

**536.005** [1975 c.581 §13; repealed by 1985 c.673 §185]

### GENERAL PROVISIONS

**536.007 Definitions.** As used in ORS 196.600 to 196.905, 541.010 to 541.320, 541.386, 541.430 to 541.545 and 541.700 to 541.990 and ORS chapters 536 to 540, 542 and 543:

(1) "Commission" means the Water Resources Commission.

(2) "Department" means the Water Resources Department.

(3) "Director" means the Water Resources Director.

(4) "Existing right" or "vested right" or words of similar import include an inchoate right to the use of water to the fullest extent that the right is recognized, defined or declared by the commission, the director or any court within this state.

(5) "Order" has the meaning given in ORS 183.310.

(6) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

(7) "Public corporation" includes any city, county or district organized for public purposes.

(8) "Rule" has the meaning given in ORS 183.310.

(9) "State agency" includes any office, board, commission or department of a state government.

(10) "State water resources policy" means the water resources policy provided for in ORS 536.295 to 536.350 and 537.505 to 537.534.

(11) "Undetermined vested right" means a water right claimed under ORS 539.010 as having vested or as having been initiated before February 24, 1909, that has not been determined in an adjudication proceeding under ORS chapter 539 nor is evidenced by a permit or certificate issued under the Water Rights Act.

(12) "Waters of this state" means any surface or ground waters located within or without this state and over which this state has sole or concurrent jurisdiction.

(13) "Water resources of this state" means waters of this state and the following auxiliary lands whose usage directly affects the development and control of the waters of this state:

(a) Potential reservoir sites.

(b) Floodplain areas forming the predictable channels of floodwater drainage of rivers and streams. [1985 c.673 §2; 1989 c.691 §5]

**536.008** [1975 c.581 §14; 1985 c.421 §4; repealed by 1985 c.673 §185]

**536.009 Water Resources Department Water Right Operating Fund; uses; sources.** (1) There is established in the State Treasury the Water Resources Department Water Right Operating Fund, separate and distinct from the General Fund, to provide for the payment of the program and administrative expenses of the Water Resources Commission and the Water Resources Department in carrying out the provisions of ORS chapters 536, 537, 540 and 541. Interest earned by the fund shall be credited to the fund.

(2) The fund shall consist of:

(a) All moneys received under ORS 536.050 and 537.747.

(b) All moneys received on behalf of the fund by gift, grant or appropriation from whatever source.

(3) All moneys in the fund are continuously appropriated to the Water Resources Department for payment of expenses as described in this section. [1989 c.758 §3; 1993 c.765 §106; 1999 c.1026 §19; 2003 c.594 §5]

**Note:** 536.009 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 536 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**536.010** [Amended by 1955 c.707 §66; 1973 c.792 §23; repealed by 1975 c.581 §29]

**536.014** [1975 c.581 §15; 1981 c.545 §12; 1983 c.643 §1; repealed by 1985 c.673 §185]

**536.015 Water Resources Department Hydroelectric Fund; uses; sources.** (1) The Water Resources Department Hydroelectric Fund is established separate and distinct from the General Fund of the State Treasury. Except as provided in subsections (4) to (6) of this section, of the moneys in the Water Resources Department Hydroelectric Fund:

(a) A portion equal to 67 percent of the total moneys received each year shall be transferred to the fund created under ORS 496.835;

(b) A portion equal to 10.3 percent of the total moneys received each year shall be transferred to an account of the Department of Environmental Quality to be used to review applications for certification of hydroelectric projects under ORS 468B.040 and 468B.045; and

(c) All of the remaining moneys received each year are continuously appropriated to the Water Resources Commission and the Water Resources Department to provide for the payment of the administrative expenses