

Chapter 545

Irrigation Districts

Chapter 545

NOTES OF DECISIONS

An irrigation district constitutes a complete and independent corporate entity. *Harney Valley Irr. Dist. v. Weittenhiller*, (1921) 101 Or 1, 198 P 1093.

An irrigation district is a municipal corporation, its property public property, and its officers public officers, with duties and powers fixed and limited by the law of their creation. *Twohy Bros. Co. v. Ochoco Irr. Dist.*, (1923) 108 Or 1, 210 P 873, 216 P 189.

An irrigation district has no powers, either governmental or proprietary, except those granted to it by the legislature, either express or by clear implication. *Redmond Realty Co. v. Central Ore. Irr. Dist.*, (1932) 140 Or 282, 12 P2d 1097.

An irrigation district is a quasi-municipal corporation having no specific charter and one which is organized for a particular purpose only. *Central Pac. R. Co. v. Ager*, (1933) 144 Or 527, 25 P2d 927.

FURTHER CITATIONS: *Peterkort & Co. v. E. Wash. County Zoning Dist.*, (1957) 211 Or 188, 313 P2d 773, 314 P2d 912; *Cook v. Hill* (1960) 224 Or 565, 356 P2d 1067; *United States v. Howell*, (1965) 251 F Supp 787; *Union Pac R.R. v. Vale, Oregon Irr. Dist.*, (1966) 253 F Supp 251.

ATTY. GEN. OPINIONS: Construing "owner of land" as to tenants by the entirety, 1948-50, p 171; assessment of district for water supplied as an assessment for local improvements, 1952-54, p 4; absentee voters at district elections, 1954-56, p 113; signing poll books, notice in district elections, 1954-56, p 213; authority to distribute water to landowners and collect charges, 1956-58, p 260; other municipal districts under people's utility district law, 1960-62, p 325; taxation of interest on district obligations, 1962-64, p 77; fuel tax refunds for fuel used on district roads, 1962-64, p 81; enforcing statute prohibiting extraterritorial use of district equipment, 1964-66, p 418.

LAW REVIEW CITATIONS: 45 OLR 280, 284; 46 OLR 160; 47 OLR 16-70.

545.002

NOTES OF DECISIONS

Former similar statute did not violate Ore. Const. Art. II, §2. *Board of Directors v. Peterson*, (1913) 64 Or 46, 128 P 123.

Owners of land which can be irrigated were the only ones qualified to sign the petition. *Herrett v. Warm Springs Irr. Dist.*, (1917) 86 Or 343, 168 P 609.

Oregon took the Irrigation District Act from California and the decisions of the courts of that state are highly persuasive in construing our Act. *Todd v. Bigham*, (1964) 238 Or 374, 390 P2d 168, 395 P2d 163.

FURTHER CITATIONS: *Hanley Co. v. Harney Valley Irr. Dist.*, (1919) 93 Or 78, 89, 180 P 724, 182 P 559; *Gard v. Henderson*, (1920) 95 Or 520, 187 P 839; *Peterkort & Co.*

v. E. Wash. County Zoning Dist., (1957) 211 Or 188, 313 P2d 773, 314 P2d 912.

ATTY. GEN. OPINIONS: Construing "owner of land" as to tenants by the entirety, 1948-50, p 171; right of director to retain his office after he incorporates his holdings located in the district, 1948-50, p 406; signing poll books, notice in district elections, 1954-56, p 213; maintaining negligence action against district, 1960-62, p 204; constitutionality of voter qualification, (1968) Vol 34, p 263.

LAW REVIEW CITATIONS: 9 OLR 504; 4 WLJ 563.

545.004

NOTES OF DECISIONS

Proceedings for organization of district were regular. *Board of Directors v. Peterson*, (1913) 64 Or 46, 128 P 837, 129 P 123; *Links v. Anderson*, (1917) 86 Or 508, 168 P 605; *Re Grants Pass Irr. Dist.*, (1918) 87 Or 643, 171 P 486.

Sufficiency of petition was sustained. *Herrett v. Warm Springs Irr. Dist.*, (1917) 86 Or 343, 168 P 609; *Hanley Co. v. Harney Valley Irr. Dist.*, (1919) 93 Or 78, 180 P 724, 182 P 559; *Re Harper Irr. Dist.*, (1923) 108 Or 598, 216 P 1020.

Publication of the petition and notice was essential to jurisdiction to establish the district. *Hanley Co. v. Harney Valley Irr. Dist.*, (1919) 93 Or 78, 180 P 724, 182 P 559; *Re Harper Irr. Dist.*, (1923) 108 Or 598, 216 P 1020.

Affidavit of publication was insufficient proof of compliance with law. *Hanley Co. v. Harney Valley Irr. Dist.*, (1919) 93 Or 78, 180 P 724, 182 P 559.

Judicial notice was taken of the organization of an irrigation district. *Harney Valley Irr. Dist. v. Weittenhiller*, (1921) 101 Or 1, 198 P 1093.

Bond was insufficient because conditioned in the sum of \$1,000 rather than for whatever cost might be adjudged in case the petition was not granted. *Greig v. Owyhee Irr. Dist.*, (1921) 102 Or 265, 202 P 222.

Sureties were not required to be disinterested persons. *Id.*

Decree adjudging establishment of district according to law was not subject to attack because of giving of notice. *Weber v. Jordan Valley Irr. Dist.*, (1923) 109 Or 426, 220 P 146.

ATTY. GEN. OPINIONS: Absentee voters at district elections, 1948-50, p 100; application of carrier regulations to district, 1962-64, p 158.

LAW REVIEW CITATIONS: 3 WLJ 296.

545.006

NOTES OF DECISIONS

The technicalities of an action at law need not be observed in a proceeding for the organization of an irrigation district. *Hanley Co. v. Harney Valley Irr. Dist.*, (1919) 93 Or 78, 180 P 724, 182 P 559.

The county judge has jurisdiction of the proceeding without the attendance of the county commissioners; the organization of an irrigation district not being county business. *Harney Valley Irr. Dist. v. Weittenhiller*, (1921) 101 Or 1, 198 P 1093.

The order concerning the number of petitioners, etc., should have stated all the facts found or determined by the court upon the hearing. *Hanley Co. v. Harney Valley Irr. Dist.*, (1919) 93 Or 78, 180 P 724, 182 P 559.

Lands which were within the district and susceptible of irrigation from the system were presumed to be benefited thereby, in the absence of a contrary determination obtained later upon a petition for the exclusion of particular tracts. *Re Harper Irr. Dist.*, (1923) 108 Or 598, 216 P 1020.

Finding of court, declaring district to have been organized, was conclusive against collateral attack in a proceeding for the cancelation of warrants issued by the district. *Northern Pac. R. Co. v. John Day Irr. Dist.*, (1923) 106 Or 140, 211 P 781.

FURTHER CITATIONS: *Todd v. Bigham*, (1964) 238 Or 374, 390 P2d 168, 395 P2d 163.

545.008

ATTY. GEN. OPINIONS: Effect of subdistricting, (1968) Vol 34, p 263.

545.010

CASE CITATIONS: *Re Application of Riggs*, (1922) 105 Or 531, 207 P 175, 1005, 210 P 217.

545.012

NOTES OF DECISIONS

To overcome the prima facie validity of an election, facts must be stated which, if sustained by proof, would render it the duty of the court to vacate the election or declare the result to have been otherwise. *Re Application of Riggs*, (1922) 105 Or 531, 207 P 175, 210 P 217.

FURTHER CITATIONS: *Harney Valley Irr. Dist. v. Weittenhiller*, (1921) 101 Or 1, 198 P 1093.

ATTY. GEN. OPINIONS: Vacancy in office as to board member who loses qualifications, 1948-50, p 406; absentee voters at district elections, 1954-56, p 113; signing poll books, 1954-56, p 213.

545.014

ATTY. GEN. OPINIONS: Election to be held even though the day is a holiday, 1940-42, p 349; procedure when a tie election, 1948-50, p 347; right of director of irrigation district to retain his office after he incorporates his holdings located in the district, 1948-50, p 406; construing regular general election, 1952-54, p 220; election held on holiday, 1958-60, p 53; procedure to resign, 1962-64, p 231; electing a successor to an office held by a holdover after a tie vote, 1964-66, p 346; effect of subdistricting, (1968) Vol 34, p 263.

545.026

ATTY. GEN. OPINIONS: Regarding the right to consider and count votes for candidates for office of director of irrigation district who were not regularly nominated and whose names were written in on the ballot, 1932-34, p 88; elector of a previously organized irrigation district as entitled to cast vote for director as an absentee voter at the district election, 1936-38, p 86; absent voters in irrigation district elections, 1954-56, p 113.

545.028

ATTY. GEN. OPINIONS: Absentee voters at district elections, 1954-56, p 113.

545.030

NOTES OF DECISIONS

The fact that the polls were not kept open during the full statutory period was not a ground for contesting the election. *Links v. Anderson*, (1917) 86 Or 508, 168 P 605, 1182.

ATTY. GEN. OPINIONS: Absentee voters at district elections, 1954-56, p 113.

545.032

CASE CITATIONS: *Cook v. Hill*, (1960) 224 Or 565, 356 P2d 1067.

ATTY. GEN. OPINIONS: Signing poll books, notice in district elections, 1954-56, p 213.

545.034

CASE CITATIONS: *Cook v. Hill*, (1960) 224 Or 565, 356 P2d 1067.

545.036

CASE CITATIONS: *Cook v. Hill*, (1960) 224 Or 565, 356 P2d 1067.

545.038

NOTES OF DECISIONS

An appeal must be taken in conformity with this section. *Allen v. Levens*, (1921) 101 Or 466, 198 P 907, 199 P 595.

Notice of contest was sufficient. *Hendricksen v. Clark*, (1921) 102 Or 250, 201 P 1071.

FURTHER CITATIONS: *Re Application of Riggs*, (1922) 105 Or 531, 545, 207 P 175, 1005, 210 P 217; *Cook v. Hill*, (1960) 224 Or 565, 356 P2d 1067.

545.040

NOTES OF DECISIONS

This section makes irrigation districts subject to the provisions of the Act of 1917. *Re Bd. of Directors of North Unit Irr. Dist.*, (1919) 91 Or 33, 178 P 186.

545.062

NOTES OF DECISIONS

Moneys of an irrigation district, although collected by county officials, belong to the district; they do not become county funds. *State v. Crook County Bank*, (1922) 104 Or 495, 501, 208 P 749.

Contract for furnishing water to a city was not illegal. *Butler & Thompson Co. v. City of Ashland*, (1924) 109 Or 683, 222 P 346.

FURTHER CITATIONS: *Twohy Bros. Co. v. Ochoco Irr. Dist.*, (1923) 108 Or 1, 16, 210 P 873, 216 P 189; *Lewis v. Klamath Irr. Dist.*, (1964) 237 Or 466, 391 P2d 774.

ATTY. GEN. OPINIONS: County treasurer as ex officio treasurer of irrigation district, and right to extra compensation for such services, 1920-22, p 655; authority of county treasurer to deliver to reclamation commission refunding

bonds and money received from sale of surplus water, 1928-30, p 350; payment of court fees by an irrigation district, 1948-50, p 242; duty of county treasurer to keep a bond register, 1950-52, p 393; authority to distribute water to landowners and collect charges, 1956-58, p 260; 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.

545.064

NOTES OF DECISIONS

United States is not a necessary or proper party to suit by district involving water acquired from United States and distributed by district. *Enterprise Irr. Dist. v. Enterprise Land & Inv. Co.*, (1931) 137 Or 468, 300 P 507.

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; action against irrigation district for flood damage, 1960-62, p 204; authority of district attorney to prosecute persons violating subsection (2), 1964-66, p 418.

545.070

NOTES OF DECISIONS

District had the right to assert invalidity of contract for construction work. *Twohy Bros. Co. v. Ochoco Irr. Dist.*, (1923) 108 Or 1, 16, 210 P 873, 216 P 189.

Contract authorizing landowner to use escaping water was not beyond the powers of the district. *Barker v. Sonner*, (1931) 135 Or 75, 294 P 1053.

545.074

NOTES OF DECISIONS

A contract for construction of irrigation works entered into by the district without advertising for bids was invalid, and the district was not liable for work performed pursuant to the contract. *Twohy Bros. Co. v. Ochoco Irr. Dist.*, (1923) 108 Or 1, 210 P 873, 216 P 189.

545.082

NOTES OF DECISIONS

Provisions relating to interest acquired by condemnation are to be construed strictly. *Warm Springs Irr. Dist. v. Pac. Livestock Co.*, (1921) 270 Fed 560.

Interest in reservoir site acquired by condemnation was an easement only. *Id.*

FURTHER CITATIONS: *Richmond Inv. Co. v. United States*, (1957) 249 F2d 811.

ATTY. GEN. OPINIONS: Regarding method whereby irrigation district can obtain the right to construct laterals on county road to deliver water to tracts of land, 1920-22, p 85; authority of irrigation district to enter upon land owned by the state and lying within such district and to construct a drainage ditch through the same, 1936-38, p 169.

LAW REVIEW CITATIONS: 45 OLR 280; 46 OLR 160; 47 OLR 16-70.

545.084

LAW REVIEW CITATIONS: 46 OLR 133, 143.

545.086

LAW REVIEW CITATIONS: 46 OLR 143.

545.088

LAW REVIEW CITATIONS: 45 OLR 285.

545.090

CASE CITATIONS: *Richmond Inv. Co. v. United States*, (1957) 249 F2d 811.

ATTY. GEN. OPINIONS: Canal roads of district as privately-owned roads and not public highways, 1948-50, p 114.

545.102

NOTES OF DECISIONS

Contract to furnish water to a city was not illegal for want of restriction of use of water to irrigation. *Butler & Thompson Co. v. City of Ashland*, (1924) 109 Or 683, 222 P 346.

An agreement between an irrigation district and a landowner whereby the latter became entitled to retain certain waste waters in consideration of his release of the district from all claims for damages was not in excess of the powers granted to the district. *Barker v. Sonner*, (1931) 135 Or 75, 294 P 1053.

LAW REVIEW CITATIONS: 45 OLR 280, 283.

545.104

ATTY. GEN. OPINIONS: Statute as applicable only to land not subject to assessment by irrigation district, 1924-26, p 333.

545.106

LAW REVIEW CITATIONS: 45 OLR 280.

545.108

ATTY. GEN. OPINIONS: Right of district to foreclose assessment lien where improvement not attached to particular property, 1950-52, p 421.

545.110

CASE CITATIONS: *Warm Springs Irr. Dist. v. Pac. Live Stock Co.*, (1921) 270 Fed 560.

LAW REVIEW CITATIONS: 25 OLR 1401; 45 OLR 280, 281, 283; 46 OLR 160; 47 OLR 16-70.

545.144

NOTES OF DECISIONS

This section does not constitute a deprivation of property without due process of law. *Johnson v. Warm Springs Irr. Dist.*, (1926) 118 Or 239, 246 P 527.

545.192

NOTES OF DECISIONS

The purpose of issuance of bonds may not be abandoned by directors, and the bonds be sold to finance a different project, and such purpose must be stated in the call for election. *Medford Irr. Dist. v. Hill*, (1920) 96 Or 649, 190 P 957.

Everyone dealing with an irrigation district is charged with notice of the extent of its powers and the legislative limitations and restrictions upon the exercise thereof. *Richmond Realty Co. v. Central Ore. Irr. Dist.*, (1932) 140 Or 282, 12 P2d 1097.

Jurisdiction to determine regularity of proceedings authorizing issuance and sale of bonds was acquired by court. *Harney Valley Irr. Dist. v. Bolton*, (1923) 109 Or 486, 221 P 171.

The board of directors was without authority to issue bonds for the purpose of paying outstanding warrants issued for purposes of operation and maintenance. *Redmond Realty Co. v. Central Ore. Irr. Dist.*, (1932) 140 Or 282, 12 P2d 1097.

ATTY. GEN. OPINIONS: Regarding sufficiency of notice, 1920-22, p 223; duty of reclamation commission in connection with claim that a certificate of deposit of bonds has been mislaid or lost, 1934-36, p 319; legality and effect of affidavit as to loss or destruction of certificate of deposit for irrigation district bonds, 1934-36, p 319; absent voters in irrigation district elections, 1954-56, p 113.

545.196

ATTY. GEN. OPINIONS: Duty of county treasurer as mandatory under this section, 1950-52, p 393.

545.202

NOTES OF DECISIONS

Publication of notice was sufficient. *Payette-Ore. Slope Irr. Dist. v. Peterson*, (1915) 76 Or 630, 149 P 1051.

Directors did not have authority to execute an option agreement for the sale of bonds. *Young v. Gard*, (1929) 129 Or 534, 277 P 1005.

545.204

NOTES OF DECISIONS

The plaintiff could, in a proceeding in mandamus, compel the levy of assessments. *Kollock v. Barnard*, (1926) 116 Or 694, 242 P 847.

Bonds of district were not secured by a lien on the property of the district. *Johnson v. Warm Springs Irr. Dist.*, (1926) 118 Or 239, 247, 246 P 527.

FURTHER CITATIONS: *Re Harper Irr. Dist.*, (1923) 108 Or 598, 615, 216 P 1020; *State v. McClain*, (1931) 136 Or 53, 298 P 211; *Warm Springs Irr. Dist. v. Holman*, (1934) 146 Or 110, 29 P2d 825; *Buell v. Jefferson County*, (1944) 175 Or 402, 152 P2d 578, 154 P2d 188.

ATTY. GEN. OPINIONS: Payment of irrigation district bonds, 1924-26, p 512.

545.206

NOTES OF DECISIONS

The assessment of each year should be sufficiently broad to take care of actual and contemplated delinquencies in prior assessments. *Noble v. Yancy*, (1925) 116 Or 356, 241 P 335.

Provisions for delinquencies must be made in computing the amount to be raised. *Kollock v. Barnard*, (1926) 116 Or 694, 242 P 847.

545.208

NOTES OF DECISIONS

Assessment liens do not have priority over mortgages securing the payment of common school funds. *Eagle Point Irr. Dist. v. Cowden*, (1931) 137 Or 121, 1 P2d 605.

Bonds of district were not secured by a lien on the property of the district. *Johnson v. Warm Springs Irr. Dist.*, (1926) 118 Or 239, 246 P 527.

A State Land Board mortgage securing moneys of the

Common School Fund was inferior to bonds of an irrigation district of a prior issue and sums levied and assessed for the annual service of such bonds and maintenance. *State Land Bd. v. Davidson*, (1934) 147 Or 504, 34 P2d 608.

ATTY. GEN. OPINIONS: Irrigation district bonds as liens upon assessments levied on property within irrigation district for the payment thereof, 1932-34, p 223; liability for irrigation taxes assessed upon real property covered by mortgage to State Land Board and sold at foreclosure sale, 1936-38, p 555; right of district to foreclose assessment lien where improvement not attached to particular property, 1950-52, p 421.

545.210

ATTY. GEN. OPINIONS: Participation by irrigation district in distribution of proceeds derived from sale of property acquired by county by tax deed, 1924-26, p 389; right of irrigation district to exclusively purchase property, acquired by the county for delinquent taxes, where district has not constructed any local improvements on it, 1950-52, p 421.

545.212

CASE CITATIONS: *Lewis v. Klamath Irr. Dist.*, (1964) 237 Or 466, 391 P2d 774.

545.226

NOTES OF DECISIONS

This section is constitutional. There is nothing in the Constitution which prohibits the legislature from canceling or authorizing the cancellation of such evidences of indebtedness under the conditions contemplated. *Warm Springs Irr. Dist. v. Holman*, (1934) 146 Or 110, 29 P2d 825.

The legislature intended to authorize the reclamation commission to cancel only so much of the indebtedness of any district to the state as it found the district unable to pay. Id.

ATTY. GEN. OPINIONS: Method of cancellation and delivery of certificate of indebtedness, 1934-36, p 128.

545.242

NOTES OF DECISIONS

It was not the intention of the legislature to permit irrigation districts to issue bonds for their running expenses, except in refunding all of their indebtedness, with the consent of the reclamation commission. *Redmond Realty Co. v. Central Ore. Irr. Dist.*, (1932) 140 Or 282, 12 P2d 1097.

FURTHER CITATIONS: *Warm Springs Irr. Dist. v. May*, (1941) 117 F2d 802.

545.260

ATTY. GEN. OPINIONS: When the reclamation commission, or secretary thereof, has authority to sign receipts and memorandum of sale in connection with adjustment and deposit of bonds of irrigation district, 1934-36, p 262; duty of county treasurer to keep a bond register, 1950-52, p 393.

545.280

NOTES OF DECISIONS

A decree adjudging the consent of dissenting bondholders is conclusive against collateral attack unless void for want of jurisdiction of the subject matter or persons. *Warm Springs Irr. Dist. v. May*, (1941) 117 F2d 802.

545.320

ATTY. GEN. OPINIONS: Authority of commission to pay bonds presented, reserving funds available for payment of coupons until they are properly presented, 1940-42, p 413.

545.432

NOTES OF DECISIONS

A former similar statute was held constitutional. Cannon v. Hood River Irr. Dist., (1916) 79 Or 71, 154 P 397; Northern Pac. R. Co. v. John Day Irr. Dist., (1923) 106 Or 140, 211 P 781; Northwestern Imp. Co. v. John Day Irr. Dist., (1922) 286 Fed 294.

The implied intention of the legislature was not to restrict the right of an irrigation district to appropriate water for land not included within its boundaries. Butler & Thompson Co. v. City of Ashland, (1924) 109 Or 683, 222 P 346.

ATTY. GEN. OPINIONS: Right of district to foreclose assessment lien where improvement not attached to particular property, 1950-52, p 421; assessment of district for water supplied as an assessment for local improvements, 1952-54, p 4.

545.434

NOTES OF DECISIONS

Owners were not entitled to notice and an opportunity to be heard upon the question of benefits to their lands. Re Harper Irr. Dist., (1923) 108 Or 598, 600, 216 P 1020.

The writ properly directed that the assessment be levied against all lands, including those purchased by the district on foreclosure of certificates of delinquencies for taxes. State v. McClain, (1931) 136 Or 53, 298 P 211.

ATTY. GEN. OPINIONS: Land owned by an irrigation or drainage district in a proprietary capacity as subject to district assessments which may not be canceled, 1942-44, p 122.

545.448

NOTES OF DECISIONS

Absence of proof of publication of notice was not a jurisdictional defect. Northern Pac. R. Co. v. John Day Irr. Dist., (1923) 106 Or 140, 211 P 781.

In a suit to foreclose a certificate of delinquency, a landowner who has not taken advantage of the remedies that the law affords him could not receive the benefit of the remedy he should have sought before the board of equalization. Klamath County v. Colonial Realty Co., (1932) 139 Or 311, 7 P2d 976.

545.450

NOTES OF DECISIONS

Failure to appeal to the board of equalization for relief does not estop the landowner from asserting the invalidity of an assessment upon grounds of a jurisdictional character. Payette-Ore. Slope Irr. Dist. v. Coughanour, (1939) 162 Or 458, 91 P2d 526.

FURTHER CITATIONS: Northern Pac. R. Co. v. John Day Irr. Dist., (1923) 106 Or 140, 211 P 781.

545.452

NOTES OF DECISIONS

Priority of irrigation district assessment liens over mortgages securing the payment of Common School Fund was

not intended by this section. Eagle Point Irr. Dist. v. Cowden, (1931) 137 Or 121, 1 P2d 605.

A State Land Board mortgage securing moneys of the Common School Fund was inferior to bonds of an irrigation district of a prior issue. State Land Board v. Davidson, (1934) 147 Or 504, 34 P2d 608.

FURTHER CITATIONS: Horsefly Irr. Dist. v. Hawkins, (1928) 127 Or 176, 182, 271 P 194; Jordan Valley Irr. Dist. v. Title & Trust Co., (1936) 154 Or 76, 84, 58 P2d 606; Buell v. Jefferson County, (1944) 175 Or 402, 152 P2d 578, 154 P2d 188.

ATTY. GEN. OPINIONS: Payment of taxes for operation and maintenance to the exclusion of other taxes, 1924-26, p 550; right of irrigation district to withhold water from real property acquired by State Land Board by foreclosure, 1934-36, p 379; the state as required to pay taxes against lands in irrigation districts before they are sold, resold or contract of sale executed, 1936-38, p 479; liability for irrigation taxes assessed upon real property covered by mortgage to State Land Board and sold at foreclosure sale, 1936-38, p 555; application to payment of taxes of money received by State Land Board from sale of crop on land sold on a contract which had been canceled, 1940-42, p 293; when irrigation district levies must be made and when certified to county assessor, 1940-42, p 357; foreclosing lien of irrigation taxes with county taxes, or separately, 1940-42, p 479; statutes requiring payment of interest and penalties on delinquent taxes as applicable to state owned lands, 1942-44, p 274; constitutionality of using highway funds to compensate for exclusion of land from irrigation districts, 1960-62, p 201; exemption of state lands from district assessments, 1964-66, p 391.

545.460

ATTY. GEN. OPINIONS: Right of irrigation district to withhold water from real property acquired by State Land Board by foreclosure, 1934-36, p 379.

545.490

NOTES OF DECISIONS

Failure to appeal to the board of equalization did not preclude landowners from maintaining a suit for the cancellation of unpaid taxes and charges and for damages because of the failure of the district to supply water. Smith v. Enterprise Irr. Dist., (1939) 160 Or 372, 85 P2d 1021.

FURTHER CITATIONS: Todd v. Bigham, (1964) 238 Or 374, 390 P2d 168, 395 P2d 163.

545.492

NOTES OF DECISIONS

An assessment order may be attacked by a proceeding under the Confirmation Act. Todd v. Bigham, (1964) 238 Or 374, 390 P2d 168, 395 P2d 163.

Appeal was properly dismissed. Id.

545.522

ATTY. GEN. OPINIONS: Duty of secretary of irrigation district as mandatory under this section, 1950-52, p 393.

545.562

NOTES OF DECISIONS

The submission of claims on vouchers is mandatory. Young v. Gard, (1929) 129 Or 534, 277 P 1005; Lewis v. Klamath Irr. Dist., (1964) 237 Or 466, 391 P2d 774.

FURTHER CITATIONS: Taylor v. Eagle Point Irr. Dist., (1970) 3 Or App 545, 474 P2d 774, Sup Ct review denied.

ATTY. GEN. OPINIONS: Order of payment of warrants issued by irrigation district, 1936-38, p 690; application of interest which has accrued since maturity of bonds and interest coupons, 1940-42, p 220; authority of county treasurer to indorse warrants presented in accordance with this section where they are drawn against a delinquent tax fund and there is no current levy, 1952-54, p 60.

545.563

CASE CITATIONS: Lewis v. Klamath Irr. Dist., (1964) 237 Or 466, 391 P2d 774.

545.582

NOTES OF DECISIONS

The court took judicial notice of the boundaries of an irrigation district. Harney Valley Irr. Dist. v. Weittenhiller, (1921) 101 Or 1, 198 P 1093.

545.584

CASE CITATIONS: Lewis v. Klamath Irr. Dist., (1964) 237 Or 466, 391 P2d 774.

545.586

CASE CITATIONS: Todd v. Bigham, (1964) 238 Or 374, 390 P2d 168, 395 P2d 163.

545.588

CASE CITATIONS: Todd v. Bigham, (1964) 238 Or 374, 390 P2d 168, 395 P2d 163.

545.592

CASE CITATIONS: Todd v. Bigham, (1964) 238 Or 374, 390 P2d 168, 395 P2d 163.

545.594

NOTES OF DECISIONS

The appeal procedure referred to is in effect that provided for appeals from justice courts. Todd v. Bigham, (1964) 238 Or 374, 390 P2d 168, 395 P2d 163.

545.602

NOTES OF DECISIONS

The owner was entitled to have his tract excluded where the land receives irrigation from another system. Re Harper Irr. Dist., (1923) 108 Or 598, 600, 216 P 1020.

The fact that the exclusion of railroad lands from an irrigation district slightly increased the amount chargeable to other lands of the district for operation and maintenance costs was no ground for refusing to exclude the railroad lands. Central Pac. R. Co. v. Ager, (1933) 144 Or 527, 25 P2d 927.

FURTHER CITATIONS: United States v. Aho, (1943) 51 F Supp 137.

545.604

ATTY. GEN. OPINIONS: Constitutionality of using highway funds to compensate for exclusion of land from irrigation districts, 1960-62, p 201.

545.606

NOTES OF DECISIONS

Where lands in two counties are sought to be excluded, publication of notice in a newspaper in but one of the counties is insufficient. Re Application of Riggs, (1922) 105 Or 531, 207 P 175, 210 P 217.

A notice of appeal from the decision of the board of directors need not be served upon interested landowners who have appeared and filed objections against the exclusion of lands in the district. Central Pac. R. Co. v. Ager, (1933) 144 Or 527, 25 P2d 927.

FURTHER CITATIONS: Hanley Co. v. Harney Valley Irr. Dist., (1919) 93 Or 78, 180 P 724, 182 P 559.

545.608

NOTES OF DECISIONS

The proceeding is a special statutory proceeding and the rules applicable to ordinary civil actions do not apply. Central Pac. R. Co. v. Ager, (1933) 144 Or 527, 25 P2d 927.

545.618

ATTY. GEN. OPINIONS: Effect of subdistricting, (1968) Vol 34, p 263.

545.620

ATTY. GEN. OPINIONS: Constitutionality of using highway funds to compensate for exclusion of land from irrigation districts, 1960-62, p 201.

545.624

ATTY. GEN. OPINIONS: Effect of subdistricting, (1968) Vol 34, p 263.