# Chapter 517

## 1963 REPLACEMENT PART

# Mining and Mining Claims


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## MINING CLAIMS
### (Veins or Lodes)

**517.010 Location of mining claims upon veins or lodes.** (1) Any person, a citizen of the United States, or one who has declared his intention to become such, who discovers a vein or lode of mineral-bearing rock in place upon the unappropriated public domain of the United States within this state, may locate a claim upon such vein or lode by posting thereon a notice of such discovery and location. The notice shall contain:

(a) The name of the lode or claim.

(b) The names of the locators.

(c) The date of the location.

(d) The number of linear feet claimed along the vein or lode each way from the point of discovery, with the width on each side of the lode or vein.

(e) The general course or strike of the vein or lode as nearly as may be, with reference to some natural object or permanent monument in the vicinity, and by defining the boundaries upon the surface of each claim so that the same may be readily traced.

(2) Such boundaries shall be marked within 30 days after posting of such notice by six substantial posts, projecting not less than three feet above the surface of the ground, and not less than four inches square or in diameter, or by substantial mounds of stone, or earth and stone, at least two feet in height, to wit: one such post or mound of rock at each corner and at the center ends of such claims.

**517.020 Work on claim; requirements; affidavit; recording.** (1) Before the expiration of 60 days from the date of the posting of the notice of discovery upon his claim as provided in ORS 517.010 and before recording the notice of location as required by ORS 517.030, the locator must sink a discovery shaft upon the claim located to a depth of at least 10 feet from the lowest part of the rim of such shaft at the surface, or deeper if necessary, to show by such work a lode or vein of mineral deposit in place. A cut or crosscut or tunnel which cuts the lode at a depth of 10 feet, or an open cut at least six feet deep, four feet wide and 10 feet in length along the lode from the point where the same may be in any manner discovered, is equivalent to such discovery shaft. Such work shall not be deemed a part of the assessment work required by the Revised Statutes of the United States.

(2) The locator, or someone for him who did work upon and has knowledge of the facts relating to the sinking of the discovery shaft, shall make and attach to the copy of the notice of location to be recorded an affidavit showing the compliance by the locator with the provisions of this section, which affidavit shall be recorded with the copy of the location notice.

**517.030 Recording copy of discovery notice and the affidavit of work; fee.** The locator shall, within 60 days from the posting of the location notices by him upon the lode or claim, file for record with the recorder of conveyances, if there is one, who shall be the custodian of mining records and miners' liens, otherwise with the clerk of the county where the claim is situated, a copy of the notice posted by him upon the lode or claim, having attached thereto an affidavit showing that the work required by ORS 517.020 has been done, and shall pay the recorder or clerk a fee of $1 for such record, which sum the recorder or clerk shall immediately pay over to the treasurer of the county and shall take his receipt therefor, as in case of other county funds coming into the possession of such officer. The recorder or clerk shall immediately record the location notice and the affidavit annexed thereto. No location notice shall be entitled to record, or be recorded, until the work required by ORS 517.020 has been done and the affidavit in proof thereof is attached to the notice to be recorded.

**517.040 Abandoned claims.** Abandoned claims are unappropriated mineral lands, and titles thereto shall be obtained as specified in ORS 517.010 to 517.030, without reference to any work previously done thereon.

### (Placer Deposits)

**517.042 "Legal subdivision" defined for ORS 517.042 to 517.052.** As used in ORS 517.042 to 517.052, unless the context requires otherwise, "legal subdivision" means a subdivision of a state survey or of a United States survey which has been extended over the geographic area to be described.
[1961 c.525 §1]

**517.044 Location of claims upon placer deposits; posting notice.** Any individual, a citizen of the United States, or one who has declared his intention to become such, who discovers a placer deposit of minerals upon the unappropriated public domain of the

United States within this state, which minerals are subject to location under the mineral and mining laws of the United States, may locate a placer claim thereon by posting in a conspicuous place thereon a notice of such discovery and location. The notice shall contain:

(1) The name of the claim.

(2) The name of the individual or individuals locating the claim.

(3) The date of the location of the claim.

(4) The number of feet or acres claimed, together with a description, either by legal subdivisions, if practicable, or if not, then by reference to some natural object or permanent monument in the vicinity of the claim, which will identify the claim located.

[1961 c.525 §2]

**517.046 Marking boundaries of claim or locating by legal subdivisions.** (1) Unless the claim for placer deposit referred to in ORS 517.044 is located by legal subdivisions, the surface boundaries of the claim must be marked so that the same may be readily traced. Such boundaries shall be marked within 30 days after the posting of the notice described in ORS 517.044 by substantial posts or other monuments of the same size, materials and dimensions as in the case of quartz claims. The boundaries of the claim shall be marked at each corner or angle, and, when any side or end of the claim extends for more than 1,320 feet without a corner or angle, then at intervals of not less than 1,320 feet along such side or end.

(2) Where the claim for placer deposit referred to in ORS 517.044 is taken by legal subdivisions, no other reference in the notice of claim required to be posted and filed under the provisions of ORS 517.042 to 517.052 than to the legal subdivisions shall be required and the boundaries of a claim so located and described need not be staked or monumented. The description by legal subdivisions in the notice required to be filed under ORS 517.052 shall be deemed the equivalent of marking the surface boundaries of the claim.

[1961 c.525 §3]

**517.048 Work on claim; requirements; affidavit.** Within 60 days after the date of the posting of the notice of location described in ORS 517.044, the individual locating the claim shall cause to be excavated an open cut upon the claim, removing from the cut not less than five cubic yards of material, and, if practicable, exposing thereby the placer deposit described by such notice. The individual locating the claim, the individual making the cut or any person who worked upon the excavation who has knowledge of the facts relating thereto, shall make and attach to the copy of the notice required to be filed under ORS 517.052 an affidavit showing compliance with the provisions of this section.

[1961 c.525 §4]

**517.050** [Renumbered as part of 517.065]

**517.052 Recording copy of location notice and affidavit of work; fee.** The individual locating a placer deposit shall, within 60 days from the posting of the location notice upon the claim, file for record with the recorder of conveyances, if there is one, otherwise with the clerk of the county where the claim is situated, a copy of the notice posted by him upon the claim, together with the affidavit of excavation described in ORS 517.048. The fee for filing such location notice shall be the same as required by ORS 517.030 for recording location notices of mineral-bearing rock claims. The recorder or clerk, as the case may be, shall immediately record the location notice and affidavit annexed thereto in a book kept by him for that purpose. No placer location notice shall be entitled to record or be recorded until the work required by ORS 517.048 has been done and the affidavit in proof thereof is attached to the notice to be recorded.

[1961 c.525 §5]

**517.054 to 517.058** [Reserved for expansion]

## (General Provisions)

**517.060 Correcting defective notice of location.** If at any time an individual who has located a mining claim within the meaning of ORS 517.010 or 517.044, or his assigns, apprehends that the original notice of location of the mining claim was defective, erroneous, or that the requirements of the law had not been complied with before the filing of the notice, such locator or assigns may post and file for record in the manner now provided by law, an amended notice of the location which shall relate back to the date of the original location; provided, that the posting and filing of the amended notice of location shall not interfere with the existing rights of others at the time of posting the amended notice.

[Amended by 1961 c.525 §7]

**517.065 Effect of noncompliance with law in locating claim.** (1) Subject to ORS 517.060, all locations or attempted locations

of quartz mining claims subsequent to December 31, 1898, that do not comply with ORS 517.010 to 517.030 are void.

(2) Except as provided in ORS 517.060, all locations or attempted locations of placer mining claims made after August 9, 1961, that do not comply with the provisions of ORS 517.042 to 517.052 are void.

[Subsection (1) formerly 517.050; subsection (2) enacted as 1961 c.525 §6]

**517.070 Certain locations subject to prior rights.** Any location of any mining claim made upon any natural stream, or contiguous or near to any placer mine, or upon or below the dump of any placer mine, shall be subject to the prior right of all mines in operation prior to the making of such location, to discharge debris, gravel, earth, and slickens which were or may be discharged at the time of making such subsequent location.

**517.080 Mining claims as realty.** All mining claims, whether quartz or placer, are real estate. The owner of the possessory right thereto has a legal estate therein within the meaning of ORS 105.005.

**517.090 Application to claims of law governing transfers and mortgages of realty.** All conveyances of mining claims or of interests therein, either quartz or placer, whether patented or unpatented, are subject to the provisions governing transfers and mortgages of other realty as to execution, recordation, foreclosure, execution sale and redemption; but such redemption by the judgment debtor must take place within 60 days from date of confirmation, or such right is lost.

**517.100 Sums payable on redemption of claim; interest.** In case of redemption from sale under judgment or decree, the redemptioner shall pay such sums as are now required by law for redemption under execution sale, and such additional sum as may have been expended upon the property so redeemed by the purchaser under execution, or his assigns, in order to keep alive the possessory right thereto after the execution sale, not exceeding $100 for each claim, with 10 percent interest thereon from date of such expenditures.

**517.110 Grubstaking contracts.** All contracts of mining copartnership, commonly known as "grubstaking," shall be in writing, and filed for record with the recorder of conveyances of the county wherein the locations thereunder are made. Such contracts must contain the names of the parties thereto and the duration thereof; otherwise they are void.

517.120 to 517.150 [Reserved for expansion]

## MILLSITES

**517.160 Location of nonmineral land as millsite.** (1) The proprietor of a vein or lode, or placer claim, or the owner of a quartz mill or reduction works, may locate not more than five acres of nonmineral land as a millsite. Such locations shall be made in the same manner as provided in ORS 517.044 for locating placer claims, except that no discovery or location work is required. Where a millsite is appurtenant to a mining claim, either lode or placer, the notice of location of such millsite shall describe by appropriate reference the mining claim to which it is appurtenant.

(2) The locator of a millsite shall, within 30 days from the date of posting his notice thereon, record a copy thereof with the same county officer and shall pay the same fee therefor, as in the case of quartz or placer claims. Such location notices shall be recorded in the same manner as location notices of quartz or placer claims but need have no affidavit of location work attached.

[1963 c.123 §1]

517.170 to 517.200 [Reserved for expansion]

## ASSESSMENT WORK

**517.210 Recordation of affidavit of annual labor.** Within 30 days after the performance of labor or making of improvements, required by law to be annually performed or made upon any mining claim, the person in whose behalf such labor was performed or improvement made, or someone in his behalf, knowing the facts, shall make and have recorded in the mining records of the county in which the mining claim is situated, an affidavit setting forth:

(1) The name of the claim or claims if grouped and the book and page of the record where the location notice of each such claim is recorded.

(2) The number of days' work done and the character and value of the improvements placed thereon, together with their location.

(3) The dates of performing the labor and making the improvements.

(4) At whose instance or request the work was done or improvements made.

(5) The actual amount paid for the labor and improvements, and by whom paid, when the same was not done by the claim owner.

**517.220 Affidavit or lack thereof as evidence; recording fee.** The affidavit described in ORS 517.210, when so recorded, or a duly certified copy thereof, is prima facie evidence of the facts therein stated. Failure to file such affidavit within the prescribed time is prima facie evidence that such labor has not been done. The fee for recording the affidavit is $1. All claims constituting one group belonging to the same person, persons, association or corporation may be included in one affidavit without additional charge.

**517.230 Performance of assessment work by co-owners.** Whenever any quartz or placer mines are owned by one or more persons, or are owned in common by any persons, any person owning any legal or equitable interest in the mines may perform the annual assessment work upon them which is required by the laws of the United States and Oregon. Such work, when it complies with said laws, shall protect the mines from relocation.

**517.240 Failure of co-owner to contribute; notice.** Upon failure of any co-owner of any mine to contribute his proportion of expenditures required in assessment work, or to perform or pay for his proportion, the co-owners who performed or caused to be performed the labor or assessment work, may, at the expiration of the year for which the assessment work was performed, give the delinquent co-owner notice that the assessment work for that year has been performed, stating by whom performed, the amount of work performed and the dates between which it was performed; together with a statement of the amount due from the delinquent co-owner for his proportion of the work, and requiring him, within 90 days from the date of service of the notice, to pay to the co-owners who performed or caused to be performed such work, his proportion. The notice shall further state that if the delinquent co-owner fails or refuses to contribute his proportion due for the work, his interest in the mine will become the property of the co-owners who performed or caused to be performed the assessment work.

**517.250 Form of notice; service; publication.** The notice shall be in writing and signed by the co-owner who performed or caused to be performed the assessment work. It shall be served upon the delinquent co-owner personally by the sheriff of the county in which the mine is situated, if the delinquent co-owner is within the county. If he can be found in any other county, then the notice shall be served by the sheriff of that county. If the delinquent co-owner cannot be found within the state, or if at the time of giving the notice he is without the state, service of the notice shall be made by publication thereof in the weekly newspaper published in the county nearest to where the mine is situated. If there are two or more papers published in the county at the same distance from the mine, the co-owner giving notice may elect in which paper the notice shall be published. If no weekly newspaper is published within the county, service of the notice shall be made by publication in any other weekly newspaper within the state published nearest the mine. The notice shall be published at least once a week for a period of 90 days after the first publication.

**517.260 Notice; return and proof of service.** If the notice is served by any sheriff as provided in ORS 517.250, he shall make return by filing the notice with his return showing service with the county recorder, or if there is none, with the county clerk, for the county within which the mine is situated. If personal service cannot be had as provided in ORS 517.250, proof of service shall be made by filing with the county recorder, or if there is none, with the county clerk of the county in which the mine is situated, the notice as published, attached to an affidavit made by the printer, foreman, or publisher of the newspaper, to the effect that it is of general circulation throughout the county, is published weekly, and that the notice was published at least once a week in that newspaper for a period of not less than 90 days after the first publication of the notice.

**517.270 Vesting of interest of delinquent co-owner.** If at the expiration of 90 days from the date of personal service of the notice upon the delinquent co-owner or from the date of the last publication of the notice, the delinquent co-owner has not paid his proportion to the co-owners who performed or caused to be performed the assessment work, the title to the interest of the delinquent co-owner in the mine shall be immediately vested in the co-owners who performed or caused to be performed the assessment work.

**517.280 Certificate of ownership; how obtained.** The co-owners who performed the assessment work may file with the county recorder or, if there is none, with the county clerk of the county where the mine is situated, their affidavits that the payment has not been made. Upon the filing of such affidavits, the recorder or clerk, as the case may be, shall record the notice, proof of service and affidavits in a book kept by him for that purpose. He shall then and there issue to the co-owners who performed or caused to be performed the assessment work, a certificate to the effect that he has filed and recorded the notice, proof of service and affidavits of non-payment, and that the co-owners who performed or caused to be performed the assessment work have become and are the owners of all the right, title and interest of the delinquent co-owner or co-owners of the property.

**517.290 Fee for certificate.** The certificate described in ORS 517.280 shall not be issued until the co-owners entitled to it pay to the recorder or clerk a fee of $1.

**517.300 Effect of certificate; certified copy of certificate, notice and return admissible as evidence.** (1) A certificate issued as provided in ORS 517.280 shall be equivalent to a deed from a delinquent co-owner of all his interest in and to all mines described in the notice, and shall convey the interest of the delinquent co-owner in the premises to the co-owner or co-owners who performed or caused to be performed the assessment work. The certificate may be introduced in evidence in any cause where ownership of the property may become material. When so introduced, it shall have the same force and effect as would a duly executed and delivered deed from the delinquent co-owner.

(2) A certified copy of the certificate, and of the notice and return, when made and certified to by the county recorder or clerk, shall be admissible in evidence in any trial where it is material to establish proof of service of the notice or ownership of the property.

**517.310 Recording and indexing certificate; fee; effect.** The certificate given by the recorder or county clerk shall be entitled to record in the office of the officer issuing it, upon payment of the same fees as are required for recording mining conveyances. The officer shall keep a record book, showing the record of such certificates recorded by him. Upon recording, he shall index them in a book kept by him for that purpose and shall likewise index them in the deed records of mining conveyances kept by him. Such indexing and recording shall have the same force and effect as the indexing and recording of deeds to other real property, and shall give like constructive notice.

**517.320 Counteraffidavits of delinquent owner; suit to quiet title; decree.** If prior to the issuing of the certificate there has been filed with the county recorder or county clerk an affidavit by the delinquent co-owner that the payment has been made, the recorder or clerk, as the case may be, shall not issue a certificate, but the parties shall be left to establish such fact by suit to quiet the title to the premises. If in the suit it appears either that the assessment work was not performed by the co-owners claiming to have performed it, or that the delinquent co-owner has performed or paid his proportion of the assessment work, a decree shall be entered in the suit to that effect; but if it is established that the assessment has been performed by or has been caused to be performed by the co-owners so claiming and that the delinquent co-owner has not performed or paid his proportion, a decree shall be entered decreeing the co-owners who performed the assessment work to be the owners of all the interest of the delinquent co-owner in the premises. The decree shall be entitled to record in the miscellaneous records kept by the county recorder or county clerk in the county, and shall be indexed in the index with the record of deeds and mining conveyances for the county.

**517.330 Accounting for fees.** All fees collected under ORS 517.290 and 517.310 are the property of the county in which they are collected, and shall be accounted for by the officer collecting them as other recording fees are accounted for.

**517.340 to 517.400** [Reserved for expansion]

## MINING LEASES

**517.410** [Amended by 1961 c.419 §1; part renumbered 273.920; remainder renumbered 273.355]

**517.420 Location of claim on state land; limitation on claim; evidence of right to lease a located claim; application for lease.** (1) No land which is owned by the state or whereon mineral rights are reserved to the state,

except land or mineral rights under the jurisdiction and control of the State Land Board which are chiefly valuable for mineral purposes, shall be subject to mineral location. The manner of locating a lode or placer mineral claim upon such state land or upon mineral rights subject to the jurisdiction and control of the State Land Board shall be in accordance with the laws of this state and the United States regulating the location of lode or placer mineral claims upon government lands, but no mineral locator shall acquire any right to oil, gas or other hydrocarbons underlying any such lode or placer mineral claim, or the exclusive right to the possession of the surface of such lode or placer mineral claim.

(2) Whenever a person perfects the location of a lode or placer mineral claim upon land or mineral rights under the jurisdiction and control of the State Land Board, evidence of the location shall be sufficient to establish a right to lease the claim, subject to the rights of any lessee claiming under a prior, existing lease or agreement with the State Land Board; provided, that application for such lease, giving a description of the claim, shall be made to the State Land Board within 60 days after the notice of location has been filed pursuant to ORS 517.030.

[Amended by 1955 c.528 §1; 1961 c.419 §2]

**517.430 Use of timber by lessee.** (1) The lessee of the State Land Board under ORS 273.355 may use down timber found on the premises for fuel, and may cut and use green timber in the construction of buildings required in the operation of a mine on the premises, or for lining test pits or shafts, or for timbering drifts or excavations, or for other mining purposes, but for no other purpose.

(2) The lessee of the State Forester under ORS 273.355 may use down timber found on the premises for fuel and may cut and use green timber for lining test pits or shafts, or for timbering drifts or excavations, or for other mining purposes, but for no other purpose.

[Amended by 1953 c.65 §5]

**517.440 Lessee, licensee, or operator of mine deemed bailee of yield until payment of lessor and workmen.** Any lessee, licensee, or person other than the owner, who operates or works a mine, lode, mining claim, or deposit yielding metal or mineral of any kind, has custody and control of whatever metal or mineral may be produced in such operation or work, as bailee only and not as owner, until the sum due the lessor is paid and the wages due from such lessee to the lessor or to any workman who has performed labor under contract of service on, in or about such mine, lode, mining claim, or deposit are wholly paid.

**517.450 Conversion of yield by bailee.** No bailee so designated in ORS 517.440 shall embezzle or wrongfully convert to his own use, or shall secrete or conceal with intent to convert to his own use, or shall injure, destroy, sell, give away, or remove from the county where situated when obtained, without the written consent of the lessor and workmen, any such metal or mineral.

**517.460 to 517.500** [Reserved for expansion]

## ROGUE RIVER COORDINATION BOARD

**517.510 Rogue River Coordination Board.** There is created a board to be known as the Rogue River Coordination Board, referred to in ORS 517.520 to 517.550 as the "board."

**517.520 Maintenance of fishing conditions; cooperation of placer and fishing interests.** It is the intent of ORS 517.510 to 517.550 that, from the standpoint of turbidity, fishing conditions in the Rogue River and its tributaries shall be maintained in Curry County comparable to such fishing conditions in Josephine County, and to provide a medium through which the placer mining interests and fishing interests on the Rogue River and its tributaries may cooperate for the mutual benefit of both. The personnel of the board shall exercise the authority conferred upon the board to that end.

**517.530 Members of board; assistants; expenses; quorum.** The board shall consist of three members to be appointed by the Governor. One member shall be a fisherman or angler residing in Curry County, one a miner residing in Josephine County and one member at large who shall be neither a fisherman nor a miner and who shall act as chairman of the board. The board shall select one of its members as secretary, who shall have custody of the records. The board is authorized to employ such clerks and assistants as may be necessary and to fix their compensation. Each member of the board shall be allowed and paid his necessary expenses while engaged in the performance of

his duties. A majority of the board shall constitute a quorum to transact business and the act or decision of any two members of the board shall be deemed the act or decision of the board.

**517.540 Jurisdiction of board; powers and duties.** The board shall have complete jurisdiction over the placer mining operations in the waters of and along the Rogue River and each of its tributaries. In respect to the exercise of such jurisdiction it shall:

(1) Make a survey of the placer mining operations in and along the waters of Rogue River and its tributaries for the purpose of ascertaining the effect thereof upon the angling conditions in such waters.

(2) Establish from the facts found by the survey and study a system of rotating, alternating or coordinating the operations of the various placer mining activities in and along such waters to the end that suitable and favorable conditions for angling and game fishing in such waters, or any part or parts thereof, may be brought about and maintained during certain periods of time by the control or prevention of turbidity caused by placer mining operations in such waters or part or parts thereof.

(3) Cause to be suspended the placer mining operations being carried on by any person or company in or along such waters for any period or periods of time it shall deem necessary to accomplish the purposes of the system.

(4) Make such rules, regulations and orders as it shall deem necessary to carry out the purposes expressed in ORS 517.520. Such rules, regulations and orders shall have the force and effect of law.

**517.550 Cooperation of police officers with board.** Every state police officer and sheriff whose other duties require him to be in the vicinity of the Rogue River or any of its tributaries shall cooperate with and assist the board in enforcing the provisions of ORS 517.540 and every rule, regulation or order made pursuant thereto.

**517.560 to 517.600** [Reserved for expansion]

## MINING WITH DREDGING MACHINE

**517.610** [Repealed by 1953 c.188 §2]

**517.611 Definitions for ORS 517.611 to 517.700.** As used in ORS 517.611 to 517.700:

(1) "Board" means the State Land Board.

(2) "Consulting committee" means the committee established by ORS 517.700.

(3) "Dredging operation" means any dredge mining operation, except industrial mineral or sand and gravel production, conducted in this state which substantially disturbs more than 15 acres per year of the topsoil or ground cover of the land on which it is conducted, if the land so disturbed constitutes the floor of a valley.

[1957 c.580 §1]

**517.620** [Repealed by 1953 c.188 §2]

**517.621 License required; application; fee; applicant's guarantee of faithful performance.** (1) No person shall conduct a dredging operation without securing a license from the board as provided in ORS 517.611 to 517.700. Applications for a license shall be verified, shall be in a form prescribed by the board and shall contain where possible an accurate legal description of the land on which the dredging operation is to be conducted, specifying the number of acres thereof. If the applicant is not the owner of the lands described in the application, the owner thereof shall indorse his approval on the application. The application shall be accompanied by an application fee of $50 for each 50 acres of land, or fraction thereof, covered by the application. The fees received shall be deposited in the General Fund to the credit of a special account, hereby established; and such fees are continuously appropriated for the purposes of ORS 517.611 to 517.700.

(2) A majority of the consulting committee shall conduct a field examination of the land covered by the application and at its discretion may require the applicant to file with the board a surety bond not to exceed the sum of $300 for each acre of land, or fraction thereof, covered by the application. The applicant shall be the principal obligor on the bond, and there shall be sureties thereon acceptable to the board. The bond shall run in favor of the State of Oregon and shall be conditioned upon the faithful performance by the applicant of all the requirements imposed by the board within the limits of the provisions of ORS 517.611 to 517.700. In lieu of a surety bond, the applicant may deposit cash with the board in an amount computed in the manner prescribed in this subsection. The board shall deliver the cash to the State Treasurer who shall receive and hold the same subject to

the lawful orders of the board, and the treasurer and his sureties shall be liable on his official bond for its safekeeping. The cash shall be retained as security for the faithful performance by the applicant of all the requirements imposed by the board within the limits of the provisions of ORS 517.611 to 517.700.
[1957 c.580 §2]

**517.630** [Repealed by 1953 c.188 §2]

**517.631 Issuance of license; conditions requiring land restoration.** (1) The board shall issue a license to any applicant complying with the requirements of ORS 517.621. The license shall contain where possible an accurate legal description of the land on which the dredging operation is to be conducted and shall specify the number of acres thereof. The license shall be conditioned upon the licensee's doing all things which in the opinion of the board are necessary to restore the land on which the dredging operation is to be conducted as nearly as practicable or desirable for future use. At the discretion of the board, the license may be conditioned upon the licensee's:

(a) Replacing the topsoil and ground cover disturbed in the course of the dredging operation and restoring the area involved in the dredging operation to its reasonably useful condition.

(b) Replacing any stream disturbed in the course of the dredging operation and with a pool structure conducive to good fish habitat and recreational use.

(c) Constructing settling ponds of sufficient capacity and character to remove silt caused by the dredging operation before the water is discharged into a stream.

(2) The license, unless terminated as provided in ORS 517.641, shall permit dredging operations upon the lands described therein beginning on the date of the license.
[1957 c.580 §3]

**517.640** [Repealed by 1953 c.188 §2]

**517.641 Revocation of license; forfeiture; land restoration.** (1) The board may revoke any license for any violation of the provisions of ORS 517.611 to 517.700 or the conditions of the license. No license shall be revoked until after a hearing on the alleged violation is held by the board or its examiner. The hearing shall be held not less than 20 days after written notice to the licensee and his sureties. The notice shall be served by registered mail addressed to the licensee and his sureties at the addresses given in the application for a license or in the bond. The board shall make findings based on the evidence introduced at the hearing, and shall revoke the license if violations of the provisions of ORS 517.611 to 517.700 or the conditions of the license are found.

(2) In revoking the license, the board may declare forfeited so much of the bond or cash deposit as may be necessary for the restoration of lands and streams damaged by the dredging operation, not to exceed $300 per acre of land to be restored. The amount so forfeited shall be applied by the board to the restoration of the lands and streams in accordance with the conditions specified in the license.
[1957 c.580 §4]

**517.650 Appeal.** An appeal may be taken from any order of the board revoking a license or forfeiting a bond or cash deposit by any person aggrieved thereby. The appeal shall be taken to the circuit court for the county within which the lands covered by the license or some part thereof are located. The appeal shall be taken within 30 days after receipt of a copy of the order of revocation or forfeiture.
[1957 c.580 §5]

**517.660 Inspections of dredging operations.** The board shall make periodic inspections of dredging operations to determine whether ORS 517.611 to 517.700 are being complied with.
[1957 c.580 §6]

**517.670 Enjoining illegal dredging operations.** The circuit courts of this state shall, upon proper proceedings therefor, restrain and enjoin any person conducting a dredging operation in violation of the provisions of ORS 517.621.
[1957 c.580 §7]

**517.680 Rules.** The board may make necessary rules and regulations to carry out the provisions of ORS 517.611 to 517.700.
[1957 c.580 §8]

**517.690 Certain rights and obligations not affected.** The provisions of ORS 517.611 to 517.700 are not intended to deprive any person, city, county or municipal corporation of any rights, causes of suit or action or remedies. The issuance of a license under ORS 517.631 shall not relieve any licensee of

any obligation imposed upon him by other law.
[1957 c.580 §9]

**517.700 Consulting committee.** (1) A consulting committee hereby is established. The committee shall be composed of the State Game Director, the State Geologist, the Director of Agriculture and the Clerk of the State Land Board, who shall serve as the committee chairman. In addition to the foregoing members, when a field examination of the land covered by an application is conducted under ORS 517.621, the members of the county court or board of county commissioners of the county or counties in which such land is located shall also be members of the consulting committee.

(2) The consulting committee shall convene at the call of its chairman for the purpose of performing its duties under ORS 517.611 to 517.700.
[1957 c.580 §10]

**517.710 to 517.980** [Reserved for expansion]

## PENALTIES

**517.990 Penalties.** (1) Violation of ORS 517.450 shall be deemed larceny by bailee, and is punishable, upon conviction, by a fine of not less than $100, nor more than $500, or by imprisonment in the county jail for not more than one year, or both.

(2) Violation of any rules, regulations and orders made pursuant to subsection (4) of ORS 517.540 is punishable, upon conviction, by a fine of not less than $25 nor more than $250, or by imprisonment in the county jail for not more than 60 days, or both.

(3) Any person conducting a dredging operation in violation of the provisions of ORS 517.611 to 517.700 is guilty of a misdemeanor.
[Amended by 1953 c.188 §2; subsection (3) enacted as 1957 c.580 §11]

### 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 December 1, 1963.

Sam R. Haley
Legislative Counsel

## CHAPTERS 518 AND 519

**[Reserved for expansion]**