

WATER RESOURCES DEPARTMENT  
OREGON ADMINISTRATIVE RULES  
CHAPTER 690  
DIVISION 50  
APPROPRIATION AND USE OF WATER FOR HYDROELECTRIC POWER PROJECTS

**Projects to Be Considered by the Water Resources Director**

690-50-005

(1) The Water Resources Director shall consider projects for which rights are initiated by the filing of applications for permits to appropriate surface water for hydroelectric purposes under ORS 537.140 and applications for preliminary permits or licenses subsequent to February 26, 1931, and in accordance with ORS 543.010 to 543.620.

(2) Projects shall be further classified as minor and major projects. For the purpose of these rules, a minor project shall be considered as any project proposing to for development of not to exceed 100 theoretical horsepower or less. All others shall be considered as major projects. Minor projects are divided in these rules into:

- (a) Those for the development of 50 theoretical horsepower or less, and
- (b) Those for the development of more than 50 and not more than 100 theoretical horsepower.

[adopted 2-18-77]

**Licenses for Minor and Major Projects**

690-50-010 Licenses may be issued for either minor projects or major projects after proper investigation by the Water Resources Director without a preliminary permit having been issued in cases where the applicant does not desire a preliminary permit and the Water Resources Director deems a preliminary permit unnecessary; provided, however, that no preliminary permit or license involving the appropriation or use of water for development of one thousand theoretical horsepower or more shall be granted until the expiration of at least six months after the application for a preliminary permit has been filed with the Water Resources Director, or an application for license has been filed where an application for preliminary permit was not filed.

[adopted 2-18-77; amended: 8-26-82]

**Fees for Minor Projects of 50 Horsepower or Less Where No Preliminary Permits Are Required**

690-50-015 Minor projects within the meaning of this section shall be those involving applications for not to exceed 50 horsepower. For the applications where the applicant does not desire a preliminary permit and the Water Resources Director deems a preliminary permit unnecessary, \$1.00 per horsepower shall be charged as a filing fee; provided that the minimum charge shall be \$5.00 for any such application. There also shall be charged an additional sum not exceeding \$1.00 per horsepower as shall be determined by the Water Resources Director to cover the cost of recording and making such investigations as may be necessary to determine whether or not a license should be granted; provided that the minimum fee for such purposes shall be \$10.00 for any such application.

[adopted 2-18-77]

### **Fees for Projects of More Than 50 Horsepower Where No Preliminary Permits Are Required**

690-50-020 For applications for licenses of projects of more than 50 horsepower where the applicants do not desire preliminary permits and the Water Resources Director deems preliminary permits unnecessary, a minimum fee of \$50.00 shall be charged and such further fees authorized by ORS 543.280 as the Water Resources Director finds necessary and proper.

[adopted 2-18-77]

### **Applications for Preliminary Permits: Filing**

690-50-025 Applications for preliminary permits shall be filed with the Water Resources Director at Salem, Oregon. These applications shall be submitted on forms prepared by the Water Resources Director and furnished to applicants without charge, or if the form should prove inadequate by reason of insufficient space being allowed for furnishing the necessary data, the applications may be typewritten in such manner that the paragraphs and headings shall correspond with the printed application forms.

[adopted 2-18-77]

### **Applications for Preliminary Permits: Contents**

690-50-030 All applications for preliminary permits shall include:

- (1) The name and post office address of the applicant.
- (2) The following information shall be furnished as separate documents and designated as lettered exhibits:
  - (a) If the applicant is a corporation, it shall give the date and place of incorporation with the full name and official designation of each of the principal officers and of the directors of said corporation with their respective post office addresses and, in case of a foreign corporation, the name and address of the resident attorney-in-fact in this state.
  - (b) If the applicant is an association of citizens, each member shall make an affidavit of citizenship and the association shall submit its articles of association. If there be no articles of association, the fact shall be stated over the signature of each member.
  - (c) If the applicant is an individual, he shall submit an affidavit shall be submitted that the applicant is a citizen of the United States.
- (3) A description of the location of the project, giving the county or counties within which located and stream or streams from which water is to be appropriated.
- 4) The quantity of water to be appropriated and, if water is to be used from two or more streams, the quantity to be taken from each stream shall be stated.
- (5) If a reservoir is to be used in connection with the project, the application shall state the quantity of water to be stored, the maximum surface area in acres, the name of the stream or streams on which the reservoir is to be located or the name of the stream or streams from which the stored water is to be collected or both.

- (6) The head to be utilized and the number of theoretical horsepower to be developed. The number of theoretical horsepower shall be determined by multiplying the quantity of water to be diverted in cubic feet per second by the vertical head in feet and dividing the result by 8.8.
- (7) The approximate location of the point or points of diversion and, if more than one point of diversion is to be used, the quantity of water to be taken at each point shall be stated.
- (8) The approximate length of the proposed canal, pipeline or other conduit, the approximate location of the proposed power plant and the point where water will be returned to some natural stream.
- (9) The approximate height of diversion or storage dams and the material from which they will be constructed.
- (10) The length of time for which a preliminary permit is desired. The act limits the time for which such permit may be issued to a period not exceeding two years, which period may be extended upon consideration and order of the Water Resources Director for an additional period not exceeding one year.

[adopted 2-18-77]

### **Additional Documents to Be Filed With the Application**

690-50-035

- (1) With the application, and to be considered as part of it, shall be filed a map showing the general location of the project including all dams, reservoirs, canals, pipelines, forebays, power plants, and streams, and the location of such data shall be given with respect to township and section lines. If on unsurveyed land, the location shall be with respect to protractors of township and section lines.
- (2) All maps and drawings shall be on good-quality tracing material not smaller than 11 by 17 inches and shall be rolled, not folded, for mailing.
- (3) Each tracing shall be certified or approved by a registered professional engineer or professional land surveyor of Oregon.
- (4) A statement describing the proposed use or market for the power to be developed.
- (5) A statement giving the location and capacity of all power projects owned or operated by the applicant, the markets supplied thereby, and their relation to the proposed project applied for.

[adopted 2-18-77; amended: 8-26-82]

### **Fee for Applications for Preliminary Permits**

690-50-040 A fee of fifty dollars shall be paid, and the applicant shall thereafter remit at the request of the Water Resources Director such further sum, not exceeding \$200, as shall be determined by the Water Resources Director to cover costs of recording publishing notice, and making such investigations as may be necessary to determine whether or not a preliminary permit should be granted. (For fees of applications for licenses where preliminary permits are not required see rules 690-50-015 and 690-50-020.)

[adopted 2-18-77]

### **Record of Expenditures Under Preliminary Permits**

690-50-045 Each permittee shall keep an accurate and dependable record of all expenditures made under the permit, and, if a license is issued for a project covered in whole or in part by a permit, any and all items properly includible in the actual legitimate cost of the project representing expenditures made under the permit and before the date of the license shall be supported by proper vouchers or other records, in the same manner required of a license when no permit has been issued; and any vouchers or records, or certified copies in support of an item properly includible in the cost of the project, shall become a part of the records of the project and shall be kept and retained by the license in the manner required by the Water Resources Director. The Water Resources Director reserves the right to prescribe the forms of all accounts to be kept by a permittee.

[adopted 2-18-77]

### **Applications for Licenses for Minor Projects for Development of 100 Theoretical Horsepower or Less**

690-50-050 All applications for licenses for power projects of 100 theoretical horsepower or less or parts thereof shall be submitted on forms provided by the Water Resources Director and furnished to the applicant without charge. If the form proves inadequate by reason of insufficient space being allowed for furnishing the necessary data, the application may be typewritten so that the paragraphs and headings correspond with the printed application forms.

[adopted 2-18-77]

### **Applications for Such Minor Projects Shall Include**

690-50-055

- (1) The name and post office address of the applicant.
- (2) The following information shall be furnished as separate documents and designated as lettered exhibits. If the data to be furnished as this exhibit has been previously furnished with an application for a preliminary permit for the project involved, reference thereto will suffice:
  - (a) If a corporation, it shall give the date and place of incorporation with the full names, post office addresses, and official designations of each of the principal officers and of the directors of said corporation, together with a copy of the articles of incorporation, certified by the secretary of the applicant corporation, under the corporate seal of said corporation, or certified by the Corporation Commissioner of the State of Oregon or by the county clerk of a county in which such articles may be filed. A foreign corporation shall also furnish the name and address of the resident attorney in fact in this state.
  - (b) If the applicant is an association of citizens, each member shall submit a statement of citizenship, and the association shall submit a copy of its articles of association certified by the secretary of the association. If there be no articles of association, the fact shall be stated over the signature of each member.
  - (c) If the applicant is an individual, he shall submit a statement that he is a citizen of the United States.

- (3) A description of the location of the project, giving the name, county or counties within which located, and stream or streams from which water is to be appropriated.
- (4) The quantity of water to be appropriated, and if water is to be used from two or more streams, the quantity to be taken from each stream shall be stated.
- (5) If a reservoir is to be used in connection with the project, the application shall state the quantity of water to be stored, the name of the stream or streams on which the reservoir is to be located, or the name of the stream or streams from which the stored water is to be collected.
- (6) Estimate of the power capacity of the project accompanied by the complete data upon which such estimate is based including streamflow in cubic feet per second, head in feet, etc.
- (7) The location of the point or points of diversion in reference to a recognized government survey corner, and if more than one point of diversion is to be used, shall state the quantity of water in second feet to be taken at each point.
- (8) The length of the proposed canal, pipeline, or other conduit; the location of the proposed power plant and the location of the point where water will be returned to some natural stream.

[adopted 2-18-77; amended: 8-26-82]

#### **Additional Documents to Be Filed With the Application**

690-50-060 With the application and to be considered as a part of it, shall be filed:

- (1) A map showing the general location of the project including all dams, reservoirs, canals, pipelines, forebays, power plants, and streams, and the location of such data shall be given with respect to township and section lines. If on unsurveyed land, the location shall be with respect to protractors of township and section lines.
- (2) A statement describing the proposed use or market for the power to be developed.
- (3) A statement giving the location and capacity of all power projects owned or operated by the applicant, the markets supplied thereby, and the relation thereof to the project applied for.

[adopted 2-18-77]

#### **Application for Licenses for Major Projects of More Than 100 Horsepower**

690-50-070

- (1) All applications for licenses for complete projects of more than 100 theoretical horsepower or for minor parts thereof to be constructed under the license or for additions to such projects already under license shall be submitted on forms provided by the Water Resources Director and shall be accompanied by the documents specified below insofar as they are applicable, each of which shall be dated and signed by the applicant and designated as "Exhibit A" etc., as indicated.
- (2) Every map, plan, and drawing required by law to be certified or approved by a professional engineer shall be certified by a professional engineer registered by the Board of Engineering Examiners of Oregon as required by ORS 672.010 to 672.340 and shall bear the date and the number of the certificate of registration of the professional engineer.

[adopted 2-18-77]

## **Additional Documents to Be Filed With an Application for License of Major Projects**

690-50-075

(1) An initial statement shall be filed with the application explaining the nature of the applicant (an individual, corporation, municipality, etc.), the applicant's authority to file the application and the applicant's authority, under the laws of the State of Oregon, to develop and market hydroelectric power. The initial statement must be supported by the following:

(a) A copy of articles of incorporation or other organization papers certified by the secretary of the applicant corporation or other organization and, if a corporation, bearing the corporate seal thereof, or certified by the Corporation Commissioner of the State of Oregon or by the county clerk of a county in which said articles may be filed. If the applicant is an individual, an affidavit that he is a citizen of the United States is required; and if the applicant is an association of individuals, an affidavit over each of their signatures that they are citizens of the United States shall be necessary; and if the applicant is a municipal corporation, a copy of the charter showing that the applicant qualifies as a municipal corporation under the laws of the State of Oregon.

(b) A copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant, properly attested, authorizing the filing of the application.

(c) Evidence that the applicant has complied with the requirements of the laws of the State of Oregon with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of the license applied for. This evidence shall be accompanied by a statement of the steps that have been taken and the steps that remain to be taken to acquire franchise or other rights from states, counties, and municipalities before the project or projects can be completed and put in operation.

(d) To the extent the information required in the additional documents is included in your application for license filed with FERC, copies of the FERC exhibits may be submitted as compliance herein.

(2) Exhibit A. An accurate description of the location of all dams, reservoirs, canals, pipelines, forebays, penstocks, and all other project works facilities. The location of all reservoirs should be given in reference to some corner of the Government Survey, giving the quantity of water to be stored in each, the maximum surface area in acres, and a general statement as to describing the method of release of such stored water so as to accomplish the purposes of the appropriation. This exhibit shall also include a statement giving full with details as to on the applicant's plans for acquiring title to or the right to occupy and use lands other than those owned by the applicant or by the United States essential for carrying out the project or projects covered by the application. If the applicant owns all or part of the project lands, evidence of ownership shall be provided. If the applicant at the time of filing application, has, by easement, lease franchise, or otherwise, acquired the right to occupy and use the lands owned by others, the statement should show, with respect to each separate right of occupancy and use:

- (a) From whom acquired;
- (b) The date acquired;
- (c) Nature and extent of the right acquired;
- (d) Whether perpetual or of limited term, and
- (e) If of limited term, when such term expires.

(3) Exhibit B. Statement of the nature and extent of the proposed appropriation of water, the available water supply and how it will be used, the head to be used and the number of theoretical horsepower to be developed. This statement should include a description of each diversion point and quantity of water to be diverted at such point, given with reference to some corner of the Government Survey or, if the project is located on unsurveyed public lands, by reference to some natural monuments from which such locations can be definitely determined.

In addition to the normal diversion amount of water to be diverted, a statement of the proposed operation of the project works facilities during times of low, normal, and flood flows of the stream. This statement shall include a description of when, where and how the power is intended to be sold. An estimate of the dependable power capacity and average annual energy output to be generated by the project shall be submitted, accompanied by the data upon which the estimate is based, and including the correlation of this project output with other generation facilities owned or controlled by the applicant.

(4) Exhibit C. Detailed statement of the time desired for completing preliminary construction and for beginning and completing construction of the project works. If the ultimate developments is to be completed and put into operation in two or more parts, the time desired for beginning and completing construction of each part shall be given.

(5) Exhibit D:

(a) Estimate of the cost of developing each project segregated by principal features, showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project.

(b) When required by the Water Resources Director, furnish an estimate of the annual cost including the following:

(A) Rate of return or interest

(B) Local, state, and federal taxes;

(C) Depreciation;

(D) Insurance; and

(E) Operation, maintenance, and general or administrative expense.

(c) When required by the Water Resources Director, furnish information as to on the method used in evaluating the power output from the project or the cost of obtaining an equivalent amount of power from an alternate source expressed in terms of dollars per kilowatt year of capacity and mills per kilowatt hour of average annual energy.

(d) Statement showing the financial ability of the applicant to carry out the project or projects applied for.

(6) Exhibit E. Statement of the effect of the proposed operation of the project works on the normal flow of the stream, including a statement of the minimum flow proposed to be released during periods of low water and full exposition of the relation of any proposed ponding of the flow to the conservation and utilization in the public interest of the available water resources for the purpose of power, navigation, irrigation, reclamation, fishery, recreation, flood control, and municipal water supply.

(7) Exhibit F.

(a) General design drawings showing plans, elevations, and sections of all principal structures and appurtenant works or other features of each project applied for. These drawings shall be in sufficient detail and shall be accompanied by sufficient information relating to controlling factors (such as character of foundations and explorations thereof, materials, types of construction, important elevations and water levels, etc.) to enable the

Water Resources Director to have full understanding of the project and check safety, practicability, adequacy, and desirability in the development of the resources involved, so as to best preserve the interests of the public.

(b) Scales should be no larger than necessary to show clearly the information required. Drawings should be simple. Details are desired only as necessary to show features of importance in determining safety, adequacy, and suitability of design. Working drawings and any changes must be approved by and filed with the Water Resources Director before construction work is begun. (One tracing and one print.) This section applies to:

- (A) Dams and appurtenances such as spillways, fishways, outlet works, etc.
- (B) Navigation structures, including locks, lock gates, and operating machinery, etc.
- (C) Conduits, including forebays, intake works, surge tanks, and other pressure relief devices, etc.
- (D) Powerhouses and substations.

(c) General description and general specifications of mechanical, electrical, and transmission equipment and their appurtenances in sufficient detail to enable the Water Resources Director to have a full understanding of the project or projects and to determine safety and adequacy and suitability for the development and utilization of the resources involved.]

(8) Exhibit G.

(a) General map covering the entire project showing on a single sheet at an appropriate scale:

- (A) Principal structures and other important features of the project, including such roads, railways, tramways, and bridges as it is proposed shall become a part of the project works.
- (B) All transmission lines and all telephone lines which it is proposed shall become a part of the project works and be placed under license, as well as the entire or principal part of the transmission system, if any, with which the project or projects may be connected, indicating prominently by appropriate symbol the portion or portions of the transmission lines or system covered by application for license.
- (C) State and county lines, towns, streams, railroads, power plants, irrigation systems, and other features in the vicinity of the proposed development, and any information which will aid in arriving at a general comprehension of the project.
- (D) Reference to the detail map indicating by outline the portion shown on each sheet.
- (E) If all features cannot be shown with sufficient distinctness on one sheet two general maps may be furnished, one for the power plant and appurtenant works and one for the transmission system. (Furnish one tracing and one print of all maps filed as "Exhibit G". Maps shall not be smaller than 11 by 17 inches and not larger than 28 by 40 inches.)

(b) Detail map covering entire project. Scale shall be such as to show clearly but without unnecessary multiplicity of sheets the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to transmission and telephone lines, roads, railways, and large reservoirs. Elevations shall be tied to government bench marks whenever available, and shall be referred to mean sea level, except that in the case of projects on navigable waters having a datum accepted for local use by the United States Department of the Army, Corps of Engineers, such local datum shall be used. If more than one sheet is used, the sheets shall be numbered consecutively, and each shall bear a small diagram showing the



entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet if so placed or limited as to avoid crowding or confusion. The detail map to be filed in "Exhibit G" shall conform to the following requirements, except as expressly waived or modified by the Water Resources Department:

(A) It shall show the project boundary.

(B) There shall be shown the status as to ownership of each parcel of land to be occupied by the project works designating separately lands owned by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands, full title to which remain in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right or occupancy and use, the map shall show the nature of such right, and shall give appropriate reference to "Exhibit A" for further details.

(C) The location of all project works shall be accurately shown, such as:

(i) Dams.

(ii) Reservoirs. Show contour lines with a contour interval of not more than ten feet for the area above the minimum elevation to which the water may be drawn down, indicate the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.

(iii) Water Conduits. Indicate center line; line, i.e., flume, ditch, tunnel, pipe, etc.; and grade and elevation of bottom at each change of grade.

(iv) Power houses and substations.

(v) Transmission line and appurtenances, telephone lines roads, railways, trails, tramways, and bridges.

(vi) Navigation structures.

(9) Such additional documents or data as applicant may consider pertinent to submit.

(10) If any of the above information was already furnished for the preliminary permit, reference thereto will suffice.

[adopted 2-18-77; amended: 8-26-82]

### **Notice of Hearings**

690-50-080 After receipt of an application for a preliminary permit or license from any applicant, the Water Resources Director will give notice to interested parties and by publication as provided by ORS 543.220. For projects involving the development of 100 horsepower or less the Water Resources Director may dispense with publication of notice and hearings to determine whether or not a preliminary permit or license should be granted.

[adopted 2-18-77; amended: 8-26-82]

### **Time and Place of Hearings**

690-50-085 The time and place of holding such hearing will be fixed by order of the Water Resources Director to suit the convenience of the Water Resources Director and the interested