

Chapter 547

Drainage Districts

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NOTES OF DECISIONS

The state and its instrumentalities have no power to subject the lands of federal sovereign to assessment. *Peninsula Drainage Dist. 2 v. Portland*, (1958) 212 Or 398, 320 P2d 277.

FURTHER CITATIONS: *Tillman v. United States*, (1956) 232 F2d 511.

ATTY. GEN. OPINIONS: Application to drainage districts of law requiring public contractors to pay prevailing wage, 1958-60, p 317; taxation of interest on district obligations, 1962-64, p 77; authority of district to levy assessments on county roads, 1966-68, p 140.

LAW REVIEW CITATIONS: 47 OLR 16-70.

547.005 to 547.055

ATTY. GEN. OPINIONS: Application to districts of taxes and regulations administered by Public Utility Commissioner, 1962-64, p 158; authority of drainage districts to levy assessments on county roads, 1966-68, p 140.

547.005

ATTY. GEN. OPINIONS: District as a municipality qualified under the people's utility district law, 1960-62, p 325; constitutionality of voter qualification, (1968) Vol 34, p 263.

LAW REVIEW CITATIONS: 45 OLR 281.

547.010

NOTES OF DECISIONS

1915 c. 340 is valid as it does not tax the people of the district without their consent, in violation of Ore. Const. Art. I, §32. *State v. Mehaffey*, (1917) 82 Or 683, 237 P 684, 239 P 193.

Only benefited lands should be included in a district. *Re Scappoose Drainage Dist.*, (1925) 115 Or 541, 237 P 684, 239 P 193.

FURTHER CITATIONS: *Rees v. Valley Drainage Dist.*, (1921) 101 Or 65, 199 P 178; *Stafford v. Multnomah County Drainage Dist.*, (1922) 103 Or 197, 204 P 158; *Norby v. Section Line Drainage Dist.*, (1938) 159 Or 80, 82, 76 P2d 966; *State v. Bishop*, (1942) 169 Or 448, 127 P2d 736; *Delta Farms v. Scappoose Drainage Dist.*, (1955) 206 Or 99, 288 P2d 816, 291 P2d 762.

547.045

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

ATTY. GEN. OPINIONS: Diking district levy on port district land, 1962-64, p 59; authority of district to levy assessments on county roads, 1966-68, p 140.

547.055

NOTES OF DECISIONS

Organization of district was valid. *Re Scappoose Drainage District*, (1925) 115 Or 541, 237 P 684, 1117, 1118, 239 P 193.

547.105

ATTY. GEN. OPINIONS: District as a municipality qualified under the people's utility district law, 1960-62, p 325; application to districts of taxes and regulations administered by Public Utility Commissioner, 1962-64, p 158; constitutionality of voter qualification, (1968) Vol 34, p 263.

547.110

ATTY. GEN. OPINIONS: Construing regular general election, 1952-54, p 220; constitutionality of voter qualification, (1968) Vol 34, p 263.

547.140

ATTY. GEN. OPINIONS: Application to districts of taxes and regulations administered by Public Utility Commissioner, 1962-64, p 158.

547.210

NOTES OF DECISIONS

Only lands which will be benefited should be included in a district. *Re Scappoose Drainage Dist.*, (1925) 115 Or 541, 237 P 684, 1117, 1118, 239 P 193.

A landowner could not complain that, though the plan for a ditch did not so provide, earth excavated was placed on the land of another owner to serve as a barrier against high water. *Arstill v. Fletcher*, (1920) 95 Or 308, 187 P 854.

One signing a petition for establishment of a drainage district was not heard to complain that he signed with the understanding that certain land excluded by the county court was to be included therein. *Rees v. Valley View Drainage Dist.*, (1921) 101 Or 65, 199 P 178.

A finding that lands will be benefited, not having been appealed from, created a presumption that all lands included in the district will benefit from the improvement. *Re Scappoose Drainage Dist.*, (1925) 115 Or 541, 237 P 684, 239 P 193.

547.225

CASE CITATIONS: *Re Scappoose Drainage Dist.*, (1925) 115 Or 541, 237 P 684, 1117, 1118, 239 P 193; *Delta Farms v. Scappoose Drainage Dist.*, (1955) 206 Or 99, 288 P2d 816, 291 P2d 762.

ATTY. GEN. OPINIONS: Authority of drainage districts to levy assessments on county roads, 1966-68, p 140.

547.235

NOTES OF DECISIONS

The state and its instrumentalities have no power to subject the lands of federal sovereign to assessment. *Peninsula Drainage Dist. 2 v. Portland*, (1958) 212 Or 398, 320 P2d 277.

ATTY. GEN. OPINIONS: Authority of drainage districts to levy assessments on county roads, 1966-68, p 140.

547.240

ATTY. GEN. OPINIONS: Authority of drainage districts to levy assessments on county roads, 1966-68, p 140.

547.245

ATTY. GEN. OPINIONS: Authority to redeem warrants without reference to time of presentment, 1934-36, p 748; authority of drainage districts to levy assessments on county roads, 1966-68, p 140.

547.305

NOTES OF DECISIONS

Landowners were entitled to enjoin construction of levee on their lands. *Stafford v. Multnomah County Drainage Dist. 1*, (1922) 103 Or 197, 204 P 158.

Land was condemned for drainage works by following the procedure prescribed by this section. *Re Scappoose Drainage Dist.*, (1925) 115 Or 541, 237 P 684, 1117, 1118, 239 P 193.

ATTY. GEN. OPINIONS: Application to districts of taxes and regulations administered by Public Utility Commissioner, 1962-64, p 158.

LAW REVIEW CITATIONS: 45 OLR 281; 46 OLR 134.

547.310

NOTES OF DECISIONS

In determining a dispute as to the propriety of the action of district officers, much must be left to the officers' judgment in executing the plan for improvement. *Arstill v. Fletcher*, (1920) 95 Or 308, 318, 187 P 854.

ATTY. GEN. OPINIONS: Competitive bidding requirements, 1962-64, p 100.

547.325

LAW REVIEW CITATIONS: 45 OLR 281, 283.

547.455 to 547.485

ATTY. GEN. OPINIONS: Authority of drainage districts to

levy assessments on county roads, 1966-68, p 140.

547.455

NOTES OF DECISIONS

The board of supervisors could levy more than one tax. *State v. Bishop*, (1942) 169 Or 448, 127 P2d 736.

The levy of assessments by a drainage district is not the exercise of the power of general taxation, but an apportionment of costs of construction, operation and maintenance of works to parcels of land continuously benefited thereby, and may be made upon real property in the possession of the United States. *United States v. Aho*, (1946) 68 F Supp 358.

The state and its instrumentalities have no power to subject the lands of federal sovereign to assessment. *Peninsula Drainage Dist. 2 v. Portland*, (1958) 212 Or 398, 320 P2d 277.

FURTHER CITATIONS: *United States v. Florea*, (1945) 68 F Supp 367.

ATTY. GEN. OPINIONS: When the state, as mortgagee, accepts a conveyance of title in satisfaction of mortgage debt, the mortgage as extinguished, 1942-44, p 219; drainage district assessments imposed on state-owned land or land mortgaged to state to secure a rural credit fund loan, 1942-44, p 219; 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; constitutionality of taxing district property, 1964-66, p 391.

547.460

ATTY. GEN. OPINIONS: Constitutionality of taxing district property, 1964-66, p 391; authority of drainage districts to levy assessments on county roads, 1966-68, p 140.

547.465

NOTES OF DECISIONS

The growth of native wild grass did not constitute a use of land for growing crops. *Delta Farms v. Scappoose Drainage Dist.*, (1955) 206 Or 99, 288 P2d 816, 291 P2d 762.

547.565

CASE CITATIONS: *Poknapatawpha Drainage Dist. 2 v. United States*, (1957) 242 F2d 925.

ATTY. GEN. OPINIONS: When the lien of bonds issued by drainage district is prior to the lien of a mortgage on lands within the districts, given to secure payments of a loan from the Irreducible School Fund, 1936-38, p 301.

547.760

ATTY. GEN. OPINIONS: Constitutionality of voter qualification, (1968) Vol 34, p 263.

LAW REVIEW CITATIONS: 4 WLJ 491.