

Your Rights to Use the Surface, Bed and Banks of Oregon's Rivers and Lakes

Before you use Oregon's waterways and the land underlying and adjacent to them, you should be aware of some important legal considerations.

OWNERSHIP OF OREGON'S WATERWAYS

Not all the land under Oregon's waterways (submerged and submersible land) is publicly owned. In fact to date, public ownership has only been determined on land underlying certain segments of 12 Oregon waterways: the Chetco, Columbia, Coos, Coquille, John Day (in eastern Oregon), Klamath, McKenzie, Rogue, Sandy, Snake, Umpqua and Willamette rivers.

In addition to these waterways, the public also owns much but not all of the submerged and submersible land affected by the rise and fall of tides, and many lakes in Oregon.

On waterways where the State of Oregon owns the underlying submerged and

submersible land (commonly termed "navigable" waterways) you may use the land for any legal, non-ownership-related recreational purpose as you would a park.

On waterways where ownership has not yet been determined by the courts or by the State Land Board (which includes all of the other waterways in Oregon), **your rights are less certain.**

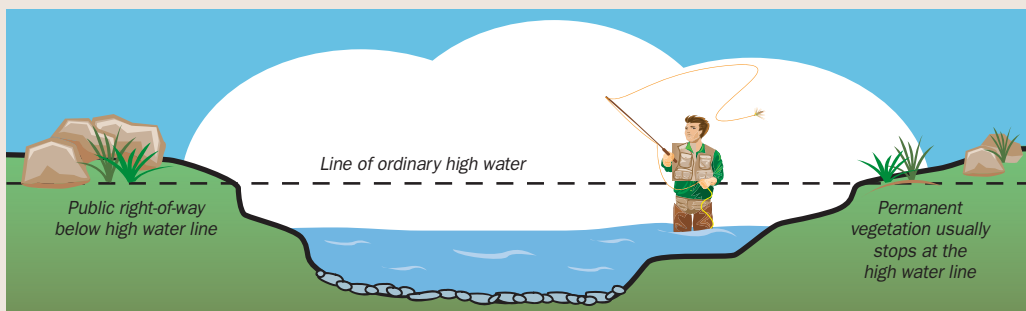
On these waterways, the Oregon Department of Justice (Oregon Attorney General) believes you have the right to use the bed and banks of the waterways for water-related recreational purposes such as swimming, fishing and boating (including anchoring) if the waterway has sufficient depth, flow and width to allow a boat to make successful progress on it.

It's important to understand, however, the waterway user takes legal responsibility if he or she decides to use the submerged and submersible land of any undetermined waterway.



Why is This Important to You?

Because what you can and cannot do on the submerged and submersible land underlying a waterway, and the upland adjacent to a waterway, depends on who owns it. If you do not know who owns the submerged and submersible land underlying a waterway and what you are allowed to do on that land, you may risk possible citation by law enforcement officers for trespass.



*Except where indicated (such as a public park), you are not allowed to go above what is termed "the line of ordinary high water" on waterways that are bordered by private land. The ordinary high water line is defined by Oregon state law as a line on the bank made by the water when it rises to its highest level each year to the limit of upland vegetation. It is **not** the flood line. You may not cross a privately owned property unless you have the landowner's permission. A possible exception to this is given in the Attorney General's opinion if you need to get around an obstacle blocking a waterway.*

To learn more about where and how you may use the surface of and submerged and submersible land underlying Oregon's waterways and lakes, contact the Department of State Lands, 503-986-5200; www.oregonstatelands.us (click on Waterway Navigability).

For questions concerning boating regulations, contact the Oregon State Marine Board, 503-378-8587; www.boatoregon.com.

Information concerning hunting and fishing regulations is available from the Oregon Department of Fish and Wildlife, 503-947-6000; 800-720-6339; www.dfw.state.or.us.

Information on state parks and Oregon Scenic Waterways is available from the Oregon Department of Parks and Recreation, 503-986-0707; 800-551-6949; www.oregonstateparks.org.

