

## TITLE 45

# WATER RESOURCES: IRRIGATION, DRAINAGE, FLOOD CONTROL, RECLAMATION

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### Chapter 536

#### State Engineer

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**CROSS REFERENCES**

**536.010**  
Committee on Natural Resources, State Engineer to  
serve on, 182.410  
Limitations on traveling expenses, 292.210 to 292.260  
**536.030**  
Premium on bond, allowance for cost of, 747.110

**536.050**  
Fees for underground water permits to be used for  
survey work, 537.600  
Fees to be paid into State Treasury promptly,  
291.436

**536.010 Appointment of State Engineer; term; qualifications; duties; powers; facilities; expenses; reports.** (1) The Governor, with the approval of the State Reclamation Commission, shall appoint as State Engineer a hydraulic engineer qualified by training and experience, who shall serve for a term of four years unless sooner removed by the commission.

(2) The State Engineer shall perform the duties prescribed by law for him and such other duties incidental thereto as the commission may prescribe.

(3) He may employ assistants, provide material and supplies and incur expenses, necessary for the proper conduct of the business of his office. His office shall be located in the state capital.

(4) He and his authorized assistants and agents may enter upon any private property for the performance of their duties, doing no unnecessary injury thereto.

(5) He shall receive actual traveling and other necessary expenses incurred in the discharge of his official duties.

(6) He shall prepare and deliver to the Governor, on or before November 30 of the year preceding the regular session of the legislature and at other times when required by the Governor, a full report of the work of his office, including a detailed statement of expenditures, with recommendations for legislation he deems advisable.

**536.020 Salary.** Except as otherwise provided in ORS 292.317, the State Engineer shall receive a salary in a sum fixed by the State Reclamation Commission, payable in monthly instalments.

**536.030 Bond and oath.** Before entering upon the duties of his office the State Engineer shall give bond to the state with sufficient sureties in the sum of \$5,000 for the faithful performance of his duties. The bond shall be approved by and filed in the office of the Secretary of State, together with the following oath of office:

I, \_\_\_\_\_, being duly sworn, say that I am the duly appointed State Engineer of Oregon, and that I will faithfully and honestly perform the duties of such office, and that I am not directly or indirectly, pecuniarily or otherwise interested with any person using or to use any of the waters of the state for any beneficial purpose, in such use thereof, and will not during my term of office become so interested therein or receive

any pecuniary aid or benefit therefrom, and shall not permit any assistant employed by me to be so interested or receive any pecuniary aid or benefit from such person while so employed.

**536.040 Public records; copies as evidence.** The records of the office of the State Engineer are public records and shall remain on file in his office and be open to the inspection of the public at all times during business hours. The records shall show in full all maps, profiles, and engineering data relating to the use of water, and certified copies thereof shall be admissible as evidence in all cases where the original would be admissible as evidence.

**536.050 Fees collected by State Engineer.** The following fees shall be collected by the State Engineer in advance, and paid by him into the General Fund of the State Treasury:

(1) For examining an application for permit to appropriate water, \$10.

(2) For filing and recording permit to appropriate water:

(a) For irrigation purposes, \$5 for the first 30 acres, or fraction thereof, to be irrigated; 15 cents for each acre in excess of 30 acres up to and including 100 acres; five cents for each acre in excess of 100 up to and including 1,000 acres; and one cent for each acre in excess of 1,000 acres.

(b) For power purposes, 25 cents for each theoretical horsepower to be developed up to and including 100; 10 cents for each horsepower in excess of 100 up to and including 1,000; and five cents for each horsepower in excess of 1,000.

(c) For storage, a minimum fee of \$5 for the first 100 acre-feet; one cent for each acre-foot in excess of 100 up to and including 1,000 acre-feet; one-half cent for each acre-foot in excess of 1,000 up to and including 20,000 acre-feet; and one-tenth cent per acre-foot for all in excess of 20,000 acre-feet.

(d) For any other purpose, \$10 for the first second-foot or fraction thereof and \$2 for each additional second-foot.

(3) For examining an application for permit and for filing and recording permit to appropriate water for the maintaining of stock ponds for livestock watering purposes, such water to be impounded by the Federal Government on lands included in grazing districts on the public domain as defined by Act of Congress of June 26, 1936, c. 842, 49

Stat. 1976 (Taylor Grazing Act), a fee of \$1. In all other respects the application for permit and filing and recording of such permit shall conform to the provisions of ORS chapter 537, relative to the procedure for the appropriation of water.

(4) For filing or recording any other water right instrument, \$1 for the first 100 words and 10 cents for each additional 100 words or fraction thereof.

(5) For making copy of any document recorded or filed in his office, 10 cents for each 100 words or fraction thereof; but where the amount exceeds \$5, then only the actual cost in excess of that amount shall be charged.

(6) For certifying to copies, documents, records, or maps, \$1 for each certificate.

(7) For blueprint copy of any map or drawing, 10 cents per square foot or fraction thereof. For such other work as may be required of his office, actual cost of the work.

(8) For examining an application for approval of a change in point of diversion, or a change in place of use or change in use of water, \$10.

(9) For filing each application to transfer water rights for irrigation from one tract of land to another or to transfer to irrigation use from any other use, a minimum fee of \$5 for the first 30 acres or fraction thereof; 15 cents for each acre in excess of 30 acres up to and including 100 acres; five cents for each acre in excess of 100 acres up to and including 1,000 acres; and one cent for each acre in excess of 1,000 acres, such fees to be based upon the number of acres to which the water right is transferred.

(10) For filing each application for change in point of diversion, \$5.

(11) For filing each application for a

change in the use theretofore made of the water where the use is other than irrigation, \$10.

(12) For filing any protest with the State Engineer, \$2.

(13) For filing an application for extension of time within which irrigation or other works shall be completed or the right perfected, \$2.

#### **536.060 Appeal from State Engineer.**

Any person who deems himself aggrieved by any order or regulation of the State Engineer may appeal from the same to the circuit court of the county in which the property affected thereby, or any part thereof, is situated. The appeal may be carried from the circuit court to the Supreme Court, and shall be governed by the practice in suits in equity.

**536.070 Legal advice and services.** The Attorney General, and the district attorney of the county in which legal questions arise, shall be the legal advisors of the State Engineer, and shall perform all legal duties necessary in connection with his work, without other compensation than their salaries as fixed by law.

**536.080 Effect of records of former State Water Board and State Water Superintendent.** The transfer of functions from the former State Water Board and State Water Superintendent to the State Engineer, effected by chapter 283, Oregon Laws 1923, shall not impair the legal force and effect in any water right adjudication, suit, action or other proceeding before the State Engineer, or in the courts or other tribunals of the state, of the official records of, or any evidence filed with, said State Water Board or State Water Superintendent.