

dike are being injured by reason of its broken, destroyed or other bad condition, and the owner of the land upon which the broken or destroyed dike is located refuses to rebuild, repair, reconstruct or otherwise improve the same so as to afford the proper protection and benefit to the land, the owners of the other contiguous tracts may attempt to agree with the owner of the land upon which the dike in question is located, with reference to its repair, reconstruction or rebuilding. If the owner refuses to rebuild, reconstruct or repair the dike, the owners of the other contiguous tracts of land affected by the dike and upon whose land the dikes are in a good condition of repair, may reconstruct, rebuild or repair the broken or destroyed dike and shall be entitled, by action in any court having jurisdiction, to recover from the delinquent owner the reasonable value of the material furnished and labor used in rebuilding, reconstructing or repairing the same, together with the cost and disbursements of such action. The action shall be prosecuted in the name of the owners and against the delinquent party. Any party to the action is entitled to a jury trial.

549.520 Complaint to county judge of neglect to repair; notice; examination; findings; direction to delinquent owner to repair dike. If anyone neglects to repair, rebuild or reconstruct a dike as specified in ORS 549.510, the owners of the contiguous tracts of land may complain to the county judge of the county in which the lands or some portion thereof are situated, who, after due notice, shall examine the premises. If the county judge determines that the dike is in need of reconstruction, rebuilding or repair, and that the dike is of sufficient benefit to the lands affected thereby to warrant its maintenance, and if the county judge finds that the dikes on the other contiguous tracts owned by the persons complaining are in a good state of repair, the county judge shall so signify in writing and shall cause to be served upon the delinquent owner a copy of such finding and shall direct the owner to rebuild, reconstruct or repair the dike within such time as the judge determines to be reasonable.

549.530 Entry on land by complainant to repair dike; recovery of cost of repair. If such dike is not repaired or rebuilt accordingly, the complainants may repair or rebuild the dike, and for that purpose may go upon the premises where the destroyed or broken dike is located, doing as little damage as possible thereto, and may recover the value or cost of rebuilding, reconstructing or repairing the dike from the delinquent owner, before any court having jurisdiction.

549.540 Dikes constructed under agreement excepted. The provisions of ORS 549.510 to 549.530 shall not apply to dikes constructed under agreement between the owners of contiguous tracts of land, under which agreement the maintenance of the dike is provided for.

FEDERAL FLOOD CONTROL PROJECTS

549.605 Definitions for ORS 549.605 to 549.645. As used in ORS 549.605 to 549.645, unless the context requires otherwise:

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

(2) "Federal flood control projects" includes all authorized federal projects located wholly or partially within this state which the commission determines would be beneficial to this state as flood control measures.

(3) "Federal government" means the United States, or any agency or instrumentality of the United States which is designated or authorized to engage in flood control projects within Oregon. [1957 c.466 §1]

549.610 Water Resources Commission to participate on behalf of state in federal flood control projects; powers and duties of commission. The Water Resources Commission is directed to carry out, for and on behalf of the state, the state's participation in federal flood control projects. In discharging this responsibility, the commission, or one or more of its members or employees designated by the commission to represent it, may sign agreements with the federal government and other persons, if possible, into the federal project necessary or desirable state or local features and works, to relocate facilities displaced by such projects and to perform all other acts connected with and necessary to such participation. Work to be done by the state may be carried out by contract or by available state forces or by a combination of these two methods. If the commission deems it to be in the public interest, they may agree with public or quasi-public bodies and other persons affected by such projects to have such bodies or persons perform the work. The commission shall, in all instances, carry out the powers and duties imposed upon it by ORS 549.605 to 549.645 in a manner which will comply with federal flood control legislation and rules and regulations promulgated pursuant to such legislation. [1957 c.466 §2]

549.615 Entering upon land. The Water Resources Commission and its agents and employees may enter upon lands to gather information when necessary for the performance of those duties imposed upon them by ORS 549.605 to 549.645. [1957 c.466 §3]