

Chapter 543

Hydroelectric Power Projects

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NOTES OF DECISIONS

The state does not have the power to veto a license granted by the Federal Government to construct a dam across a navigable stream for purposes of generating electricity. *State v. Idaho Power Co.*, (1957) 211 Or 284, 312 P2d 583.

ATTY. GEN. OPINIONS: Authority of State Water Resources Board in reviewing license application for a hydroelectric project, 1960-62, p 274.

LAW REVIEW CITATIONS: 3 WLJ 299, 300, 310, 384.

543.010

ATTY. GEN. OPINIONS: Procedure for approval of the construction of a hydroelectric dam, 1948-50, p 252; constitutionality of legislation to carry out Ore. Const. Art. XI-D, 1954-56, p 96.

543.050

NOTES OF DECISIONS

State has no power to veto a license granted by Federal Government to construct a dam across a navigable stream for purposes of generating electricity. *State v. Idaho Power Co.*, (1957) 211 Or 284, 312 P2d 583.

Federal Power Commission had exclusive jurisdiction to grant license for water power project on lands in Oregon constituting United States reservation. *Federal Power Comm. v. Oregon*, (1955) 349 US 435, 444, 75 S Ct 832, 838, 99 L Ed 1215, 1224.

FURTHER CITATIONS: *Ollio v. Clatskanie Dist.*, (1942) 170 Or 173, 132 P2d 416.

ATTY. GEN. OPINIONS: Authority of Hydroelectric Commission to grant applications for permits or licenses on streams withdrawn from appropriations, 1930-32, p 240; procedure for approval of the construction of a hydroelectric dam, 1948-50, p 252.

LAW REVIEW CITATIONS: 25 OLR 160; 3 WLJ 303, 311.

543.120

NOTES OF DECISIONS

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ATTY. GEN. OPINIONS: Application of Benton Utility Company for minor hydroelectric project in Benton County, 1936-38, p 29; procedure for approval of the construction of a hydroelectric dam, 1948-50, p 252.

543.140

CASE CITATIONS: *Federal Power Comm. v. Oregon*, (1955) 349 US 435, 451, 75 S Ct 832, 842, 99 L Ed 1215, 1228.

543.210

ATTY. GEN. OPINIONS: Authority of the game commission as to construction and maintenance of dams, irrigation projects, etc., 1940-42, p 463; procedure for approval of the construction of a hydroelectric dam, 1948-50, p 252.

543.225

ATTY. GEN. OPINIONS: Applications to build hydroelectric power dams, 1958-60, p 154; authority of State Water Resources Board in reviewing license application for a hydroelectric project, 1960-62, p 274.

LAW REVIEW CITATIONS: 3 WLJ 303, 308-311.

543.230

ATTY. GEN. OPINIONS: Procedure for approval of the construction of a hydroelectric dam, 1948-50, p 252.

LAW REVIEW CITATIONS: 3 WLJ 303, 311.

543.250

ATTY. GEN. OPINIONS: Procedure for approval of the construction of a hydroelectric dam, 1948-50, p 252.

543.260

ATTY. GEN. OPINIONS: Authority of State Water Resources Board in reviewing license application for a hydroelectric project, 1960-62, p 274.

LAW REVIEW CITATIONS: 3 WLJ 310.

543.300

ATTY. GEN. OPINIONS: The authority of the Hydroelectric Commission to waive requirements of the Hydroelectric Act, pursuant to subsection (6) as based upon a conflict between the requirements of the state Act and requirements of a license or permit issued by the Federal Power Commission, 1942-44, p 291; requirements imposed by the Rural Electrification Administration upon an electrical cooperative as "permits or licenses from the United States as a condition precedent to the construction" of an electrification project, 1942-44, p 291; authority of Hydroelectric

Commission to determine what is a reasonable rate of return in the instance of every licensee under the Hydroelectric Act and to require all return in excess thereof to be credited to an amortization reserve fund, 1944-46, p 204.

543.510

ATTY. GEN. OPINIONS: Duty of the Public Utility Commissioner to determine the rate base and fix retail rates for the service of a public utility that is licensed under the Hydroelectric Act, 1944-46, p 204.

543.530

ATTY. GEN. OPINIONS: Duty of applicants for hydroelectric license, who prior to issuance of license constructed projects and incurred indebtedness, to secure the approval of the Hydroelectric Commission prior to or at the time the license is issued, 1942-44, p 196.

LAW REVIEW CITATIONS: 3 WLJ 300.

543.550

ATTY. GEN. OPINIONS: Ownership as a requisite to issuance of license, 1930-32, p 717.

543.610

LAW REVIEW CITATIONS: 46 OLR 126.

543.705

ATTY. GEN. OPINIONS: Abandonment of right to water in excess of amount specified in claim, 1958-60, p 121.

543.710

ATTY. GEN. OPINIONS: Authority to collect fees on pending applications to appropriate water, 1924-26, p 225; payment of fee as deferred because owner's husband is reserve officer, 1940-42, p 637; abandonment of right to water in excess of amount specified in claim, 1958-60, p 121.

543.720

NOTES OF DECISIONS

State Engineer's determination of questions of fact is entitled to great weight on appeal. *Appleton v. Ore. Iron & Steel Co.*, (1961) 229 Or 81, 358 P2d 260, 366 P2d 174.

An application under this section was in substance an application for a permit to use water. *Re Hood River*, (1924) 114 Or 112, 187, 227 P 1065.

ATTY. GEN. OPINIONS: Preference lien for delinquent license fees required to be paid for water power development as superior to lien of ad valorem taxes on real and personal property, 1942-44, p 156; abandonment of right to water in excess of amount specified in claim, 1958-60, p 121.

543.730

ATTY. GEN. OPINIONS: Abandonment of right to water in excess of amount specified in claim, 1958-60, p 121.

543.990

LAW REVIEW CITATIONS: 3 WLJ 300.