

## Chapter 536

### State Engineer; State Water Resources Board

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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.

#### 536.010

##### NOTES OF DECISIONS

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

##### NOTES OF DECISIONS

See also cases under ORS 537.160.

##### 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.

#### 536.210 to 536.560

##### NOTES OF DECISIONS

The sections establishing the Water Resources Board were not intended to supersede the laws governing issuance and priorities of water rights certificates. Phillips v. Gardner, (1970) 2 Or App 423, 469 P2d 42.

LAW REVIEW CITATIONS: 45 OLR 284; 47 OLR 49-51.

#### 536.210

ATTY. GEN. OPINIONS: Classifying ground water, 1960-62, p 426.

#### 536.220

CASE CITATIONS: Phillips v. Gardner, (1970) 2 Or App 423, 469 P2d 42.

ATTY. GEN. OPINIONS: Facts relevant to water resources study, 1956-58, p 299; classifying ground water, 1960-62, p 426.

LAW REVIEW CITATIONS: 45 OLR 278, 279; 3 WLJ 382.

#### 536.230

ATTY. GEN. OPINIONS: Validity of law creating board to be appointed by the Governor, 1954-56, p 96.

LAW REVIEW CITATIONS: 45 OLR 279.

#### 536.240

ATTY. GEN. OPINIONS: Same person serving as member of State Water Resources Board, as manager and secretary of irrigation district and as county judge, 1958-60, p 308.

#### 536.300

ATTY. GEN. OPINIONS: Formulation of water resources program, 1956-58, p 299; classifying ground water, 1960-62, p 426.

LAW REVIEW CITATIONS: 45 OLR 279, 282, 285; 3 WLJ 280, 382.

#### 536.310

CASE CITATIONS: Phillips v. Gardner, (1970) 2 Or App 423, 469 P2d 42.

ATTY. GEN. OPINIONS: Facts relevant to water resources study, 1956-58, p 299; classifying ground water, 1960-62, p 426.

LAW REVIEW CITATIONS: 45 OLR 279, 283; 3 WLJ 280, 384, 387.

## 536.320

CASE CITATIONS: Phillips v. Gardner, (1970) 2 Or App 423, 469 P2d 42.

ATTY. GEN. OPINIONS: Same person serving as member of State Water Resources Board, as manager and secretary of irrigation district and as county judge, 1958-60, p 308.

## 536.330

CASE CITATIONS: Phillips v. Gardner, (1970) 2 Or App 423, 469 P2d 42.

ATTY. GEN. OPINIONS: Classifying ground water, 1960-62, p 426.

## 536.340

ATTY. GEN. OPINIONS: Facts relevant to water resources study, 1956-58, p 299; classifying ground water, 1960-62, p 426.

## 536.350

ATTY. GEN. OPINIONS: Construing statement of state water resources policy, 1956-58, p 299.

## 536.360

ATTY. GEN. OPINIONS: Construing statement of state water resources policy, 1956-58, p 299; classifying ground water, 1960-62, p 426.

## 536.370

ATTY. GEN. OPINIONS: Construing statement of state water resources policy, 1956-58, p 299; application of Administrative Procedures Act to notice and hearing requirements, 1958-60, p 282; classifying ground water as a restriction to particular uses, 1960-62, p 426.

## 536.380

ATTY. GEN. OPINIONS: Manner and method of water resources study, 1956-58, p 299; application of Administrative Procedures Act to notice and hearing requirements, 1958-60, p 282; classification of ground waters as a restriction to particular uses, 1960-62, p 426.

## 536.390

ATTY. GEN. OPINIONS: Manner and method of water resources study, 1956-58, p 299; classification of ground waters as a restriction to particular uses, 1960-62, p 426.

## 536.400

ATTY. GEN. OPINIONS: Manner and method of water resources study, 1956-58, p 299.

## 536.410

ATTY. GEN. OPINIONS: Construing statement of state water resources policy, 1956-58, p 299.

LAW REVIEW CITATIONS: 3 WLJ 282.

## 536.420

ATTY. GEN. OPINIONS: Construing proposed Columbia Interstate Compact, 1964-66, p 146.

## 536.440

ATTY. GEN. OPINIONS: Manner and method of water resources study, 1956-58, p 299.

## 536.450

ATTY. GEN. OPINIONS: Construing statement of state water resources policy, 1956-58, p 299.

## 536.470

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.

## 536.560

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