

CONTRACTS WITH FEDERAL AGENCIES AS TO FLOOD CONTROL

549.010 Definitions for ORS 549.020 and 549.030. As used in ORS 549.020 and 549.030, unless a different meaning appears from the context:

(1) "Federal agency" includes the United States, the President of the United States, and any agency or instrumentality of the United States which is designated, granted or authorized to engage in the building, construction and maintaining of flood control projects on any lakes, rivers or streams within Oregon.

(2) "Board of commissioners" means the governing body of any county in the state, whether the same consists of two county commissioners and the county judge or three commissioners.

(3) "Contract" includes contracts and agreements in the customary form; also a commitment by a federal agency by which it undertakes to make or engage in the construction of works for the purpose of controlling floods, and the terms, conditions and restrictions therein set forth.

(4) "Flood control project" means any plan, system, manner or means for the control, diversion, conservation or abatement of floodwaters or any excessive or unusual accumulation of water in any natural or artificial stream or body of water, or for protection of life and property against danger, menace, injury or damage resulting therefrom.

549.020 Contracts between counties and federal agencies. Any county may make contracts with any federal agency containing such terms, provisions and conditions as, in the discretion of the board of commissioners, may be necessary, proper or advisable for the purpose of meeting the conditions necessary in the construction of flood control projects as provided in any federal flood control Acts wherein the federal government is entirely financing such projects.

549.030 Agreement by two or more counties with federal agency. If two or more counties in the state desire jointly or severally to make any agreement with federal agencies relative to flood control, they may enter into such agreements with any agency named in ORS 549.010 in accordance with all the provisions stated in ORS 549.010 and 549.020 that will facilitate cooperative action between boards of commissioners and federal agencies to meet conditions of any federal flood control Acts wherein the federal government is entirely financing such projects.

DITCHES TO DRAIN LAND; FLOOD CONTROL MEASURES

549.110 Application to county court for authority to build drainage ditch or levee, or to widen or straighten a stream.

(1) When any person owns land which requires draining, or any incorporated city in which there is any ditch, standing water or surplus water requiring draining has no means of draining such ditch, standing water or surplus water, and objection is made by the owners of adjacent land to the construction thereon or thereover of necessary means of drainage, such person or city may make application in writing to the county court of the county in which such land or city is situated, for the right of way or privilege to cut or dig or construct sufficient means of drainage over the adjacent land.

(2) Likewise any person or municipal corporation whose land is so situated that it is injured or liable to be injured by floodwaters from any natural stream flowing through or near the land may make application to the county court for the right to enlarge or straighten the bed of such natural stream, or strengthen or build up the banks so as to protect such lands from overflow or injury.

549.120 Procedure; appointment of commissioners; order to commissioners. Thereupon the court shall appoint three disinterested householders of the county as a commission and shall issue an order directing them to meet on a day named in the order, after subscribing to an oath or affirmation to faithfully and impartially discharge the duties of their appointment. At least three days' notice of the time and place of the meeting shall be given to all persons through whose lands the ditch is to be located or upon whose lands the natural stream is to be straightened, enlarged, or its banks are to be strengthened or built up.

549.130 Commissioner's oath. In the absence of an officer authorized to administer oaths, the commissioners may administer the oath to each other.

549.140 Duties of commissioners. The commissioners shall proceed to locate and mark out the route of the ditch so as to do the least damage to the lands the ditch passes through, or to designate the location, character and extent of the work to be done in straightening the bed or building up the banks of the stream, and shall at the same time assess the damages sustained by the person owning the land.

549.150 Considering benefits in assessing damages. In assessing damages, the commissioners shall take into consideration