

KROFT Jeff

From: peggy@landofmilkandhoney.us
Sent: Friday, November 09, 2007 12:34 PM
To: Rogue River Comments
Subject: Rouge River comment...against the navigability.

Importance: High

It was evident by the number who attended the October 24th meeting in Grants Pass that the public and the land owners are against this land taking. There has been no evidence per se of problems.

Since the 1935 Supreme Court ruling upon case #295.U.S. 142. It was well decided.

Further more I have rafted the Rogue and with my children and we did have to walk around falls and wereno able to raft unless the water was high enough in several places.

Further, my concerns are that the next step of takingaway from the people will be to put up a fence to totally keep away everyone. A curious point... is this part of the stripping of America's lands for the ONe World Order? If so,you have underestimated not only the people by upon wom this country/land was give by and founded upon. Lord God Almighty. For it is written in the Bible. Infact throughout it. "Those who bless Israel"

(the Israelites founded this country) "are to be blessed, and those who curse are to be cursed." Gen.12:3, Num 24:9.

im..

KROFT Jeff

From: mwhitney@bendbroadband.com
Sent: Friday, November 09, 2007 1:25 PM
To: Rogue River Comments

"I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability."

Mike Whitney
Bend, OR

KROFT Jeff

From: Daniel Erpenbach [Daniel_Erpenbach@co.washington.or.us]
Sent: Friday, November 09, 2007 1:32 PM
To: Rogue River Comments
Subject: Rogue River Navigability

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability. I wish you had the resources to do more studies.

Dan Erpenbach, PLS
Project Manager



WASHINGTON COUNTY
OREGON

Department of Land Use & Transportation
Capital Project Management Division

email dan_erpenbach@co.washington.or.us
ph. 503-846-7877 *fx.* 503-846-7810

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KROFT Jeff

From: twobidthree@yahoo.com
Sent: Friday, November 09, 2007 1:39 PM
To: Rogue River Comments
Subject: Rogue River Navigability Study or the lack there of...

To whom it may concern,

We do not believe that a finding that the Rogue River is navigable as of the date of Statehood (therefore all the bedrock and banks to the ordinary high water belongs to the State as of that date) is a reasonable approach.

Our irrigation take-out is partially in the river and partially on our property. Who will own that if this ridiculous event transpires? If our cattle walk into the river to drink, as they have for time immemorial, are they trespassing and drinking illegally? Our land extends under and into the river- we have ownership in an island that is in the center. What happens to that acreage if this passes!! The Rogue River is a meandering river that has shifted back and forth hundreds of feet since 1859. We believe that this would create a legal quagmire and would place many landowners in a very unfair position.

After all, the State has done nothing to assert this position in the last 148 years. Almost all of the property in question has been deeded many times under the assumption that the owner in fee of the riverbed and banks was the grantor. It may have been subject to a State's interest in allowing the public to float the river, but it was not asserted that the State owned this land in fee.

If the State owned the land as of 1859 and the river has shifted many times then the State will own much more property in fee than just the current 2007 river bed and its current existing banks. Many of the properties may not be river front anymore. This is because (unlike a private landowner versus a private landowner) no private landowner can acquire property from the State because of a meandering river bed. The newly acquired meandering river bed will simply be attached to the prior river bed, so that the State will wind up with all the river bed and banks from 1859 through and including 2007 and into the future.

This will create a nightmare of legal issues and unfair hardship to many landowners.

If something has to be done, then why not find a way to do something prospectively rather than retroactively?

Mary Caldwell and Cris Caldwell- Rogue River property owners. 541-944-4654

KROFT Jeff

From: nate james [natejames@gmail.com]
Sent: Friday, November 09, 2007 2:30 PM
To: Rogue River Comments
Subject: I support the navigability ruling

Just a quick note to voice my support for the DSL's preliminary finding that the Rogue River, from mile 68.5 to mile 157.5, meets the federal test for navigability. For the good of all citizens of the state of Oregon, I truly hope the DSL vigorously stands by these preliminary findings.

Nathan James

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KROFT Jeff

From: Hedberg, Ben J [ben.hedberg@hp.com]
Sent: Friday, November 09, 2007 2:42 PM
To: Rogue River Comments
Subject: Rogue River Navigability

I support the Department of State Land's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

Thanks,

Ben Hedberg
1844 SW Blaine Dr.
Beaverton, OR 97006

KROFT Jeff

From: Tim Knecht [Tim.Knecht@selectron.com]
Sent: Friday, November 09, 2007 2:48 PM
To: Rogue River Comments
Subject: Rogue Navigability

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

Tim Knecht
Selectron, Inc.
p | 503.670.5294
f | 503.684.4357
tim.knecht@selectron.com
www.selectron.com

KROFT Jeff

From: trumpg3@comcast.net
Sent: Friday, November 09, 2007 3:13 PM
To: Rogue River Comments
Subject: Rogue River

Dear Sir or Madam,

The the section of the Rogue River in question for navigability is indeed navigable as per the criteria and falls within both our Federal and State river rights for responsible use.

Our Federal and State rights can not be changed by a popularity vote. They are legal rights.

Thank you for following the rule of law.

Sincerely,

Gene Trump
Freelance Outdoor Writer and Illustrator
Native Oregonian

--

trumpg3@comcast.net

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KROFT Jeff

From: Gary Endicott [roguebum@mighty.net]
Sent: Friday, November 09, 2007 3:15 PM
To: Rogue River Comments
Subject: The September 7, 2007 Rogue River Draft Navigability Study Report

Date: November 9, 2007 3:15 PM
To: Oregon Department of State Lands
RE: The September 7, 2007 Rogue River Draft Navigability Study Report

Historical Document Reference: State Land Board, Regular Meeting, October 12, 2004, Agenda Item 3. Specifically page 3 of 12, paragraphs 2 and 3.

In paragraph 2 the report states; ".....DSL proceeded in early April 2004 to send a notice to approximately 2,000 landowners of record along the 90-mile stretch of the Rogue River for which the navigability study has been requested (Appendix D). The purpose of this notice was to advise the property owners of the status of the navigability study request and to let them know how they can obtain additional information concerning the request and the topic of navigability in general."

Paragraph 3

"In response to this notice, DSL received five letters and approximately 12 telephone calls. The writers of three of the letters expressed opposition to the conduct of the navigability study; one writer supported the activity....."

Information provided by DSL in paragraph 3 is totally incorrect and patently outrageous.

In response to your 2004 navigability notice Concerned Citizens sent a mailer to approximately 2,000 riverfront property owners and requested they write to the Governor and express their feelings regarding the 2004 navigability notice. In response to this request there were approximately 120 letters sent to the Governor in September 2004; all of them against the navigability study. We have copies of those letters that were obtained from Edward's staff so it is apparent that the letters against the navigability study were in control of the DSL or the State Land Board at the time of the October report referenced above.

Why were these letters not considered as part of the "substantial public interest"? With these letters considered it appears that "substantial public interest" was against the navigability study.

We feel and answer to our question is due from DSL.

Property Owner

Date: November 9, 2007
To: Oregon Department of State Lands
RE: The September 7, 2007 Rogue River Draft Navigability Study Report

Historical Document Reference: State Land Board, Regular Meeting, October 12, 2004, Agenda Item 3. Specifically page 3 of 12, paragraphs 2 and 3.

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Why were these letters not considered as part of the "substantial public interest"? With these letters considered it appears that "substantial public interest" was against the navigability study.

We feel and answer to our question is due from DSL.

Property Owner
Gary & Lana Endicott
26830 Highway 62
Trail, OR 97541
541-878-2870
roguebum@mighty.net

KROFT Jeff

From: Patty Taylor [ptaylor39@yahoo.com]
Sent: Friday, November 09, 2007 3:20 PM
To: Rogue River Comments
Subject: property owner comments re draft nav study report

I have been a river lot property owner for 14 years. My property is 7 miles outside of Gold Hill.

For the first 12 years, within my line of sight, I saw the river being used well and badly on a daily basis.

Recently, activities along the banks have taken a nasty turn. Groups of people gather and light bonfires every season the of the year. Drunkenness and nudity occur -- often with small children present. Someone started using a jet ski recently and far fewer ducks and osprey have show up ever since.

Last winter, I saw two men walk down to the river banks and one of them pulled out a big handgun from his jacket and started shooting at the geese in the river.

A few years ago, at the end of the salmon spawning season, I saw two couples in a driftboat drift slowly close to the banks while one of the men jabbed at the gravel beds. It was obvious to me that he was purposefully disrupting the salmon eggs.

Some of my neighbors have bullet holes in their windows and siding due to stray bullets from people on the banks of the river across from their homes.

This activity will only increase if the status of the river is changed to navigable.

Patricia Taylor
POB 857
Gold Hill, OR 97525

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

KROFT Jeff

From: Gary Endicott [roguebum@mighty.net]

Sent: Friday, November 09, 2007 3:24 PM

To: Rogue River Comments

Date: November 9, 2007 3:25 PM

To: Oregon Department of State Lands

RE: The September 7, 2007 Rogue River Draft Navigability Study Report

In 2004 the DSL sent a navigability notice to riverfront property owners advising them of the intent to perform a navigability study. This letter was very vague and did not define in adequate detail that the results of this study could mean that property owners could lose some of their land that had been deeded to them, in some cases many decades ago. In many cases the land that would be taken would be substantial.

Your letter was so vague that the majority of landowners had no idea what horror was in store for them. Had your letter clearly stated what a navigability ruling would mean there would have been "substantial public interest" against the navigability study.

Your letter to the river front landowners that would be affected by this study was unclear, incredibly vague, misleading, deceptive, and did not state the true and total facts to the landowners. Additionally it was woefully inadequate and unfair to the property owners.

Why did the DSL not adequately inform all riverfront property owners of the real and disastrous meaning of a "navigability study"?

Property Owner
Gary & Lana Endicott
26830 Highway 62
Trail, OR 97541
541-878-2870
roguebum@mighty.net

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KROFT Jeff

From: Arlen Thomason [arlen@theThomasons.net]
Sent: Friday, November 09, 2007 3:27 PM
To: Rogue River Comments
Subject: Rogue River navigability study

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability. The fact that it meets the federal test means that Oregon HAS NO CHOICE but to declare it navigable in law, since it is navigable in fact. This is how it should be. All citizens have the right to use the State's waterways.

Sincerely,

Arlen Thomason

Walterville, OR

KROFT Jeff

From: Karl Schneiderman [karlschneiderman@comcast.net]
Sent: Friday, November 09, 2007 3:40 PM
To: Rogue River Comments
Subject: Rogue River Navagability Study

To whom it may concern,

Thank you for taking the time to conduct the study. I am pleased you decided that The section under study, River Miles 68.5 to 157.5, meet the criteria as stated and outlined by The United States Government. Hopefully these studies will move on to other rivers in our great state and it will be made clear to all Oregon residents that these waterways belong to all of us and we can use them without confrontation from ignorant streamside landowners. Again, I am pleased with your findings!

Karl Schneiderman
6122 N Delaware Ave
Portland, OR 97217

KROFT Jeff

From: David Berry [DBerry@dtsc.ca.gov]
Sent: Friday, November 09, 2007 3:46 PM
To: Rogue River Comments
Subject: River accessibility

Gentlemen

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability. I fly fish for steelhead and I applaud your determination.

David L. Berry, Ph.D.
Senior Toxicologist
Human and Ecological Risk Division
DTSC
8810 Cal Center Drive
Sacramento, CA 95827
916-255-6626 (o)
916-255-6657 (FAX)
916-869-5396 (c)

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KROFT Jeff

From: Forrest Collins [FCollins@turncraft.com]
Sent: Friday, November 09, 2007 3:49 PM
To: Rogue River Comments
Subject: Rogue River navigability study

Dear Oregon dept. of State Lands.

My family owns river frontage in Shady Cove, Oregon along proposed 89 mile study area. This area has changed high water marks throughout periods of Flooding in 1898, 1955, 1964, 1997 and 2006. Also the river channel completely changed in 1898 to its present location almost ½ mile due west of present location. I guess, is how do you determine high water marks and how do you enforce those marks. My understanding is all navigable rivers are public domain to the high water mark. Does this high water mark apply to 1898, 1955 or 2007. Who is going to enforce a literally unenforceable boundary of transportation. Why are we trying to create a highly volatile dispute between landowners and river users. This is a no win dispute that no man can regulate efficiently. Why are rewriting a land use law that is already clearly understood. Why don't we spend our tax dollars on something more relevant, like protecting land owners total acreage. No one wants to protect their land use on the shoulders of our American highways. You try telling that same logic to their river frontage and you'll get a much different story. I strongly recommend that you consider the significance of writing this legislation and the plethora issues that come with it.

Respectfully

Forrest D. Collins
1574 Ridge Way
Medford Or 97504

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KROFT Jeff

From: Cecilia Weber [CWeber@orcabaycapital.com]
Sent: Friday, November 09, 2007 4:11 PM
To: Rogue River Comments
Cc: Bryon Madsen
Subject: Rogue River Navigability Study
Importance: High

Oregon Department of State Lands

To Whom It May Concern:

On behalf of these entities:

- Double Eagle LLC
- Double R Ranch Trust
- DRR Trust
- JEM Trust
- John E. McCaw, Jr.

We own various properties along the Rogue River, just south of Shady Cove. There are various concerns we have that should either prevent the State of Oregon from moving forward and declaring the upper Rogue River navigable or should at least cause the State to address the issues outlined below before making such a declaration.

Ownership:

Some of our property descriptions contain language that bring into question who actually owns the property below the ordinary high water mark. Because some of our deeds reflect language stating ownership below the ordinary high water mark, the State should either consider the percentage of those who own below such water mark and not declare the river navigable or, at least, treat the effect to property values of such declaration within Measure 37 or by some other means. Further, issues arise because the course of the river has changed over the years. Thus, there are locations where property we own runs completely beneath the river. This issue of change in river course and deed language must be addressed before the State makes a final determination.

Public Property:

For the property we own along the Rogue River, depending on the amount of flow allowed from the dam, there can be significant amount of land between the high and low water marks. The amount of land is sufficient that it is possible for a person who does not understand the river flow, could choose to overnight camp or some other extended activity.

We do not believe that the State, when considering to declare the upper part of the Rogue River as navigable, is contemplating the effects of the water flow due to the dam. This needs to be considered before making a final determination, regardless of whether evidence exists to prove navigability.

Defining Use:

We understand that when a river is declared navigable, the public is allowed to use property up to the ordinary high water mark. The definition of "use" or what public rights exist are not sufficiently clear. The State needs to have specific language, by statute that explains such things as no drinking, no campfires, no hunting or other activity.

The public having rights to the land up to the ordinary high water mark also brings liability questions. If a person is hurt between the low and high water marks, does the injured person have any legal rights against

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the land owner? In answering this question, the State needs to remember that the language in a deed will not be changed upon declaring a river navigable. Is the State prepared to indemnify all the land holders along the river? Before the State make any final decision, it needs to be made absolutely clear in statute or other law that the land owner has no liability towards the public, and further would have no liability towards the public if they choose to trespass beyond the ordinary high water mark. Is it not acceptable for a land owner's liability risk be increase when a river is declared navigable. The State has yet to take the steps necessary to eliminate such potential increased risk.

Regards,
Bryon Madsen
Trustee Representative
Office: (206) 689-2457 | Mobile: (206) 612-0700 | Fax: (206) 689-2414
Email: bmadsen@orcabaycapital.com

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