

## Chapter 264

### Domestic Water Supply Districts

#### Chapter 264

##### NOTES OF DECISIONS

This chapter is an enabling Act and after a water district is organized it serves as a municipal charter. *Smith v. Hurlburt*, (1923) 108 Or 690, 217 P 1093.

That the legislature had authority to enact this statute and delegate the authority thereby conferred is not open to question. In re *Rockaway Water Dist.*, (1936) 153 Or 382, 55 P2d 1107.

FURTHER CITATIONS: *State v. Chandler*, (1946) 180 Or 28, 175 P2d 448.

ATTY. GEN. OPINIONS: Authority to participate in retirement plan, 1964-66, p 81; application of Local Budget Law to corporation, 1966-68, p 107; authority to annex uninhabited area, 1966-68, p 497.

LAW REVIEW CITATIONS: 22 OLR 268; 25 OLR 159; 47 OLR 16-70; 4 WLJ 482, 491-493.

#### 264.110 to 264.170

LAW REVIEW CITATIONS: 3 WLJ 298.

#### 264.110

##### NOTES OF DECISIONS

The word "communities" is intended to embrace all areas whose inhabitants have a common interest in obtaining an adequate water supply. *Hamilton v. Rudeen*, (1924) 112 Or 268, 224 P 92.

An area inadequately supplied by a public utility corporation may form itself into a district. In re *Rockaway Water Dist.*, (1936) 153 Or 382, 55 P2d 1107.

ATTY. GEN. OPINIONS: Inclusion of water districts in term "municipal district" as used in people's utility district law, 1940-42, p 182; authority of municipal water districts to require persons to discontinue use of private water sources, 1940-42, p 417; jurisdiction over portion of water district annexed by municipality, 1948-50, p 4; application of Local Budget Law to corporation, 1966-68, p 107.

LAW REVIEW CITATIONS: 4 WLJ 482.

#### 264.210 to 264.300

LAW REVIEW CITATIONS: 3 WLJ 298.

#### 264.210

##### NOTES OF DECISIONS

Personal loan to one of commissioners was ultra vires the corporation. *State v. Cahill*, (1956) 208 Or 538, 293 P2d 169, 298 P2d 214.

ATTY. GEN. OPINIONS: Statements regarding budget rec-

ommendations, 1960-62, p 203; authority to participate in retirement plan, 1964-66, p 81.

LAW REVIEW CITATIONS: 45 OLR 281; 4 WLJ 482.

#### 264.220

ATTY. GEN. OPINIONS: Deduction for legitimate corporation expenses, expense of making refund, insufficient funds to return tax in full, 1958-60, p 265.

#### 264.240

LAW REVIEW CITATIONS: 3 WLJ 279.

#### 264.250

ATTY. GEN. OPINIONS: Authority to annex uninhabited area, 1966-68, p 497.

#### 264.300

##### NOTES OF DECISIONS

A levy is not invalidated by a technical defect in the verbiage employed. *Smith v. Hurlburt*, (1923) 108 Or 690, 217 P 1093.

A property owner seeking cancellation of a tax levied on his property on the theory that it was improperly included in the district should make the district a party to his suit. *Id.*

ATTY. GEN. OPINIONS: Tax levy limitations, 1956-58, p 15; statements regarding budget recommendations, 1960-62, p 203; authority to annex uninhabited area, 1966-68, p 497.

#### 264.306

##### NOTES OF DECISIONS

Regulations must be construed within the limits of the district's statutory authority. *Kampstra v. Salem Heights Water Dist.*, (1964) 237 Or 336, 391 P2d 641.

#### 264.310

##### NOTES OF DECISIONS

The district cannot withhold its services to force acceptance of arbitrary terms. *Kampstra v. Salem Heights Water Dist.*, (1964) 237 Or 336, 391 P2d 641.

LAW REVIEW CITATIONS: 3 WLJ 298.

#### 264.320

##### NOTES OF DECISIONS

An assessment cannot be justified unless the adjacent property is benefited by the improvement. *Kampstra v. Salem Heights Water Dist.*, (1964) 237 Or 336, 391 P2d 641. *Distinguished in Realty Dev. Corp. v. Mt. Scott Water Dist.*, (1965) 242 Or 287, 409 P2d 181.

If the water service is available without further extension, this section does not require that the service be connected. Realty Dev. Corp. v. Mt. Scott Water Dist., (1965) 242 Or 287, 409 P2d 181.

**264.330**

LAW REVIEW CITATIONS: 45 OLR 281.

**264.340**

ATTY. GEN. OPINIONS: Limits on authority to issue burning permits, (1970) Vol 35, p 160; duty to provide fire protection, (1970) Vol 35, p 227.

LAW REVIEW CITATIONS: 45 OLR 281.

**264.342**

ATTY. GEN. OPINIONS: Duty to provide fire protection, (1970) Vol 35, p 227.

**264.344**

ATTY. GEN. OPINIONS: Duty to provide fire protection, (1970) Vol 35, p 227.

**264.350**

LAW REVIEW CITATIONS: 45 OLR 281.

**264.410 to 264.470**

LAW REVIEW CITATIONS: 3 WLJ 298.

**264.410**

ATTY. GEN. OPINIONS: Validity of appointment or qualification of officers of an election in a water district where there is an irregularity or deficiency, 1944-46, p 314.

**264.505**

CASE CITATIONS: State v. Chandler, (1946) 180 Or 28, 175 P2d 448.

ATTY. GEN. OPINIONS: Defining "contiguous territory," 1960-62, p 372; authority to annex uninhabited area, 1966-68, p 497.

**264.990**

CASE CITATIONS: State v. Johnson, (1969) 1 Or App 363, 369, 462 P2d 687.