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Proposed Rule Revision Tracker

Division 53 – HYDROELECTRIC LICENSE, POWER CLAIM AND CERTIFICATE AMENDMENTS

Changes made to the v2 RAC version. Changes are highlighted in the v3 RAC version of the rules for RAC member convenience. V3 is the same as the public comment draft except no highlights.

Section / Version comment	Issue	Response/Modified Language	Status / Version change made in
Rule Summaries -0015 -0030 -0035 11/19/25	Staff change - Rule Summaries and statutory references need updating to provide correct authority for implementing changes that align with changes made to other Divisions that implement Or Laws 2025, chapter 282 directly.	Rule Summaries updated as needed. Statutory authorities updated as needed.	Complete. Changes made in v3.
-00001(4) Purpose and Applicability 11/19/25	Staff change - update applicability date to reflect when rules will go into effect.	Applicability date revised to October 1, 2026. Rule Summary updated to reflect revision.	Complete. Changes made in v3.
-0010 Rule Summary -0010(10) 11/19/25	Staff change - revise Rule Summary to reflect that applicants have the option of demonstrating their water right is not subject to forfeiture when filing an amendment application. Staff change - add “the right” for clarification regarding what is not subject to forfeiture.	Rule Summary and rule language updated to clarify option of demonstrating a water right is not subject to forfeiture when filing an amendment application.	Complete. Changes made in v3.
-0040(1) Protests	Staff change - update statutory authority	Statutory authority updated.	Complete. Change made in v3.

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-0050 Final Orders on Default 11/19/25	Staff change - Add rule section specifying that the Dept may withdraw a FO for reconsideration and issuance of a superseding PFO before 33 days elapse.	Rule section added: <u>(4) Notwithstanding subsection (1), not more than 33 days after the close of the time period for submitting a protest, the Department may withdraw a proposed final order for reconsideration and issuance of a superseding proposed final order.</u> Rule Summary updated to reflect addition and make minor clarifications	Complete. Changes made in v3.
Minor			
-0015 (3) Notice Requirements 11/19/25	Staff change - delete "agency" because its redundant with "governmental entities"	Rule language change made.	Complete. Change made in v3.