



Oregon

Theodore R. Kulongoski, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 378-3805
FAX (503) 378-4844
www.oregonstatelands.us.

MEMORANDUM

April 5, 2004

State Land Board

TO: Interested Persons

Theodore R. Kulongoski
Governor

FROM: Ann Hanus, Director

Bill Bradbury
Secretary of State

SUBJECT: Rogue River Navigability Study Request

Randall Edwards
State Treasurer

Background Information

In July 1997, former District Attorney Timothy R. Thompson, submitted a request to the Oregon Department of State Lands (DSL) for a title navigability study of the Rogue River from River Mile 68 (Graves Creek) to River Mile 158 (Lost Creek). In his request, District Attorney Thompson stated that the navigability study was needed to resolve "potential and actual conflicts" between "increasing public/recreational use of the river" and "landowners over their ownership and/or right to control all or some extent of their lands which are adjacent to the Rogue River."

The State Land Board has exclusive jurisdiction to assert or waive title ownership of waterways for the State of Oregon. ORS 274.400 to 274.412 and OAR 141-121-0000 through 141-121-0040 govern the conduct of navigability studies by DSL. Pursuant to the provisions of these statutes and administrative rules, DSL advised the Land Board in October 1997 that it had received the Rogue River navigability study request and that it was complete.

Soon thereafter, DSL sent a notice to all property owners of record along the 90-mile segment advising them of the navigability study request. This notice also asked that anyone having comments concerning this study request submit them to DSL. In February 1998, DSL presented a summary of the input received during the public comment period to the Land Board. Since then, DSL has not taken any additional action on this navigability study request.

Current Status of Navigability Study Request

In February 2004, DSL contacted Mr. Clay Johnson, the current Josephine County District Attorney, to ask if he would like us to proceed with the requested navigability study. He responded in the affirmative.

Therefore, this memorandum is to advise you that DSL intends to go before the Land Board at its June 8, 2004 meeting to request authorization to begin the requested navigability study. Should the Land Board approve our request, we



will send a "Notice of Initiation of Navigability Study " to you as well as have it posted in local and statewide newspapers and on our website:
www.oregonstatelands.us

Want Further Information?

There are a number of ways you can get further information concerning this navigability study request and the topic of navigability in general.

If you have access to the internet, you will find many documents relating to the subject of navigability and the navigability study process on DSL's website www.oregonstatelands.us . There, also, you can find a copy of the navigability study request and Land Board Agenda Items concerning navigability.

If you do not have such access, or have questions not answered on the website, please contact me or John Lilly or Jeff Kroft of my staff. John can be reached at 503-378-3805 ext. 281 or john.lilly@dsl.state.or.us; Jeff at 503-378-3805 ext. 280 or jeff.kroft@dsl.state.or.us.