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MAR 26 2008

March 19, 2008

DEPARTMENT OF STATE LANDS

Louise Solliday, Director
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279

AND Oregon State Land Board
Theodore R. Kulongoski, Governor
Bill Bradbury, Secretary of State
Randall Edwards, State Treasurer

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

RE: Rogue River Navigability Study

Please accept this letter and its attachment as public testimony concerning the Rogue River Navigability Study.

I live at 70 Meadow Lane, Shady Cove, Oregon (34-1WO3C Tax Lot 600) on the Rogue River. The river moved onto my property as a result of a violent and sudden flood in 1964.

I do not think that the Land Board should make a declaration of public ownership of the 89 mile segment of the Rogue River from Grave Creek (RM 68.5) to Lost Creek Dam (RM 157.5) because the facts relied upon by the Department of State Lands to start the study, and the Broad and Substantial Public Interest found in resolving perceived conflicts are totally incorrect and lacking. At page 6 of the February 19th, 2008 Draft, the report states that, "the actual and potential conflicts between users and landowners are increasing in frequency and volatility", this is simply not true. The conflicts between users and land owners are few and far between. A navigability declaration is not needed to resolve perceived conflicts on the Rogue River. Instead, my concern is that a declaration of state ownership would embolden the public and make disputes more likely, and that we in Jackson County do not have the budget or the resources to deal with more conflicts.

The Draft states that the Rogue River channel changes consist primarily of meanders and that the waterway has remained relatively unchanged since statehood. These facts are a complete falsehood. There have been many floods along the Rogue River which have suddenly, violently and substantially changed the bed and banks of the Rogue River; it is part of our river's history. I understand from the D.S.L. meeting on March 5th in Medford that the D.S.L. has not even studied the flood issue so how can you make any truthful statements about meandering and only slight changes in the river channel. The D.S.L.'S announced plan is to declare the river navigable and let the landowners pay for and sort out all the title and legal problems later. As my example, see attachment of a map of the Rogue River just below River Mile 148.5. My property is outlined in red. The old river channel is shown in black. The river movement on to the property was caused by a violent and sudden flood in 1964. As you can see, the river in its current location, divides my property. If the State takes my property by condemnation or otherwise this will divide my property in half and the piece of property on the east side of the river will be land locked. This heavy handed process used by the State will result in a real hardship for me and my family as there will be a cloud on our title for years to come. The State will have to condemn my property and pay fair compensation as the river did not just meander onto my property.

Declaring the Rogue River Navigable For Title will have serious consequences for landowners, will embolden and expand the public's use, and it will not achieve its stated goal of reducing conflicts and providing certainty of title to the existing channel and bank of the Rogue

River. Where a river bed moves suddenly because of an event such as a flood, then title to the river bed and bank will not follow the new course of the river. The State will not wind up owning a continuous river bed and banks in fee title as it will be interrupted with private land holdings

This problem will be made more serious as the Rogue River continues to change course by floods over the years. Will the State be condemning property every year after a flood to maintain a continuous title of bed and bank along the entire Rogue River? If not, the river users will never know whether they are on State Lands or Private Property. All of this will cause more problems and the State and the local authorities have inadequate resources available to handle the conflicts, complaints, trash, debris and legal mess which will result because of the State's unjustified and totally unnecessary action.

Should not the Department of State Lands have studied the floods issue and how it will affect title along the course of the Rogue River before you cast your vote? How else could you possibly know whether your approach will help with perceived conflicts or make the situation substantially worse? You certainly would agree that there is not a Broad and Substantial Public Interest in causing more conflicts and confusing the public even more, would you?

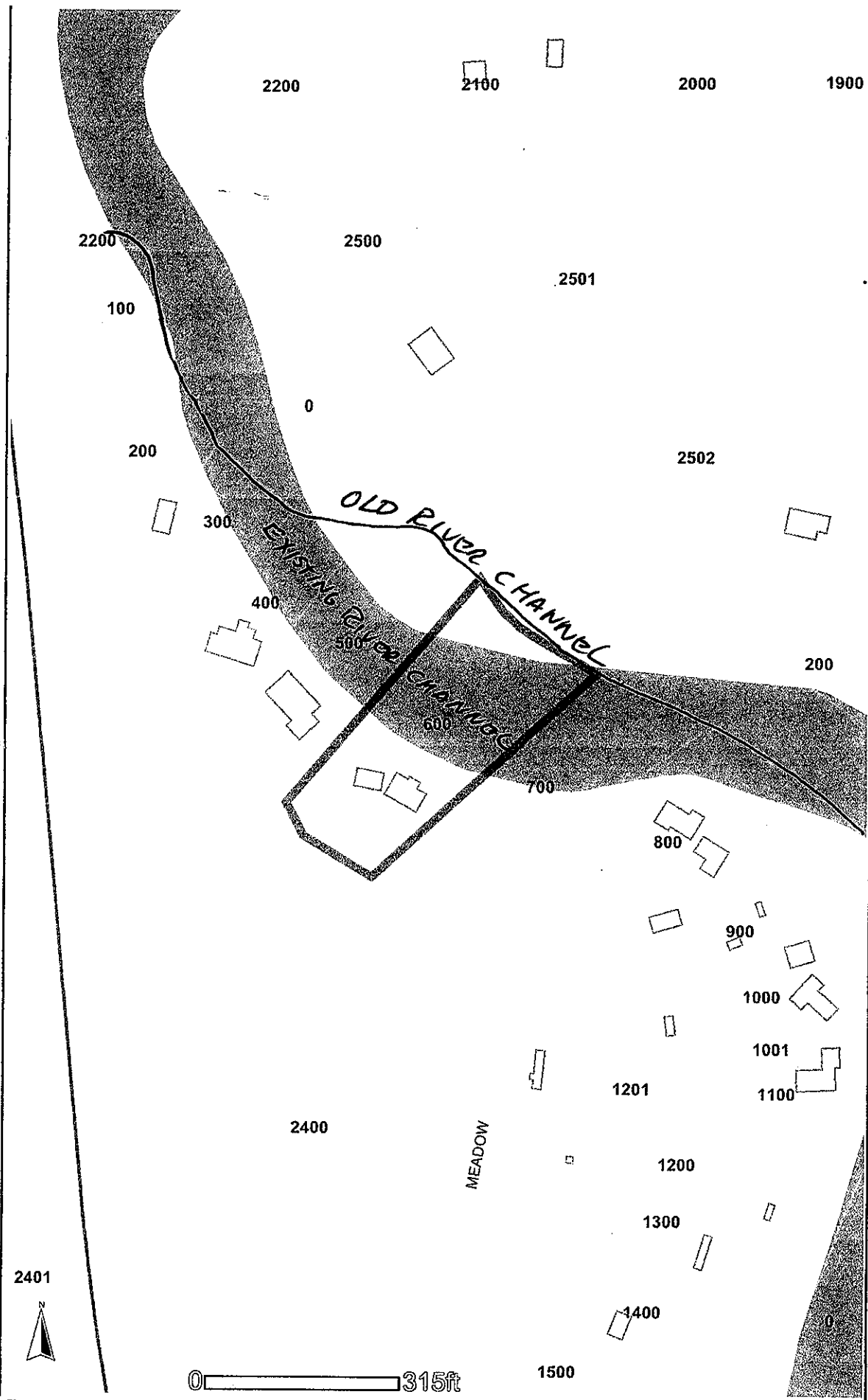
I respectfully request that the State Land Board vote against declaring public ownership to the segment of the Rogue River being studied, because it will cause many more conflicts, not resolve anything, will cloud my title for years to come and it will damage our habitat and quality of life along the Rogue River.

WILLIAM D. PAYNE
70 Meadow Lane
Shady Cove, OR 97539

Map Maker Application

Front Counter Legend

- Highlighted Feature
- Tax Lot Outlines
- Tax Lot Numbers
- Buildings
- City Limits
- Ashland
- Bufo Falls
- Central Point
- Eagle Point
- Gold Hill
- Jacksonville
- Medford
- Phoenix
- Rogue River
- Shady Cove
- Talent



This map is based on a digital database compiled by Jackson County From a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

19 March 2008

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DEPARTMENT OF STATE LANDS

RE: Rogue River Navigability Study

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

Please accept this letter as public testimony concerning the Rogue River Navigability Study.

I'd like to address a situation that was not discussed or mentioned at the Wednesday, March 19 meeting in Medford and that concerns problems that landowners may have with those using (and abusing) the Rogue River. A couple of the speakers said that they did not want to be harassed or asked to leave when they were at or near private property. There is another side to this.

Sometimes the landowner has cause to question the intention of those who get out of their boat or raft and start walking around on private land. I have seen many walk up and disappear into trees on my neighbor's property perhaps just to relieve themselves after consuming a few beers, but I don't know their intentions. That may be better than simply standing in the open and urinating into the river which is not uncommon.

I have seen people wandering around in my neighbor's yard when they weren't home and in my yard when we were home. Some have had a problem with the raft and have sought someone with an air compressor to refill their raft and others have become scared and just need to get off the river. We have filled a lot of rafts with air and helped others get in touch with someone who can come and get them. We have helped others who have cut themselves on branches or rocks. We have even had to rescue some.

Landowners are not intolerant and mean. They do want to know why someone they do not know is on their property. Land is posted for hunting so that the landowner knows who is on his land and can use his discretion in admitting hunters. That is his means of protecting his property. Why should the property owner on the river not have equal protection?

A few weeks ago some fisherman had pulled their boat up on the shore in front of our property. After finishing their lunch one of the fisherman got out of the boat and started fly fishing. The other got out of the boat and start walking around my neighbor's yard. I walked over to see what he was doing and he headed back to the boat. A few minutes later he was back walking around my neighbor's house. I walked over again and he went back to the boat and the two left. What were they up to? I don't know. Were they looking the place over so that they could come back later and break in? I don't know.

Perhaps you are thinking that I'm being paranoid and just speculating on something that would never happen. Please read on!

A potentially serious thing happened a year ago last summer. My neighbor came running over to our house (he is 76 years old and I'd never seen him run before). He told me that there were some people who had pulled up to his shoreline, got out of their rafts, and starting fighting. They were cursing each other and really swinging away at each other. He had gone out to see what all the noise was about and they turned on him. They threw some pots with plants at him, swore at him, and chased him back into his house.

He called the police and when they had moved their fight to the far side of his house he came over to tell me about the ruckus. I went to get my shotgun and by the time I'd returned to the kitchen my neighbor had left and returned to his house.

I began loading shells into my shotgun with the intention of going over to my neighbor's to see what the fighting was about. At that time the door leading into our kitchen from the attached garage opened and a really weird looking man came barging into the kitchen.

He got about 3 steps in when he saw me standing there with my shotgun, and he froze. I froze too. We had kind of a standoff for a few seconds. I didn't know what he was going to do and I suppose he didn't know what I was going to do either. Finally I asked him what he wanted and he said he had just wanted to use the phone.

I thought his approach of just opening the door and charging in was a less than polite way of entering someone else's house, but I did let him use the phone. Whoever he was supposedly calling apparently didn't answer.

I asked him what the fighting was about and he explained that he'd gotten into an argument with those in the other rafts and that they'd gone ashore to "have it out".

Later he said that he'd just gotten out of prison. He'd been convicted of a felony and was on probation. I asked what he'd been convicted of and he said assault. About that time we heard sirens approaching and then receding in volume as they drove past our property and continued northward toward Lost Creek Dam which is about 2 miles farther on Highway 62. About 5 minutes later they returned with sirens blaring giving the other trespassers enough another warning and time to get away.

A few minutes later they were outside our house looking under bushes. I took the intruder out and handed him over to the officers.

This whole incident could have had a radically different ending had I not been holding my shotgun when the intruder came charging into our kitchen. I didn't know his intentions, but knocking on the door and waiting for someone to answer was not part of his plan.

We learned that it takes over 30 minutes for the police to arrive, and that they will not immediately come to the aid of us landowners. We are really left to fend for ourselves and fortunately I found myself able to do that. If my neighbor hadn't run over to tell me about the fighting I would not have had my shotgun out.

Which brings me to the point: Accepting this flawed study that falsely concludes that the Rogue River is navigable would allow the public even more access to my property and that of all the other landowners on the river. Most people using the river for recreation are fine people who just what to enjoy what nature has provided for all of us. We have no way of knowing which kind they are!

There are those with other ideas that may be very destructive to the landowner's property and even the residents themselves. Can this simply be dismissed as an isolated random act? I seriously doubt it. The landowners did not speak about the abuse that they have tolerated over the years. We just accept that some of that goes with property ownership on the river. There is, however, a limit to how tolerant one can be.

The speakers who supported taking our land for the public's use do not understand that many of us live on remote areas of the river and are potentially vulnerable to the actions of some very malicious people. We have no way of knowing the good people from the evil ones. They certainly would not want or allow people they did not know walking around on their yards. I don't know of anyone living in the city that would even allow people they did not know to use their yard as a short cut to wherever they were going. Just because we live on the river they expect us to open our land to them. That is insane!

If the state takes our river land from us we will have no control whatsoever over those who come onto our property. The colored brochure that was available to us at the Wednesday meeting explained the high water and low water marks and where the public was allowed usage. It also suggested that they could walk through the landowner's land to get to their fishing spot etc. Can I walk through your yard on my way to my fishing spot? Why should my property be open to the public just because I live on the river and yours restricted just because you don't live on the river?

Most properties in the city and rural areas are surrounded with fences and walls to keep the public out. We have one side of our property bordered by the river. We want to enjoy the river. That is why we live here. That is why we have been willing to pay a high premium price to be able to live here. That is why we pay property taxes that vastly exceed those of much nicer, newer, more expensive homes that are not on the river. If the river portion of our property becomes state owned land then we will have been cheated.

It is interesting that as property owners on the river we already have less rights to our own property than homeowners not living on the river. We pay much more in property taxes and receive much less by comparison. For instance, we have virtually no police protection all the while being subjected to more potential violent situations. We have been formally told that we are "on our own". We pay way more than our fair share for schools, fire protection, libraries, and county and state services just because of our location and now the state is looking for a way to take a chunk of our property so that the public can use our property without our consent. That would be a total disregard for what property ownership is according to our constitution. Approving this study would open the door to more outrageous take aways.

The river is here for all to enjoy and we don't have a problem with that. If our property is taken for the state's and public's use we have a major problem. There are parks and public areas exclusively for the public's use. There is also a lot of river frontage that the state gave to the federal government. That could be reclaimed for the public to use. Why would there be a reason to take private land when there is so much government land available? Those that want river property can easily find some. There are many river properties currently on the market-many are for sale primarily because of this navigability study and the negative effects that will have whether they remain on the property or try to sell it if the study is accepted. Those choosing to own river property may have to pay up for it-just as we have.

If approved the navigability study will result in more confusion and problems for the landowners and for the state. The state simply doesn't have the funds to police the river. We know that from first hand experience. With more people encouraged to use the river the potential for problems will increase. By inviting them to use our property for a walkway, as per

the brochure, will give the property owner no control at all over who is in their yard and they will have no rights in asking them to leave.

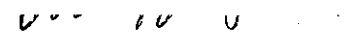
A recent incident in California emphasizes the degree to which this can go. A ocean front property owner found people walking through his house on their way to the beach. He asked what they were doing in his house and they explained that it was a short cut to the ocean.

If approved the navigability study will result in nothing but more confusion and problems for the landowners and for the public.

Please Vote No and against the Study and advise that it be terminated.

Respectfully submitted,




Dave Pfeifle
29300 Hwy 62
Trail OR 97541
onthetrail@embarqmail.com

PS: Why aren't swimming pools on private property open to the public? They are a form of recreation too. I'd really like the use of one, but really don't want the upkeep and other expenses. Can't we all just freely use those that other people have paid for and keep maintained? The state could just take the property on which these swimming pools are located and open them for public use.

March 20, 2008

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DEPARTMENT OF STATE LANDS

Louise Solliday, Director, Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, Oregon 97301-1279

and

Oregon State Land Board
Theodore R. Kulongoski, Governor
Bill Bradbury, Secretary of State
Randall Edwards, State Treasurer

RE:Rogue River Navigability Study

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

I believe that the sole purpose of this Navigability Study is purely to provide a basis for taking land from the landowners along the river. It is pure "land grabbing!" It has nothing whatsoever to do with finding a solution to some fictitious problem.

If the goal really is to make the river more accessible to the public and to evoke the cooperation of the landowners I have a much better solution for your consideration:

Give the landowner's an incentive to promote goodwill toward those seeking to use the river for recreation. Instead of overtaxing those with river frontage give them a tax break. These property owners do the maintenance of the river for free and have been doing so for decades. They have been paying much higher taxes on their property than owners of similar properties that are not located along the river. Keep private property private and continue to allow the public to use the river easement that has already been allowed. Then give the property owner a deserved tax break for allowing the easement. That would be fair.

The nicely colored brochure that was made available at the Wednesday meeting in Medford suggested that those wanting to use the river could walk freely through property owners yards to reach the river. Would you allow the public to walk through your yards?

The area between the low and high water marks can be quite an expanse of dry land at times. If the public was given unlimited use of this space (which will happen) that would invite extended picnics and even camping in addition to simply landing their rafts or fishing boats for a short rest, lunch, or as a place to fish from the shore as they often do now without any interference from landowners. This area is an extension (that we own) of our back yards which we also like to use. Having the uninvited public as extended guests really invades our privacy.

Supposing that I saw your backyard and was really impressed with the landscaping that you've done. So in order that I could enjoy your hard work and investment I decided to invite some of my friends and acquaintances to meet in your back yard to camp for the

weekend. Would you welcome us?

What if I could have a study done that declared your backyard as a navigable walkway so that the state could take your backyard for public's use? That would be unthinkable, wouldn't it?

Would anyone really believe that the state could take your property for that reason? That would be impossible!

We thought that about our property too!

Your acceptance of this flawed Navigability Study will open the door for further proceeding to take other properties. You can end this right here by stopping the Navigable Study and putting a permanent end to it. The only way you can approve this study is to ignore its numerous shortcomings and its many factual errors and to simply be in favor of government being able to take away the people's right to own land. You also will have to believe that it is OK for the State of Oregon to confiscate or steal from individuals without regard to their valid concerns.

Respectfully,

Trail OR

PS: I sure hope that all of you actually do read these letters and that you consider the importance of your decision to the property owners. A 3 minute limit for a hearing on property rights for landowners that lasted only 2 hours did not do justice to the landowners considering the importance of your decision to us. A decision favoring this sad excuse for a study would be certain to undermine the confidence and trust that the public has in the present administration and in our state government in general.

Given the limit of 3 minutes per speaker I wonder if you actually heard most of the testimony that was crammed into that short amount of time. It caused me to wonder when as I watched some of you whispering to each other for periods of time that often consumed most of the speaker's 3 minutes.

The previous meeting with the two gentlemen representing the study caused an initial doubt in the fairness of this entire proceeding. They kept saying "when this study is accepted" and then quickly corrected themselves by changing "when" to "if". Were the meetings and are the letters you are receiving just an exercise in futility by those of us who oppose the study? Were the meeting just considered as being a necessary token attempt at placating the landowners? Was the decision already made prior to either of the meetings?

We'll know the answers to these questions when we learn the outcome of your decision.

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DEPARTMENT OF STATE LANDS

March 23, 2008

Louise Solliday, Director, Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR97301-1279

and

Oregon State Land Board,; Theodore R. Kulongoski, Governor; Bill Bradbury, Secretary of State; Randall Edwards, State Treasurer

Dear Land Board Members,

I take exception to the gentlemen who explained to all of us how we landowners have destroyed the vegetation along the river. We have planted over 100 trees on our 1 3/4 acres over the past 2 years. Trees add to the beauty of the river and can be enjoyed by all as they drift through the river.

For our efforts this sad effort of a study proposes to take our land and make it available to the public who has done nothing to enhance the areas along the river. Instead debris has been left on the river banks including bottles, cans, articles of clothing, paper and paper products, shoes, and even used diapers which were conveniently discarded after changing someone's baby.

We, and property owners along the river, routinely pick all this mess up and get rid of it in a proper manner. We want the river to be neat and clean as well as our yards.

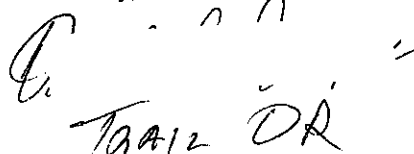
My question is whether the state will take over this chore if our land is taken? I really don't think that I'd have the motivation to take care of the state's property. Perhaps instead of doing the cleanup we will just add our own refuse to that left by the public and let the state take care of all of it. That would save us the monthly garbage pickup costs.

This Friday (the meeting in Medford was just 2 days ago) I was too late in capturing on video film some of our public who would like to have the state take our land show how they would take care of the river. These river enthusiasts were in a fishing boat and happened to misdirect a cast catching their tackle in the branches of one of our trees along the shore. Two of the fishermen used their oars to beat on the branches until they were able to break off enough of the branches so that their fishing tackle dropped free. There were other ways of getting their tackle back, but they apparently thought this to be the quickest and most efficient way for them, even though it took them about 5 minutes. I had heard the noises they were making and decided to find out what and who was making the racket. I was too late with video camera and unfortunately missed the opportunity as they had finally succeeded in retrieving their equipment.

So they broke several branches getting their hooks loose. So what? It wasn't their tree. We will prune the broken branches and clean up their mess - as we always have, but it really makes us wonder what the state thinks will be gained by taking our property.

Please reject this navigation study and make them stop. The river frontage is now being managed by the most caring people you will ever find. No one can or will do it better. In fact, if we ever stop taking care of it NOBODY ELSE WILL !!! The state certainly won't there isn't enough funding for essential services, where would the extra funding for the river cleanup and policing come from?

Yours truly,


Louise Solliday

Louise Solliday, Director
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR97301-1279

and

Oregon State Land Board
Theodore R. Kulongoski, Governor
Bill Bradbury, Secretary of State
Randall Edwards, State Treasurer
RE:Rogue River Navigability Study

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DEPARTMENT OF STATE LANDS

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

Please accept this letter as public testimony concerning the Rogue River Navigability Study.

First, the Navigability Study is flawed because its conclusions are based on mere opinions that cannot be substantiated and/or on reports and other information that is not even connected to the part of the Rogue River in question. The report makes assumptions reminiscent of a high school term paper that the student is quite certain that no one will ever read.

Some of the participant speakers opposing the study in the Wednesday morning meeting in Medford obviously have done considerably more research on the river than those who prepared the report. The writers should be embarrassed. The conclusions in the report would be hilarious if the intended result wasn't so serious.

Sadly, your decision may be made on the basis of parsed of words and the convoluted conclusions that the report states as being factual.

I especially liked the comparison of canoes, jet boats, and the dugouts that the Indians used: I have been in countries where dugout are still being used. Their construction hasn't changed. They are made out of hardwood and are very HEAVY! Douglas Fir or Pine found here wouldn't work because it wouldn't last. Canoes weren't used around here because they were made of bark (White Birch primarily because it is strong and flexible).

The rivers on which dugouts are used are slow meandering large bodies of water. In stark contrast the Rogue is a narrow fast moving river with strong currents and lots of rocks. Even now when we go rafting we get hung up on the rocks in several places between Lost Creek and Shady Cove. We don't use dugouts-we use lightweight air filled rafts and Tahitis that we can lift and carry.

The Indians of the Rogue didn't have Tahitis and could not possibly have used dugouts. Even if they could have managed to get through the rocks going downstream how would they have moved them back upstream? The water is too swift to paddle against and the dugouts are too heavy and bulky to carry-unless, of course, they had trailers. But then if they'd had trailers they wouldn't have needed the dugouts, would they?

The question of whether the property may or may not have been intended to have been state owned land and whether it had been navigable or not is really a moot point. Regardless, the land had been transferred and deeded to landowners either through sales by the state or county, or through land grants and homesteading. Either way a contract was drawn between the owner (state, territory, or federal government) and the buyer or homesteader. The land was paid for either in the currency of the day or by sweat equity as provided for in the homestead act. Both parties entered into the agreement and if the buyer or homesteader met the conditions required he became the owner and a deed was issued-and recorded.

If the land had a river running through it there had been no exception made for any kind of river rights. If the land bordered on the river the deed provided for a boundary that had the potential of moving as the river changed course. As land was transferred the boundary description that the parcel of land extended to the middle of the river channel. Sellers and Buyers understood this and accepted the wording.

The county also accepted this wording and the deeds were recorded as such. If this was state land it should not have been sold or transferred in the first place. The reality is that it has been deeded to the landowners and they have paid for it. They have also been the custodians of that land and they have been paying taxes on the land every year-over 40 years in our case.

It is really seems strange and unreasonable that the state at this late date should decide that it owns the land. There hasn't been a problem for 150 years or so, and now, all of a sudden it is so urgent that a study is made to find a way to take the land. The study is so full of misstatements and glaring errors that it shouldn't receive further consideration.

I purchased a mid '60s car about a year ago that has a hopped up engine and had been considered a muscle car. As I was taking possession the seller noticed that it had an expensive transmission of which he had not been aware. He could have backed out of the deal, asked for more money, or simply completed the deal as agreed. He may have had a legitimate reason for wanting to renegotiate, but after I had paid for the car and taken possession he lost any claim to the car or any part of it. Should he be able to come back to me now and insist that the transmission is really his?

Why would there be a difference when it comes to land? 150 years later??? Common sense should dictate that this just isn't right!

The report on navigability of the Rogue River is neither accurate nor is it complete. The facts concerning river course changes caused by flooding are erroneous. Floods are numerous and will ultimately determine who actually owns title to the Rogue River and its banks.

Finally, not even one person who spoke in favor of the study could cite a single instance of a problem with a landowner that they (or anyone they knew) had had. What then could be the driving force behind this unreasonable push? It seems that some people want our land and expect it to be handed over to them. Please don't let this happen!

This whole navigability endeavor is nothing more than a poor solution in search of a problem.

This appears to be nothing more than a government land grab, but that's communism, isn't it?

A declaration of Navigability For Title will not solve any problems and it will cause harm to many property owners as well as result in unending litigation between landowners and the state and county governments. And then there are the Indians . . .

To me litigation is to be avoided if there is any reasonable alternative. Attorneys probably look at that quite differently-it is not their money being spent, it comes from the client or the state-they receive the money.

If approved the navigability study will result in nothing but more confusion and problems that the public does not want.

I sure hope that you will be able to identify with some of the points that I have made. It is very important to all of us who own land on the Rogue that it be allowed to remain in our hands. The state will not be able to take care of it as well as we have.

Please Vote No and against the Study and advise that it be terminated.

Respectfully submitted,

∪ ∪
Leslie Pfeifle
29300 Hwy 62
Trail Or 97541
onthetrail@embarqmail.com

March 19, 2008

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DEPARTMENT OF STATE LANDS

RE: Rogue River Navigability Study

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

This letter concerns the Rogue River Navigability Study.

We are writing to you because of the Navigability Study and its immediate and profound affect that your decision will have on us.

Several years ago we returned to Oregon where we grew up to enjoy our remaining years. We built our dream house on the Rogue River. Over the past few years we have found that we cannot afford to continue to live in Oregon because of the high prices and especially because of the high property taxes that we have to pay for our choice to live on the river.

We have put our home on the market and now find that the property value has dropped considerably because of the housing crisis. In addition to that this Navigability Study and the possible negative effect that it will have has scared away some potential buyers. This has caused us to lower our asking price even more.

Buyers are justifiably afraid of buying property with the potential legal problems that will surely surface if this study is approved.

This attempt to take land away really is a method of circumventing eminent domain which would at least compensate the landowner for land that is taken. In effect it is a modified version of Robin Hood, though it robs the poor to give to others, many of whom are not poor.

The only good that could ultimately come of this if the study is accepted is that if the river property values drop low enough so that the property taxes fall below comparable properties that are not on the river. Having the landowner's property open to the public will make it become nearly worthless and the politicians will see a dramatic decrease in this taxable base. That, of course, would be detrimental to us, but it would bring the costs of living on the river to an affordable level for those with the temperance to deal with having uninvited guests on their property.

Yours, but not by choice,

James Miner 29330 Hwy 62
Trail OR 97541

Rogue Navigability Declaration
3-22-08

I do not think the
Land Board should declare
the Rogue river a navigable
waterway. In my opinion,
public ownership would
increase - not decrease
conflict between land
owners and the public.
The report is inaccurate,
and I urge you to vote
against the study
declaring the Rogue river
Navigable.

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MAR 26 2008

DEPARTMENT OF STATE LANDS

Jean A. Gunk

300 SW Hudson Lane

Grants Pass, Or 97526

KROFT Jeff

From: redhawk@mind.net
Sent: Wednesday, March 26, 2008 4:57 PM
To: Rogue River Comments
Subject: Rogue River Navigability Study Comments

LATGAWA NATIVE AMERICAN INDIAN TRIBE
744 Manzanita Street, Central Point, Oregon USA 97502
PO Box 1651, Medford, Oregon USA 97501
541-664-4080 Tel
541-664-9250 Fax
E-mail: latgawa@mind.net
Website: <http://latgawa.mind.net>

VIA E-MAIL

rogue~~river~~comments@dsl.state.or.us

March 26, 2008

Rogue River Comments
Oregon Department of State Lands
775 Summer Street N.E., Suite 100
Salem, Oregon 97301-1279
Phone: 503-986-5224
Fax: 503-378-4844

Re: Rogue River Draft Navigability Report written response.

Dear Sirs:

At the Oregon State Land Board Public Hearing whereas the draft findings and conclusions were presented to the State Land Board on Wednesday, March 19, 2008 in Medford, Oregon, testimony was invited from all persons concerning: The accuracy and completeness of the information contained in the "Rogue River Draft Navigability Report" dated Feb. 19, 2008; and whether the evidence presented in the report concerning the historical use and condition of the Rogue River study segment meets the requirements of the federal test for navigability.

It is our position that the accuracy and completeness of the information contained in the "Rogue River Draft Navigability Report" dated Feb. 19, 2008 is inaccurate and incomplete; and the evidence presented in the report concerning the historical use and condition of the Rogue River study segment does not meet the requirements of the federal test for navigability.

It is our position that the Rogue River is not suitable for navigation. It is our position that the State of Oregon should not declare public ownership. And it is our position that under the agreements as briefly described herein, the Latgawa Native American Indian Tribe has full rights of ownership to certain areas of the Rogue River.

Recent decisions of Oregon State Courts, Courts of other States and Federal Courts easily recognize the Latgawa Native American Indian Tribe as a "Federally Recognized Tribe".

3/27/2008

Oregon was admitted to the union in 1859. California was admitted to the union in 1850. Both States have certainly recognized the Treaty of 1853 as amended in 1854 between the US Government and the Rogue Indians. The boundaries of which also extend across the Oregon/California Border. Our Tribal descendants were forced to walk a trail of tears or wander to save their lives. The Latgawa Native American Indian Tribe was not terminated in 1854 and the treaty is still an active agreement. We are the legal and rightful owners of that agreement. The Bureau of Indian Affairs has no jurisdiction over our acknowledged "Federally Recognized" status.

At this meeting, in the presence of the Oregon State Land Board (Governor, Secretary of State, State Treasurer) and other representatives of the Local Counties, Governments and public, we declared our position and are restating it again in this letter to you. We also clearly stated our existence and rights. We received acknowledgement and support from many of the "hundreds" of local people and groups present at that meeting.

It is certain that: The Rogue River flows through the treaty land. The Rogue River is still under agreements binding the United States, the State of Oregon, and the Indians of the ownership of the Northern half of the entire river and certain other parts. These are in the Agreements of King George, the United States of America and the Native American Indians.

Thank you for the opportunity to speak our position on these matters. Please contact us with any questions you may have.

Sincerely,

John Grey Eagle Newkirk
Principal Chief
Latgawa Native American Indian Tribe

Richard Red Hawk Davis
Administrator
Latgawa Native American Indian Tribe

Harry Two Feathers Mallon
Tribal Council Member
Latgawa Native American Indian Tribe

Cc:

Governor Arnold Schwarzenegger - California
State Capitol Building
Sacramento, CA 95814
Phone: 916-445-2841
Fax: 916-558-3160

Honorable John McCain - U.S. Senator - Arizona
5353 North 16th Street
Suite 105
Phoenix, AZ 85016
Main: 602-952-2410
Fax: 602-952-8702

Honorable Greg Walden -U.S. Congressman - Oregon

3/27/2008

843 East Main Street, Ste 400
Medford, OR 97504
Main: 541-776-4646
Fax: 541-779-0204

Honorable Gordon Smith – U.S. Senator - Oregon
Medford, OR Office
Security Plaza
1175 East Main, Suite 2D
Medford, OR 97504
Phone: 541-608-9102
Fax: 541-608-9104

Dennis Richardson - State Representative - Oregon
55 South 5th St.
Central Point, OR, 97502
Phone: 541-601-0083

Jeff Kropf – State Director
Americans for Prosperity Oregon
<http://www.americansforprosperity.org>

Morgan, Angel & Associates - Public Policy and Historical Consultants
Attn: Michael L. Lawson, Ph. D.
1601 Connecticut Avenue NW, Suite 600
Washington, DC 20009-1035
Phone: 202-265-1833
Fax: 202-265-8022

Stephen Reno, Chancellor
University System of New Hampshire
Dunlap Center
25 Concord Road
Durham, NH 03824-3545
Main number: 603-862-1800

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March 20, 2008

Dept. of State Lands
Rogue River Navigability Study Comments
775 Summer St. N.E. Suite 100
Salem, Oregon 97301

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MAR 26 2008

DEPARTMENT OF STATE LANDS

Louise Lolliday - Director

Dear Louise Lolliday,

Please enter this letter as public testimony urging a no vote on the Rogue River Navigability Study. My reasons are the ever changing course of the river due to the many floods. This study is a violation of private citizen property rights and amounts to a land grab by the State of Oregon. Private citizens are doing a great job maintaining our river and its banks. State ownership of this land will create more unnecessary problems. I urge you to vote no on this state take over of our private lands.

Respectfully Submitted
Francis D. Pyle
200 Hampman Rd.
Gold Hill, Oregon
97525

The Greater Shady Cove Boosters, Inc.
PO Box 1384
Shady Cove, Oregon 97539

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MAR 26 2008

DEPARTMENT OF STATE LANDS

Louise Solliday, Director
and The Oregon State Land Board:
Theodore R. Kulongoski, Governor
Bill Bradbury, Secretary of State
Randall Edwards, State Treasurer
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279

Subject: Public Testimony Concerning Rogue River Navigability Study.

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury, and Treasurer Edwards:

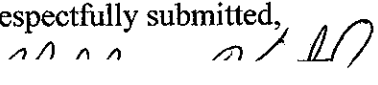
The Greater Shady Cove Boosters is a charitable organization made up of area residents who volunteer their time and labor to improve the appearance of Shady Cove. Since 1991 we have worked to beautify our city. Part of that effort has been cooperating with the Rogue River Sportsman's and Guides Association and area divers in an annual clean up the Rogue River from Lost Creek Dam (RM 157.5) to Dodge Bridge a distance of approximately 20 miles. Riverfront landowners always welcome our group and gladly offer support in our hard work.

The Greater Shady Cove Boosters do not believe that the Land Board should make a declaration of public ownership of the Rogue River because the Rogue River Navigability Study is not "accurate or complete". The study misstates the facts concerning river course changes caused by flooding. Rogue River floods are numerous and they will determine who actually owns title to the river and its banks. The State will not wind up owning a continuous title to the river bed and banks as it will be interrupted with private land holdings. This problem will be made more serious as the Rogue River continue to change course by natural means.

The Shady Cove Boosters believe that a declaration of Navigability For Title will not solve any problems. Further we believe it will cause harm to many property owners, result in more confusion and problems, and will adversely affect the beauty of the Rogue River and Shady Cove.

We urge that the Land Board vote No against the Study.

Respectfully submitted,


Phillip Keith
President, The Greater Shady Cove Boosters, Inc.
Email: phillk@earthlink.net
Cell phone: 541.944.0084

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MAR 26 2008

DEPARTMENT OF STATE LANDS

March 23, 2008

Louise Solliday, Director
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279

Oregon State Land Board
Theodore R. Kulongoski, Governor
Bill Bradbury, Secretary of State
Randall Edwards, State Treasurer

RE: Rogue River Navigability Study

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

Please accept this letter as public testimony concerning the Rogue River Navigability Study.

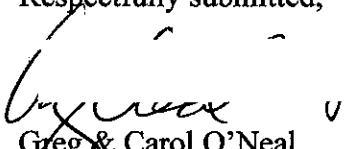
I do not think that the Land Board should make a declaration of public ownership of the Rogue River because the report is not "accurate or complete". It misstates the facts concerning river course changes caused by flooding. Also, the public has excellent access to this stretch of the river already. The taking of private land will only create problems.

Floods have been numerous and they will determine who actually owns title to the Rogue River and its banks. The State will not wind up owning a continuous title to the river bed and banks as it will be interrupted with private land holdings.

A declaration of Navigability For Title will not solve any problems and it will cause harm to many property owners. The very tests used to determine navigability should be examined.

Vote No and against the Study. And if you choose otherwise, it would be unethical for the state to take land and then charge the prior landowner a fee for easement over the taken lands.

Respectfully submitted,


Greg & Carol O'Neal
roguerivergreg@yahoo.com
roguegreyhound@yahoo.com
541-855-2046

Rogue navigability process far from simple

By STEVE STRAUGHAN

As a property owner and rafter/fisherman on the Rogue River for the past 40 years, I agree that the public should have access to the river, its banks and riverbed. Your editorial makes it seem so simple. In fact, it is not that simple.

The public already has the right to use the entire river to the ordinary high water mark as it flows today. This right was confirmed by a 1989 Jackson County court case (State of Oregon v. Klein, No. 88-07896-C). Law enforcement and the courts can, should and to my knowledge have been using this standard. The state's action will cloud this public right because the state may only take that portion of the river as it existed at statehood (February 4, 1859) plus whatever simple meandering changes have occurred since that time. This meandering process is called accretion.

That action, however, specifically

GUEST OPINION

states that the state may not take land on which the river now flows if that change was caused by a catastrophic act called avulsion.

An example of such an avulsive act would be the 1964 flood. The river's path changed dramatically in many places since 1859 as a result of the many floods that have occurred since that time. The public may actually lose access they currently have under the court case if the state takes possession.

As a property owner on the Rogue for the past five years, the effect of the state's action on my ownership and over 60 other property owners along the river corridor under this proposal is alarming and complex. As for my specific property, I can prove that the river channel changed dramatically in 1964.

By way of a title search going

back to an 1886 Patent Land Claim and the same cadastral maps the state is using, it is clear that the river flowed over 100 yards from its current position and that the bank of the river at that time was the legal property boundary for what now includes my property. Further research shows that in December of 1964, the river changed drastically to cut my property almost directly in half.

Maps show that my property lies one-third on the north bank of the river, one-third on the south bank, with the river flowing in the middle. Under the existing law, the state would not be able to claim title to the river as it flows across my property or the property of several of my neighbors. This is not unique to my lot but is the case on several pieces along the river. Some homeowners could actually lose their homes since in several instances their homes lie on land on which the river flowed in 1859. At the very least, title to these

pieces becomes clouded and sale, refinancing or partitioning becomes difficult if not impossible.

I suspect your editorial is correct in that the state will take ownership to the extent the law will allow but what public good can be served by waiting 149 years to assert that right and ignore the fact that the river and the properties along the river have changed since statehood? It will also cause the state and those affected landowners to attempt to reach some compromise agreements as to the loss of property.

As a longtime negotiator of collective bargaining agreements I know it is a lot easier to reach successful compromises before rather than after the state takes action. Without those compromises, the state and those individual property owners would have to go to court to resolve conflicts.

I have rafted rivers all over the Western states, Canada and Alaska and can affirm the Rogue is one of the most beautiful and unique

rivers anywhere. I sincerely believe everyone should have the right to access and enjoy this river.

The simple fact is that they do have that right. The state's action will cloud that right, cause conflicts and hard feeling much like Measure 37 and not improve any aspect of river use along the 89-mile segment under consideration except for the public. It could indeed have the opposite effect and restrict access to the public since the state will not be able to lay claim to a continuous river in those places where floods have moved the streambed.

The solution, in my opinion, lies in calling a halt to this heavy-handed process, apply the standard determined in the 1989 court case to incidents of alleged trespass/access and work with landowners and river users to find solutions to any other problems that may arise. Maybe that is too simple.

Steve Straughan lives in Steady

Cove.

AYA LOUISE SOLUOAY

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MAR 26 2008

Rogue River Navigability Study and the Bad Solution to a non Problem.

DEPARTMENT OF STATE LANDS

Suggestions and Comments:

1. BEST SOLUTION. There are numerous public places for persons to fish camp or picnic along the river now. An example next to my house are hundreds of acres of BLM land, then two private homes then more BLM land, then a public boat ramp, one more private home and then more public land. The best solution is to educate people on property rights, the law and enforce them. There is no real problem now.

2. THE CONSERVATIVE APPROACH. Study river to see if more facilities are needed. If any areas are found that need additional facilities offer to buy the land at free market price.

3. THE LIBERAL APPROACH.

Use Eminent Domain to procure lands necessary. Complete all necessary surveys, titles and pay for the land at a fair market price.

4. THE COMMUNIST APPROACH. Just steal it! "Federalize it"! Government abuse, at its worst. The minor problems we now face will be multiplied many times over! Court challenges concerning the county granting title as delegated by the state as its agent over a period of more than 100 years with the approval and knowledge of the state being declared as worthless.


It would cause the inability of a person to sell his property due to title problems. Getting a new title would require a survey. Presently a survey for my property would cost thousands of dollars as the nearest remaining survey markers are miles away at the bridge at Stratton Creek. The lead time on a full survey can be up to a year.

Property values decrease. My property would fall under five acres if my 660 feet of river frontage were stolen. Others could lose their right to split land due to decrease in acreage. How about land owners fishing rights? Lost? Would their special fishing license be valid? Prop 38 case?

Where do I apply for my refund on illegal property taxes collected against land that I did not own? How about others who paid capitol gains taxes on sale of business property, will the state and federal government repay them plus penalties and interest?

How about persons who have a dock? Is it now public? The picnic table and barbeque near the river is now available for public use.

CONCLUSION: The benefits of the Rogue Navigability Declaration are none but the problems are too many to list. Do not take our land!


William Richey
4425 Galice Road
Merlin, OR 97532



JOSEPHINE COUNTY SHERIFF'S OFFICE

SHERIFF GIL GILBERTSON

500 NW 6th St – Grants Pass OR 97526

(541) 474-5120

FAX (541) 474-5114

e-mail: jocosheriff@co.josephine.or.us

March 19, 2008

Louise Solliday, Director
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279

AND Oregon State Land Board
Theodore R. Kulongoski, Governor
Bill Bradbury, Secretary of State
Randall Edwards, State Treasurer

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MAR 26 2008

DEPARTMENT OF STATE LANDS

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

RE: Rogue River Navigability Study

Please accept this letter as public testimony concerning the Rogue River Navigability Study.

I do not think that the Land Board should make a declaration of public ownership of the 89 mile segment of the Rogue River from Grave Creek (RM 68.5) to Lost Creek Dam (RM 157.5) because the facts relied upon by the Department of State Lands to start the study, and the Broad and Substantial Public Interest in resolving perceived conflicts are totally incorrect and lacking. At page 6 of the February 19th, 2008 draft, the report states that, "the actual and potential conflicts between users and landowners are increasing in frequency and volatility", this is simply not true.

The conflicts between users and land owners are few and far between. As the Sheriff of Josephine County, I have direct experience with law enforcement and conflict resolution on the Rogue River. In my jurisdiction, we receive few complaints concerning disputes between riparian owners and recreational users.

On the rare occasions when we respond to a conflict between a property owner and a recreational user, we use a simple enforcement guideline: The general public is entitled to use the river for recreation to the ordinary high water mark. Someone who travels above ordinary high water onto the upland (without permission) is on private property and subject to being cited for trespass. Ordinarily, we issue a warning in such cases and that resolves the matter.

I do not see that a navigability declaration is needed to resolve conflicts on the Rogue River. Instead, my concern is that a declaration of state ownership would embolden the public and make disputes more likely, and that we in Josephine County do not have the budget nor the resources to deal with more conflicts. For those reasons, I would prefer that the Land Board not go forward with the study but rather defer to local government and law enforcement to manage conflicts on the river, as we have been doing for decades.

I respectfully request that the State Land Board vote against declaring public ownership to the segment of the Rogue River being studied, because it will cause many more conflicts, not resolve anything, and it will damage our habitat and quality of life along the Rogue River.

Sincerely,

SHERIFF JOSEPHINE COUNTY

KROFT Jeff

From: cdavis123@charter.net
Sent: Wednesday, March 26, 2008 4:54 PM
To: Rogue River Comments
Cc: cdavis123@charter.net
Subject: Rogue River Navigability Study Comments

Subject: Rogue River Navigability Study Comments.

March 26, 2008

Rogue River Comments

Oregon Department of State Lands

775 Summer Street N.E., Suite 100

Salem, Oregon 97301-1279

Phone: 503-986-5224

Fax: 503-378-4844

Re: Written response to the Rogue River Draft Navigability Report.

Dear Sirs:

I am a private landowner along the banks of the Rogue River and am in receipt of the package of information concerning the "Rogue River Draft Navigability Report" dated Feb. 19, 2008. You have requested written testimony and comments whether the evidence presented in the report concerning the historical use and condition of the Rogue River study segment meeting the requirements of the federal test for navigability.

*It is our position that the factual evidence presented in the second draft of the Rogue River Navigability Study does not meet the requirements of the federal test for navigability.

*The Land Board, based on the evidence contained in the second draft of the study, should not make a declaration of public ownership of the 89-mile segment of the Rogue River from Grave Creek (RM 68.5) to Lost Creek Dam (RM 157.5).

Your information continues to be inaccurate and incomplete. The State of

3/27/2008

Oregon should not declare public ownership of areas that are clearly outside of or, are already under control of the State by its existing statehood agreements and those of the federal government. I question your motives for further advancement of your claims. I also question the liability, financial and environmental impacts of your proposed actions.

You have left out a very significant facts regarding the present day Indians. The information that is publicly available shows the Latgawa Indian Tribe having rights of ownership to areas of the Rogue River.

Sincerely,

Lynn L. Davis

1237 Pheasant Way

Central Point, Oregon 97502

541-601-7959

(previous mailing address: PO Box 214, Shady Cove, Oregon 97539)

March 19, 2008

Louise Solliday, Director
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279

AND Oregon State Land Board
Theodore R. Kulongoski, Governor
Bill Bradbury, Secretary of State
Randall Edwards, State Treasurer

DEPT OF STATE LANDS
RECEIVED
2008 MAR 20 A 1:28

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

RE: Rogue River Navigability Study

Please accept this letter and its attachment as public testimony concerning the Rogue River Navigability Study.

I do not think that the Land Board should make a declaration of public ownership of the 89 mile segment of the Rogue River from Grave Creek (RM 68.5) to Lost Creek Dam (RM 157.5) because the facts relied upon by the Department of State Lands to start the study, and the Broad and Substantial Public Interest in resolving perceived conflicts are totally incorrect and lacking. At page 6 of the February 19th, 2008 draft, the report states that, "the actual and potential conflicts between users and landowners are increasing in frequency and volatility", this is simply not true. I have been a guide on this section of the Rogue River for 20 years and I must dispute this statement.

The conflicts between users and land owners are few and far between. The landowners have almost without exception understood that the public has the right to use the river and its bank to the ordinary high water mark. We have been getting along just fine without the State's intervention, so the Claim by the State is not necessary.

If the State makes this Claim it will embolden the public and will cause more conflicts as the public attempts to expand its rights by walking through landowner's property to gain access to their favorite fishing hole. Additionally, (as encouraged by page 13 of the 2008 Oregon Fishing Regulations) as the public users begin to use submersible islands and landowner's front yards as they would a "park" this will cause volatile conflicts which we have not had. With more usage will come more noise, trash and debris which will be very harmful to the habitat and to our quality of life.

For years now I have participated in the annual Rogue River Clean Up. Each year we haul tons of trash and debris that has been discarded by the recreational public. This is a local volunteer effort not done by the State. The State's rush to cause a further degrading of our rivers with more human waste, trash and rubbish is most disturbing.

I respectfully request that the State Land Board vote against declaring public ownership to the segment of the Rogue River being studied, because it will cause many more conflicts, not resolve anything, and it will damage our habitat and quality of life along the Rogue River.

DOUG JOHNSON
P.O. Box 723
Shady Cove, OR 97539

Phone 541-878-4316

To whom it may concern,

3-12-00

My name is Sandra Specht and I am property owner on the Rogue River between Haver Creek & Lost Creek Dam. (6600 Rogue River Highway)

I wish to voice my opposition to the proposed change which would make public portions of my property which have previously been deemed private.

The current law provides for fishing, recreation and navigation. However, even under current laws, I have had my property vandalized by trespassers who have removed fencing & posts in order to come onto my property. They have also untied my personal watercraft & left trash including human feces on my property.

I have paid property taxes on this portion which is purposed to become "public" yet I am told I will not be recompensed.

I am also told I will have to pay access/easement fees to use this "public" property.

I feel this law is unfair & creates only hardships - but dangers, for property owners along the Rogue River. Sincerely,
Sandra Specht

March 19, 2008

Louise Solliday, Director
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279

AND Oregon State Land Board
Theodore R. Kulongoski, Governor
Bill Bradbury, Secretary of State
Randall Edwards, State Treasurer

DEPT OF STATE LANDS
RECEIVED
2008 MAR 26 A 1:21

Dear Director Solliday, Governor Kulongoski, Secretary Bradbury and Treasurer Edwards:

RE: Rogue River Navigability Study

Please accept this letter and its attachment as public testimony concerning the Rogue River Navigability Study.

I live at 801 Netherlands Road, Trail Oregon 97541. I am not an owner of property on the Rogue River. I am a very frequent user of the Rogue River and do dispute any and all statements concerning frequency of conflicts along the Rogue. They are just not there.

I do not think that the Land Board should make a declaration of public ownership of the 89 mile segment of the Rogue River from Grave Creek (RM 68.5) to Lost Creek Dam (RM 157.5) because the facts relied upon by the Department of State Lands to start the study, and the Broad and Substantial Public Interest found in resolving perceived conflicts are totally incorrect and lacking. At page 6 of the February 19th, 2008 Draft, the report states that, "the actual and potential conflicts between users and landowners are increasing in frequency and volatility", this is simply not true. The conflicts between users and land owners are few and far between. A navigability declaration is not needed to resolve perceived conflicts on the Rogue River. Instead, my concern is that a declaration of state ownership would embolden the public and make disputes more likely, and that we in Jackson County do not have the budget or the resources to deal with more conflicts.

The Draft states that the Rogue River channel changes consist primarily of meanders and that the waterway has remained relatively unchanged since statehood. These facts are a complete falsehood. There have been many floods along the Rogue River which have suddenly, violently and substantially changed the bed and banks of the Rogue River; it is part of our river's history. I understand that the D.S.L. has not even studied the flood issue so how can you make any truthful statements about meandering and only slight changes in the river channel. The D.S.L.'S announced plan is to declare the river navigable and let the landowners pay for and sort out all the title and legal problems later. This will cause a great hardship and unnecessary legal expense to numerous landowners. In many areas the State will wind up owning the old dry channel, not where the river is today. The State will have to condemn it and pay fair compensation for the areas that are in private ownership. Declaring the Rogue River Navigable For Title will have serious consequences for landowners, will embolden and expand the public's use, and it will not achieve its stated goal of reducing conflicts and providing certainty of title to the existing channel and bank of the Rogue River. Where a river bed moves suddenly because of an event such as a

flood, then title to the river bed and bank will not follow the new course of the river. The State will not wind up owning a continuous river bed and banks in fee title as it will be interrupted with private land holdings. This problem will be made more serious as the Rogue River continues to change course by floods over the years. Will the State be condemning property every year after a flood to maintain a continuous title of bed and bank along the entire Rogue River? If not, the river users will never know whether they are on State Lands or Private Property. All of this will cause more problems and the State and the local authorities have inadequate resources available to handle the conflicts, complaints, trash, debris and legal mess which will result because of the State's unjustified and totally unnecessary action.

Should not the Department of State Lands have studied the floods issue and how it will affect title along the course of the Rogue River before you cast your vote? How else could you possibly know whether your approach will help with perceived conflicts or make the situation substantially worse? You certainly would agree that there is not a Broad and Substantial Public Interest in causing more conflicts and confusing the public even more, would you?

I am very familiar with the operating characteristics of modern day watercraft and your statement that Indian dugout canoes are comparable in operating sense to modern day watercraft is a complete joke and shows what a complete lack of knowledge you have on the subject. As to the Rogue River actual use or susceptible of being used as a highway of commerce for trade and travel I dispute this. The pre dam water was not conducive to this. When the water is extremely high it was far too treacherous for the Indians to risk their lives and worldly belongings in a dugout canoe. The canoes would clearly have been destroyed. During many of the summer months when the water is low, it is not susceptible to travel as they would have to drag their boats as much as floating. During the other months they did not bother as it was not practical because of all thee rocks, rapids and drop offs. See Schedule A attached hereto discussing the many impediments to floating the Rogue River. Remember the Indians and earlier settlers were not really interested in over turning their boats or canoes in order to get wet, as is the case for many current recreational rafters.

I respectfully request that the State Land Board vote against declaring public ownership to the segment of the Rogue River being studied, because it will cause many more conflicts, not resolve anything, and it will damage our habitat and quality of life along the Rogue River.

u

WILLIAM E. PRICE

SCHEDULE A

Rapids on the Rogue River that would have been impossible or next to impossible to negotiate from a dugout canoe.

RIVER MILE- LOCAL NAME

COMMENT

68.6	Glen Woolridge rapids	Big waves, big rocks and sideways maneuvering
71.0	Argo	Big waves, big rocks, and sideways maneuvering
72.0	Alameda	shallow, big waves, and fast drop off
73.0	Rocky rapids	tight right, rocky turn
75.5	Galice Shute	Big waves, large waves
79.5	Dunn Riffle	Rocky, quick maneuvering
107.5	Savage Rapids	Big falls before dam was built
122.0	Hayes falls	Big ,big falls
123.8	Layman	Shallow, rocky, big waves
124.0	Bitterman	Long quick drop off, big waves hard maneuver
124.5	Boardman	Fast drop off quick turn and big rocks
125.0	Hardy	Shallow, and rocky
135.0	Rattlesnake	Rocky falls, maneuverability a must
135.5	Horseshoe	Narrow falls
137.0	Salmon alley	Big waves
137.5	Tiptons	Shallow and rocky
138.0	Dodge Riffle	Big waves
145.5	Dog leg	Maneuvering a must
148.5	Trail Creek rapids	Big waves and rocky
152.5	Elk Creek rapids	Rocky and waves
153.0	Island Rpids	Big waves
154.5	pump hole -Guard hole	Rocky maneuvering
155.0	Slide hole rapids	Big waves and rocky