

Chapter 542

1955 REPLACEMENT PART

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SURVEY OF WATER RESOURCES

542.010 Contract by State Engineer with federal agencies for investigations, plans, etc.; expense. In order that the natural resources of Oregon in land, water and power may be utilized to the highest advantage of the people, complete cooperation between the state and federal authorities in controlling, investigating and developing these resources in the interest of the people of the state is essential. Therefore, the State Engineer may, on behalf of this state, enter into a contract or agreement with any federal department or bureau having jurisdiction in such matters for the execution of such surveys and investigations and the preparation of such plans, specifications and estimates or other data by cooperation between the state and the federal department or bureau as will, in the judgment of the State Engineer, approved by the Governor, be best suited to accomplish the purposes of ORS 542.010 to 542.050. However, in no case shall the proportion of expense to be borne by this state exceed the proportion to be borne by the other party to the contract or agreement.

542.020 Purpose of law. The intent of ORS 542.010 to 542.050, as outlined in ORS 542.010, is to have on file ready and available, such detailed surveys and information as will not only permit, but will tend to induce, the beneficial use of water by private persons, irrigation districts, corporations, or possibly by the state or national government.

542.030 Report by engineer; contents; copies for public inspection. As soon as practicable after the completion of the surveys and investigations, the State Engineer shall prepare or have prepared a report setting forth the plans, specifications and estimated cost of construction, maintenance and operation of the projects, together with any other information tending to show their feasibility, and may in his discretion have the report printed in pamphlet form and distributed to those interested. Copies of completed maps, plans, specifications, estimates and reports secured or prepared in connection with any such investigation shall be kept on file in the office of the State Engineer at all times, and open for public inspection during business hours.

542.040 Withholding water from appropriation pending investigation; restrictions on permit to appropriate; repayment of cost of project. (1) The State Engineer, on behalf of the state, shall withdraw and withhold from appropriation any unappropriated water which may be required for any project under investigation or to be investigated under the provisions of ORS 542.010 to 542.050. If the project is found to be feasible, he shall withhold the same from appropriation until the money expended in the investigation of the project is repaid to the cooperating parties in proportion to the amount contributed by each unless funds for construction are provided by one or both of the cooperating parties, in which case the State Engineer shall issue a permit without requiring such repayment. No permit to appropriate water which may be in conflict with any such project under investigation shall be approved by the State Engineer, nor shall any assignment of plans and information or any part thereof be made except upon consideration and order by him after full hearing of all interested parties.

(2) Any moneys returned to the State Engineer under the provisions of this section shall promptly be turned over to the State Treasurer and credited to the General Fund in the State Treasury.

542.050 Construction work; minor portions of project. As the purposes of ORS 542.010 to 542.050 are to secure the most immediate, as well as the most beneficial, ultimate use of the available waters for any certain project, the State Engineer, as occasion may require, may grant permits and arrange the details so that minor portions of the project may be segregated and constructed at any time. However, the segregation and development of such minor parts shall not interfere to any serious extent with the handling or completion of the balance of the project.

542.060 Information as to availability of water for power; duties of State Engineer; gauging stations; surveys and profiles; publication of information; assistants; materials. The State Engineer shall establish gauging stations at suitable points on the various streams of the state to determine the daily and seasonal fluctuations in the flow of the water; shall make surveys and profiles to determine the fall of stream suitable for power development; and shall

prepare topographic maps of the territory adjacent to the private streams of the state, so that the availability of water for power, irrigation or other beneficial uses may be determined and made known to the public. All such maps and information shall be made a matter of record in the office of the State Engineer, and he shall publish a summary of all such information in the most practical and economical manner for presentation to the public. The State Engineer shall enter into such agreements and contracts as will insure that the surveys and investigations are carried on in the most economical manner, and that the maps and data are made available to the use of the public as quickly as possible. He may employ assistants and purchase materials and supplies necessary in carrying out the provisions of this section.

542.070 Entry on lands. In order to carry out the purpose of ORS 542.060 all persons employed under that section may enter and cross all lands within the state; provided, that in so doing, no unnecessary damage is done to private property.

542.080 Cooperation with federal agencies; contracts. On behalf of this state, the State Engineer may cooperate with the Federal Power Commission, the United States Geological Survey, the United States Reclamation Service, or any other federal agency or commission engaged in similar work, and may enter into contracts or agreements whenever it appears desirable or advantageous to the state.

542.090 Moneys from licenses under Federal Waterpower Act; disposal. Any moneys arising from power licenses under the Federal Waterpower Act, approved June 10, 1920, and paid over to the state, shall be credited by the State Treasurer to the General Fund.

542.100 [Reserved for expansion]

WILLAMETTE RIVER BASIN PROJECT

542.110 Public interest requiring construction of system of works. (1) It hereby is declared that public interest, welfare, convenience and necessity require the construction of a system of works in accordance with the general comprehensive plan for flood control, navigation and other purposes in the Willamette River Basin, as set forth in

House Document 544, Seventy-fifth Congress, third session, and the Act of the Seventy-fifth Congress approved June 28, 1938, 52 Stat. 1222, authorizing the construction of certain public works, including the Willamette River Basin Project.

(2) The State Water Resources Board may act for the state in all matters necessary or advisable in the promotion, construction and maintenance of the Willamette River Basin Project. [Amended by 1955 c.707 §57]

Note: The 1955 amendment to ORS 542.110 becomes effective on January 1, 1956. Until January 1, 1956, ORS 542.110, as compiled in the 1953 edition will remain in effect.

542.120 [Repealed by 1955 c.707 §75]

Note: The repeal of ORS 542.120, 542.130, 542.140, 542.150 and 542.160 takes effect on January 1, 1956. Until January 1, 1956, such sections, as compiled in the 1953 edition, will remain in effect. See also, 1955 c.707 §§58,59,77.

542.130 [Repealed by 1955 c.707 §75]

Note: See note for ORS 542.120.

542.140 [Repealed by 1955 c.707 §75]

Note: See note for ORS 542.120.

542.150 [Repealed by 1955 c.707 §75]

Note: See note for ORS 542.120.

542.160 [Repealed by 1955 c.707 §75]

Note: See note for ORS 542.120.

542.170 to 542.200 [Reserved for expansion]

ROGUE RIVER WATERSHED PROJECT

542.210 Construction of federal dams and structures in Rogue River; limitations. In order to further necessary investigations and studies for the maximum development of the Rogue River basin and watershed and to conserve established and potential uses thereof, and to facilitate full consideration of various projects to accomplish a coordinated and comprehensive development of the basin and watershed, the United States and its authorized agencies may construct in the Rogue River and on its bed dams and such other structures as the government deems necessary, upon compliance with the laws of Oregon. However, no dam or structure hereby authorized shall be placed in the Rogue River between the intersection of the river with the south line of section 10, township 34 south, range 1 west of the Willamette Meridian in Jackson County, and the confluence of that river with the Pacific

Ocean, which would interfere with the free passage of fish up or down stream. No dam or other structure shall be constructed by any person in or on the bed of the Rogue River below its intersection with the south line of section 27, township 33 south, range 1 east of the Willamette Meridian, in Jackson County, except as authorized by this section.

542.220 to 542.300 [Reserved for expansion]

542.310 [Amended by 1953 c.622 §5; repealed by 1955 c.707 §75]

Note: The repeal of ORS 542.310, 542.320, 542.330 and 542.340 takes effect on January 1, 1956. Until January 1, 1956, such sections, as compiled in the 1953 edition, will remain in effect. See also, 1955 c.707 §§60,77.

542.320 [Amended by 1953 c.622 §5; repealed by 1955 c.707 §75]

Note: See note for ORS 542.310.

542.330 [Amended by 1953 c.622 §5; repealed by 1955 c.707 §75]

Note: See note for ORS 542.310.

542.340 [1953 c.622 §4; repealed by 1955 c.707 §75]

Note: See note for ORS 542.310.

542.350 to 542.400 [Reserved for expansion]

OREGON KLAMATH RIVER COMMISSION

542.410 "Commission" defined. As used in ORS 542.410 to 542.490, "commission" means the Oregon Klamath River Commission created by ORS 542.420. [1953 c.431 §1]

542.420 Oregon Klamath River Commission created; membership; vacancies. There is created an Oregon Klamath River Commission, consisting of five members appointed by the Governor. Vacancies on the commission shall be filled by appointment by the Governor. [1953 c.431 §2]

542.430 Qualifications of members. The members of the commission shall be citizens of the United States and residents of the State of Oregon. One member of the commission shall be a resident of Jackson County, and four members shall be residents of Klamath County. One member of the commission from Klamath County shall represent farming interests, one shall represent the Klamath Indian Reservation interests,

one shall represent industrial interests and one shall represent recreation interests. [1953 c.431 §3]

542.440 Compensation of members. The members of the commission shall receive no compensation for their services as members, but, subject to any other applicable law regulating mileage and traveling and other expenses for state officers, shall receive their actual and necessary traveling and other expenses incurred in the performance of their official functions. [1953 c.431 §4]

542.450 Chairman; secretary; employees. The commission shall select one of its members to be its chairman. The commission shall appoint and prescribe the compensation of a secretary, who may be one of its members, and may employ and prescribe the compensation of such employees, including engineering, legal and other technical services, as it deems necessary to carry out its functions under ORS 542.410 to 542.490. Employees of the commission shall not be subject to any provision of the State Civil Service Law. [1953 c.431 §5]

542.460 Function of commission. (1) It is the function of the commission to cooperate with a similar commission representing the State of California in formulating and submitting to the legislatures of both states for their approval an interstate compact relative to the distribution and use of the waters of the Klamath River.

(2) No compact or agreement formulated as provided in this section is binding upon this state until it has been approved by the legislature of this state and the Congress of the United States. [1953 c.431 §8]

542.470 General authority of commission. The commission may:

(1) Make full investigations of the Klamath River, its tributaries, and the area in this state which is drained by such river and its tributaries, including such surveys and land classifications as may be necessary in order to determine the facts as to physical conditions obtaining upon such river and its tributaries, and of the present and future needs of this state and its citizens for the proper use and benefits of the waters of such river and its tributaries, and perform such other duties as may be necessary to sufficiently determine such facts and secure the necessary information.

(2) Call upon the State Engineer for consultation, advice and information disclosed by the records of his office. [1953 c.431 §7]

542.480 Report to Governor and legislature. The commission shall make a full and concise report of its investigation and recommendations for legislative or other action to the Governor and the legislature on or before

the date of convening of the Forty-eighth Legislative Assembly. [1953 c.431 §9]

542.490 Authority to incur and pay expenses. The commission may incur expenses necessary to carry out its functions and to effectuate the purposes of ORS 542.410 to 542.490 and may approve voucher claims for indebtedness and expenses so incurred. [1953 c.431 §6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel