

## WATER LAWS

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of scenic waterway) were constitutionally applied where there was substantial evidence that taking landowners' property was reasonably necessary and that they had made no timely and effective abandonment of objectionable proposal. *State ex rel Dept. of Trans. v. Hilderbrand*, 35 Or App 403, 582 P2d 13 (1978).

\*Structures and buildings erected in connection with existing use are subject to prior notice requirement unless exempted by department rule. *State Dept. of Trans. v. Solomon*, 57 Or App 72, 643 P2d 1312 (1982), Sup Ct **review denied**.

ATTY. GEN. OPINIONS: Application of regulations to state highways, (1971) Vol 35, p 445.

\*Authority to designate segment of Snake River as a scenic waterway, (1972) Vol 35, p 1226.

\*LAW REVIEW CITATIONS: 4 EL 301 (1974); 19 EL 853 (1989).

### 390.855

\*LAW REVIEW CITATIONS: 4 EL 302 (1974); 19 EL 852 (1989).

## ANNOTATIONS FOR CHAPTERS

### 536-543, 549 and 555

(2017 Cumulative Supplement Annotations are indicated with \*)

### Chapter 536

### Water Resources Administration

#### Chapter 536

CASE CITATIONS: *Warner Valley Stock Co. v. Lynch*, (1959) 215 Or 523, 336 P2d 884.

ATTY. GEN. OPINIONS: Agreement to hold United States free from damages caused by river construction works as an invalid loan of state credit, 1956-58, p 50; manner and method of water resources study, 1956-58, p 299; power of state to regulate nuclear power installations, (1970) Vol 34, p 996.

LAW REVIEW CITATIONS: 3 WLJ 295-316; \*28 WLR 285 (1992).

#### 536.010

**See also** cases under ORS 537.160.

ATTY. GEN. OPINIONS: State Engineer's authority to install equipment for the purpose of preventing wastage of underground waters from uncapped wells, 1952-54, p 146.

#### 536.030

ATTY. GEN. OPINIONS: Duties of State Engineer as to underground water, 1952-54, p 146.

#### 536.050

CASE CITATIONS: *Pacific Livestock Co. v. Cochran*, (1914) 73 Or 417, 430, 144 P 668.

ATTY. GEN. OPINIONS: Game commission as exempt from payment to state of fees prescribed by statute, 1922-24, p 147; exaction by State Engineer of fees in advance from United States, 1926-28, p 135; recording fees for filing notices of contest of claims filed with State Engineer relative to rights to waters of streams, 1936-38, p 117; refunding filing fees upon denial of application, 1938-40, p 379; fees on Bureau of Land Management applications received prior to 1961 amendment, 1960-62, p 254.

#### 536.065

**See also** cases under ORS 537.160.

#### NOTES OF DECISIONS

##### 1. Under former similar statute

Dismissal of appeal from State Engineer's order determining water rights was proper where order only designated land by numbers of permits and application number and actual location of land was not shown. *Santiam Reclamation Co. v. Porter*, (1928) 126 Or 91, 267 P 820, 268 P 980.

The findings of the State Engineer were entitled to the presumption of correctness. *Broughton's Estate v. Central Ore. Irr. Dist.*, (1940) 165 Or 435, 101 P2d 425, 108 P2d 276.

In granting the right to appeal, the legislature did not confer judicial power on the State Engineer. *Id.*

FURTHER CITATIONS: *Warner Valley Stock Co. v. Lynch*, (1959) 215 Or 523, 336 P2d 884.

#### 536.075

#### NOTES OF DECISIONS

\*Water Resources Department is not required to issue order when denying reconsideration. *Harrington v. Water Resources Department*, 216 Or App 16, 171 P3d 1001 (2007).

\*"Party affected" means any petitioner affected by Water Resources Department order whether or not that petitioner achieves formal party status. *Pete's Mountain Homeowners Ass'n. v. Water Resources Department*, 236 Or App 507, 238 P3d 395 (2010).

### 536.210 to 536.550

\*LAW REVIEW CITATIONS: 4 EL 333 (1974); 11 EL 390 (1981).