

life shall not unreasonably withhold or delay such approval, but may withhold approval for reasonable cause, including but not limited to a substantiated finding that the repairs, structural repairs, maintenance or improvements:

(a) Fail to comply with applicable safety rules or regulations;

(b) Raise the height of the dam; or

(c) Diminish the current ability of anadromous fish to travel past the dam.

(3) No person shall appropriate and no officer or agency of this state shall issue or approve any license, permit or certificate for the use of water for hydroelectric generation at a dam at the location referred to in subsection (1) of this section. [Formerly 541.875]

541.388 [1993 c.601 §3; 1995 c.187 §7; 1999 c.300 §1; renumbered 541.910 in 2011]

541.390 [1987 c.734 §9; 2001 c.104 §228; renumbered 541.912 in 2011]

541.392 [Formerly 541.400; 1999 c.1026 §15; 2011 c.643 §24; renumbered 541.963 in 2011]

541.393 Responsibility of government entity for repair or maintenance costs of dams on North Umpqua. Nothing contained in ORS 541.386 shall be construed to impose any additional obligation on any governmental entity to pay for the repair, structural repair, maintenance or improvement of any existing dam referred to in ORS 541.386 (2). [Formerly 541.880]

Note: 541.393 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 541 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

541.395 [1987 c.734 §10; renumbered 541.965 in 2011]

541.396 [Formerly 541.380; 2007 c.354 §19; renumbered 541.906 in 2011]

541.397 [1997 c.8 §4; 1999 c.1026 §15b; 2011 c.643 §28; renumbered 541.954 in 2011]

541.399 [1997 c.8 §5; 1999 c.1026 §16; repealed by 2011 c.643 §15]

541.400 [1993 c.601 §4; 1995 c.187 §8; renumbered 541.392 in 1997]

541.401 [1997 c.8 §6; 2011 c.643 §14; renumbered 541.958 in 2011]

541.403 [1997 c.8 §7; repealed by 1999 c.1026 §29]

541.405 [1997 c.7 §1; 1999 c.270 §3; 1999 c.1026 §5; 2001 c.841 §4; 2003 c.452 §1; 2007 c.354 §20; renumbered 541.898 in 2011]

541.407 [1997 c.7 §4; 1999 c.244 §1; 1999 c.270 §6; 1999 c.1026 §21; 2007 c.354 §21; repealed by 2011 c.272 §25]

541.409 [1997 c.7 §5; 1999 c.270 §7; 1999 c.1026 §22; 2007 c.354 §22; renumbered 541.914 in 2011]

541.410 [Renumbered 541.430 in 1997]

541.411 [1997 c.7 §10; 1999 c.270 §8; 2007 c.354 §23; renumbered 541.916 in 2011]

541.413 [1997 c.7 §13; 1999 c.270 §9; 1999 c.1026 §23; 2007 c.354 §24; renumbered 541.967 in 2011]

541.415 [1999 c.1026 §17; renumbered 541.935 in 2011]

541.420 [2001 c.841 §1; 2007 c.354 §25; renumbered 541.972 in 2011]

541.423 [2003 c.539 §31; 2007 c.608 §4; renumbered 541.973 in 2017]

541.425 [2007 c.608 §1; renumbered 541.974 in 2017]

541.426 [2007 c.608 §2; renumbered 541.975 in 2017]

USE OF WATER TO OPERATE WATER-RAISING MACHINERY

541.430 Use of machinery by riparian owner to raise water; prior rights of others. Any person who owns or has the possessory right to any land bordering on any lake or natural stream of water shall have the right to employ wheels, pumps, hydraulic engines, or other machinery for the purpose of raising water to the level required for use of the water in irrigating any land belonging to the person; provided, that the use of the water shall not conflict with the better or prior right of any other person. [Formerly 541.410]

SPLASH DAMS

541.450 Definitions for ORS 541.450 to 541.460. As used in ORS 541.450 to 541.460 and 541.990:

(1) "Splash dam" means a dam constructed and used in the floating and driving of logs and other lumber products whereby water behind the dam is released for the purpose of causing or aiding the floating of logs or other lumber products on a navigable or nonnavigable river in the waters thereof below the location of the dam.

(2) "Splash dam" does not mean any device used on the waters of this state for the assembly or storage of logs or other lumber products, or for any other purpose incidental thereto. [1957 c.163 §1]

541.455 Splash dams unlawful. It is unlawful to operate a splash dam on any of the navigable or nonnavigable waters of this state. An officer or agency of this state may not issue any permit for the construction or maintenance of any dam to be used for splash dam purposes. [1957 c.163 §2; 2005 c.22 §380]

541.460 Abatement proceedings by Attorney General. The Attorney General, upon being informed that any violation of ORS 541.450 to 541.460 or 541.990 (1) has occurred, is hereby empowered to proceed immediately in the circuit court of the county in which said splash dam is located, to petition the court for the removal of said splash dam by abatement proceedings; and all costs in connection therewith incurred by the Attorney General shall be assessed against the offending person, firm or corporation. [1957 c.163 §3]