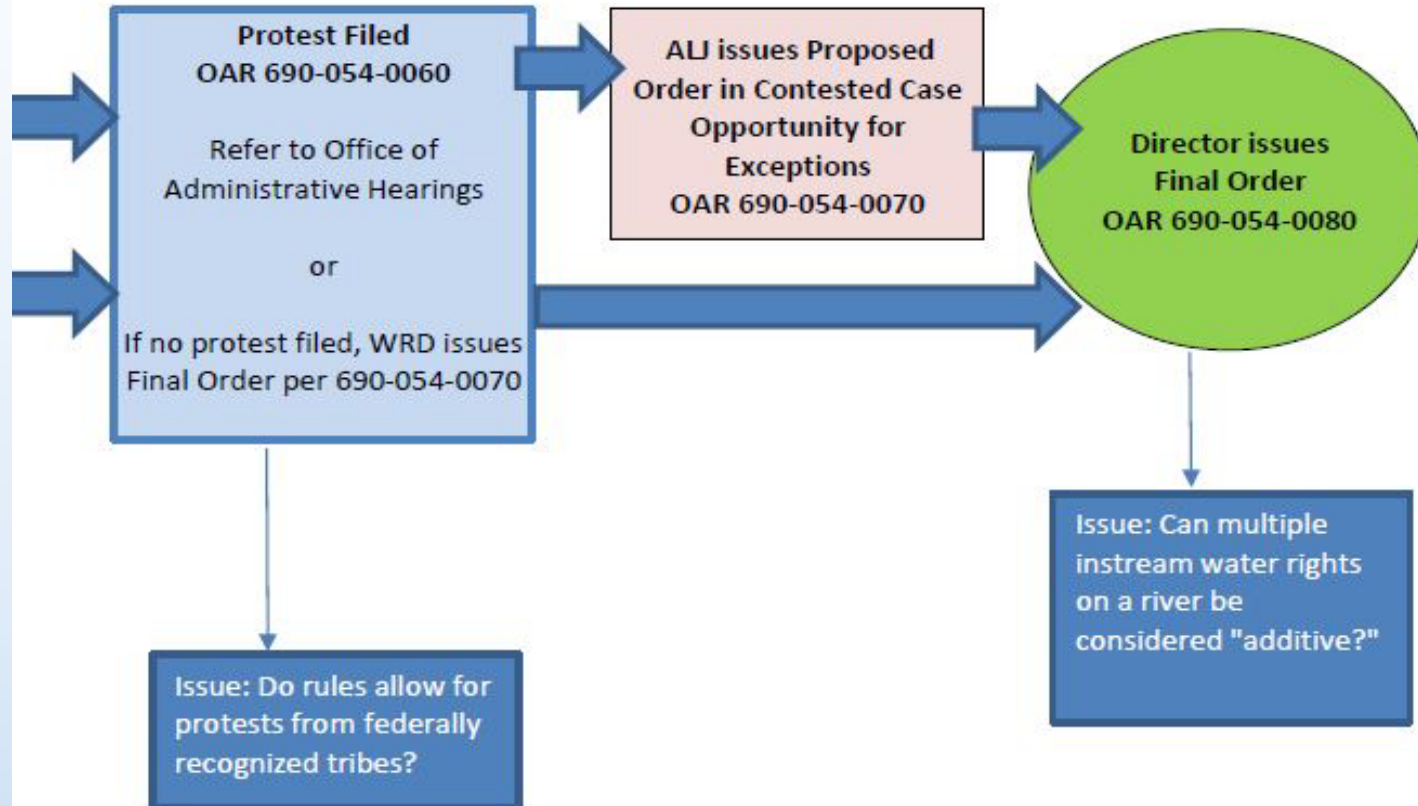
Preliminary Findings



Notice and Proposed Final Order



Protest and Final Order



Alternatives

1. Adopt the proposed rules for a new OAR Chapter 690, Division 54, as contained in Attachment 1.
2. Adopt the proposed rules for a new OAR Chapter 690, Division 54, as contained in Attachment 1 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 1.

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