

Appendix F

DIVISION OF STATE LANDS

May 24, 1996 MEMORANDUM
TO: Interested Persons
FROM: Paul R. Cleary, Director

SUBJECT: State Ownership of Navigable Waterways

Introduction

The Division of State Lands (Division) receives many inquiries from the public concerning which waterways are publicly owned or claimed. People often want to know where the bed and banks of waterways have been declared publicly owned so they can use the waterways for fishing, swimming, boating, etc. without fear of trespassing on private property.

This memorandum:

- Discusses your rights to use state-owned submerged and submersible land,
- Contains several lists which identify where the State of Oregon owns or claims the bed and banks of a waterway because of federal court adjudication, tidal influence, and/or as the result of state law, State Land Board policy, or administrative rule.
- Briefly describes the impact of recently enacted legislation (HB 2697) on the determination of state ownership to the bed and banks of waterways.

Please be aware that this memorandum deals only with the issue of state navigability ownership claims. The bed and banks of waterways flowing through public lands (i.e., local, state or federal) may also be available to the public. You should consult with the appropriate public land management agency to determine what limitations, if any, exist on public use.

Your Rights and Responsibilities to Use State-Owned Waterways

The rules controlling public use of state-owned waterways are simple. The Public Trust Doctrine gives you the right to use state-owned waterways (including submerged and submersible lands) for a wide variety of authorized uses including navigation and recreation. However, this doctrine is not a license to trespass on private land. Although the public has a right to navigate on waters where the bed is privately owned, this may not include the right to wade or otherwise use the bed and banks of privately owned uplands. Anyone crossing private land to reach state-owned public land and waterways must have permission from the landowner. The landowner is under no obligation to grant this permission.

Be a Responsible User

Recreational use of state-owned waterways is a privilege enjoyed by many Oregonians and visitors. However, misuse and abuse of this privilege can lead to restrictions. The Division and the State Land Board urge you to be a responsible user of public lands and waterways, obey all authorized closures, restrictions and postings, and exercise basic common sense, courtesy, and consideration for others.

When using Oregon's state-owned waterways:

- Always get the landowner's permission to cross private land to get to the waterway.
- Be sure to launch and take out your boat at public launches or parks.
- Avoid conflicts with landowners.
- If you see trash, pick it up and carry it out, but avoid trespass to do so.
- Obey laws and common rules of decency at all times.

Illegal Acts on Public Lands and Waterways

The Division is often asked what acts are illegal on public land and waterways. As a general rule, any act which is illegal on private land is also illegal on public land. Some of the illegal activities which are frequently reported to the Division as occurring on state owned land are as follows:

<i>Offensive littering</i>	ORS164.805	Class C Misdemeanor (30 days; \$1000)
<i>Littering in or within 100 yards of state waters</i>	ORS 164.775	Class B Misdemeanor (6 months; \$2000)
<i>Trespass onto private land</i>	ORS164.245	Class C Misdemeanor (30 days; \$1000)
<i>Possession use of a controlled substance</i>	ORS Chapter 475	Varies
<i>Interference with property</i>	ORS 164.345	Class C Misdemeanor (30 days; \$1000)
<i>Damaging property less than \$500</i>	ORS 164.354	Class A Misdemeanor (1 year; \$5000)
<i>Damaging property, more than \$500</i>	ORS 164.354	Class C Felony (5 years; \$100,000)
<i>Damaging livestock</i>	ORS 164.365	Class C Felony (5 years; \$100, 000)
<i>Pointing firearm at another</i>	ORS 166.190	6 months; \$500
<i>Firing at person or building within range of weapon</i>	ORS 166.220	Class C Felony (5 years; \$100, 000)
<i>Reckless burning</i>	ORS 164.335	Class A Misdemeanor (1 Year; \$5000)

The Impact of HB 2697 on State Ownership of Waterway Bed and Banks

In 1995, the Oregon State Legislature enacted BB 2697 (codified as ORS 274.400 to 274.412). This legislation establishes a process for the Division and the State Land Board to follow in undertaking any future navigability studies to determine state ownership of the bed and banks of waterways. **Pending completion of such navigability studies, the Division and State Land Board may neither assert nor waive potential** waterway ownership claims.

It is important to note that HB 2697 is prospective, affecting only the State Land Board's ability to assert future claims. Therefore, the Division and State Land Board's pre-BB 2697 ownership claims on the waterways listed in the attached tables are not affected by the requirements of this legislation.

Ownership Data

The waterways to which the state has asserted an ownership claim are listed in Tables 1-3:

Table 1 lists those areas where the state owns or claims the bed and banks of a waterway because of federal court adjudication, tidal influence, and/or as the result of state law, Land Board policy, or administrative rule.

Table 2 lists those areas where the state owns the bed and banks of a waterway strictly because of tidality.

Table 3 concerns state ownership of meandered lakes and references ORS 274.430(1) which states that all meandered lakes are declared navigable and therefore "public" and that the submerged and submersible lands are vested in the state.

The ownership data contained in these tables are current as of the date of this memorandum. **However, as new information is developed, these lists will be periodically updated as navigability studies and related ownership claims are completed.**

Limits of Public Ownership

With reference to the waterways listed in Tables 1-3, the state usually owns to the line of ordinary high water (OHW) or mean high tide (MM).

However, in tidal areas and the bed and banks of grant rivers, state ownership may be different.

- In tidal **areas**, the state may only own to ordinary low water (OLW) or mean low tide (MLT) as the result of land sales authorized by statute in 1872.
- Along the **Willamette River**, a 1874 statute provided that state title to any "...tide or overflowed lands upon said Willamette River is hereby granted and confirmed to the owners of the adjacent lands, or when any such tide of overflowed lands have been sold ... to the purchaser ... from such owner of such adjacent lands, or some previous owner."
- An 1876 statute expanded the provisions of the 1874 statute to include the **Coquille, Coos, and Umpqua Rivers**.

Because of these statutes, the Willamette, Coquille, Coos and Umpqua Rivers are commonly referred to as “grant rivers.” You will need to check deed records for each property along tidal areas and these grant rivers to determine the extent of state submerged and/or submersible land ownership.

Want More Information?

For additional information contact one of our agency’s Resource Coordinators listed in the attached *Resource Coordinator Assignments* display, or call or write to the Division’s Salem office:

Oregon Division of State Lands

775 Summer Street N.E.

Salem, Oregon 97310-1337

Telephone: (503) 378-3805

FAX: (503) 378-4844

Attachments: *Table 1- Waterway Specific Information*

Table 2 - Tidally Influenced Waterways

Table 3 - Meandered Lakes Resource Coordinator Assignments

“Who Owns the Waterways”

Table 1
(Revised 5122196)

Waterway Specific Information
(See also Tidally Influenced Waterways Table 2)

Chetco River—River Mile 3.3 to “at least” 11 (approximately 1 mile upstream from the confluence of Elk Creek and the Chetco River).

Authority: Tidal.

Oregon v. Tidewater Contractors, Inc., Order on Motion for Summary Judgment, August 10, 1994, U.S. District Court, Oregon

Columbia River—River Mile 0.0 to 309 (Oregon-Washington border).

Authority: Tidal.

State assertion by management.

Historical use (for example, by Lewis and Clark Native Americans).

Admissions Act.

Coos River—River Mile 0.0 to 4.5 (at the confluence of the Millicoma River and the South Fork of the Coos River).

Authority: Tidal.

Grant river.

Coquille River—River Mile 0.0 to 36.3 (confluence of the North Fork and Middle Fork of the Coquille River).

Authority: Tidal.

Grant river.

Klamath River—River Mile 200.0 (California border) to 233.0 (Keno).

Authority: Land Board declaration, December 1986.

McKenzie River—River Mile 0.0 to 37 (Dutch Henry Rock).

Authority: Land Board declaration, July 1976.

OAR 141-81-050(2).

State of Oregon v. Riverfront Protection Association, 672 F.2d 792 (1982).

Rogue River—River Mile 0.0 to 68.4 (Grave Creek).

Authority: Land Board adoption of permanent rule, August 1975. OAR 141-81-050(1).

Snake River—River Mile 176 to 409.

Authority: Scott v. Lattig, 227 US. 229, 1913.

Historical use (for example, Lewis and Clark Native Americans). Admissions Act.

Umpqua River—River Mile 0.0 to “approximately” 111.5 (at the confluence of the North and South Forks of the Umpqua River).

Authority: Tidal.

*Land Board adoption of permanent rule, December 1976. OAR 141-81-050(3).
Grant river.*

Willamette River—River Mile 0.0 to 187.0 (at the confluence of the Coast and Middle Forks of the Willamette River).

Authority: Tidal.

*Corvallis Sand & Gravel Company v. Oregon, 429 U.S. 363 (1977). ORS
274.036.
Grant river.*

Table 2**Tidally Influenced Waterways**

County	River Name	Location of Head of Tide
Clackamas	Willamette River	RM26.5 @ Willamette Falls
Clatsop	Logan Creek	T5N-R1 OW W. line of Sec. 20
Clatsop	Neacoxie Creek	T6N-R1 OWN. line of Sec. 10
Clatsop	Neawanna Creek	T6N-R1 OW S. line of Sec. 22
Clatsop	Neawanna Creek	T6N-R1OW Sec. 22 (Unnamed Tributary)
Clatsop	Necanicum River	RM 4.0 @ T6N-R1 OW Sec. 22
Clatsop	Nehalem River	RM 8.9 @ T3N-R9W Sec. 31
Clatsop	Nehalem River N. Fork	RM 6.2 @ T4N-R9W Sec. 32
Clatsop	Stanley Lake Creek	T6N-RIOW Sec.15
Coos	Bear Creek	T28S-RI4W Sec. 27
Coos	Beaver Slough	RM 5.0 @ T12S-13W Secs. 15&17
Coos	Boone Creek	T26S-12W Sec. 32
Coos	Catching Slough	T26S-12W Sec. 32
Coos	China Creek	T29S-15W Sec. 11
Coos	Coalbank Slough	T26S-13W Secs. 3 & 10
Coos	Coos River	ALL
Coos	Coos River S. Fork	RM 10.2 @ T25S-RI I W Sec. 27
Coos	Coquille River	ALL
Coos	Coquille River N. Fork	RM 0.5 @ T29S-R12W S. line of Sec. 4
Coos	Coquille River S. Fork	RM 3.0 @.T29S-R12W Sec. 20
Coos	Cox Canyon	T26S-R14W Sec. 36
Coos	Croft Lake	T30S-R15W E. line of Sec. 10
Coos	Crooked Creek	T29S-R15W Sec. 12
Coos	Cut Creek	T27S-R14W Sec. 31
Coos	Daniels Creek	T25S-12W S. line of Sec. 35
Coos	Davis Slough	T26S-R13W Secs. 27 & 28
Coos	Day Creek	T26S-R14W Sec. 13
Coos	Deton Creek	T25S-R12W Sec. 13
Coos	Elliott Creek	T26S-R13W Sec. 19
Coos	Ferry Creek	T28S-R14W Sec. 29
Coos	Fivemile Creek	T27S-RI4W Sec. 5
Coos	Fourmile Creek	T30S-R15W Sec. 2
Coos	Hatchet Slough	T28S-R13W Sec. 7
Coos	Haywood Creek	T26S-R14W Sec. 14
Coos	Iowa Slough	T28S-R13W Sec. 7
Coos	Isthmus Slough	T27S-RI3W Secs. 2&3
Coos	Joe Ney Slough	T26S-R13W Secs. 6&7
Coos	John B. Creek	T26S-R14W Sec. 25

Coos	Johnson Creek	T29S-R15W Sec. 1
Coos	Kentuck Slough	T25S-R12W Sec. 6
Coos	Lampa Creek	T28S-R13W Sec: 30
Coos	Larson Creek	T24S-R12W Sec. 30
Coos	Lillian Creek	T25S-R12W Sec. 32
Coos	Lowe Creek	T28S-R14W Sec. 23
Coos	Mart Davis Creek	T25S-R12W Sec. 23
Coos	Millicoma E. Fork	RM 13 @ T25S-R11 W Sec. 4
Coos	Millicoma River	ALL
Coos	Millicoma W. Fork	RM 1.1 @ T25S-R1 1W Sec. 6
Coos	New Lake	T30S-R15W S. line of Sec. 15
Coos	New River	T30S-R15W S. line of Sec. 15
Coos	Noble Creek	T27S-R13 W Sec. 2
Coos	North Slough	T24S-R13 W Sec. 12
Coos	Offield Slough	T28S-R14W Sec. 11
Coos	Paloose Creek	T24S-R12W Sec. 18
Coos	Ross Slough	T26S-R13W Sec. 12
Coos	Seelander Creek	T26S-R12W Sec. 29
Coos	Sevenmile Creek	T28S-R14W Sec. 3
Coos	Shinglehouse Slough	T26S-R13W Sec. 15
Coos	South Slough	ALL
Coos	Stock Slough	T26S-R12W Sec. 9
Coos	Talbot Creek	T26S-R13W Sec. 30
Coos	Threemile Creek	T27S-R14W Sec. 5
Coos	Twomile Creek	T27S-R14W Sec. 17
Coos	Vogle Creek	T25S-R12W Sec. 29
Coos	Wasson Creek	T26S-R14W Sec. 35
Coos	Willanch Slough	T25S-R13W Sec. 13
Coos	Wilson Creek	T26S-R12W Sec. 29
Coos	Winchester Creek	T27S-R14W Sec. 2
Coos	Wiskey Run Creek	T27S-R14W Sec. 20
Curry	Bowman Creek	T40S-R14W Sec. 3
Curry	Burnt Hill Creek	T39S-R14W Sec. 5
Curry	Chetco River	RM 3.3 @ T40S-R13W Sec. 34
Curry	China Creek	T39S-R14W Sec. 28
Curry	Coon Creek	T40S-R14W Sec. 3
Curry	Elk River	T32S-R15W Sec. 19
Curry	Euchre Creek	T35S-R14W Sec. 8
Curry	Floras Creek	T31S-R15W
Curry	Garrison Creek	T33S-R15W
Curry	Harris Creek	T40S-R14W Sec. 36
Curry	Horse Prairie Creek	T39S-R14W Sec. 21
Curry	Housetender Creek	T39S-R14W Sec. 9

Curry	Hubbard Creek	T33S-R15W Sec. 9
Curry	Hunter Creek	T37S-R14W Sec. 7
Curry	Lone Ranch Creek	T40S-R14W Sec. 22
Curry	Macklyn Creek	T41S-R13W Sec. 6
Curry	Mill Creek	T41S-R13W Sec. 6
Curry	Miller Creek	T39S-R14W Sec. 16
Curry	Miner Creek	T39S-R14W Sec. 16
Curry	Mussel Creek	T34S-R14W Sec. 19
Curry	Myers Creek	T38S-R14W Sec. 7
Curry	Pistol River	RM 1.4 @ T39S-R14W W. line of Sec. 20
Curry	Ram Creek	T40S-R14W Sec. 22
Curry	Ransom Creek	T41 S-R14W Sec. 1
Curry	Retz Creek	T33S-R15W Sec. 15
Curry	Rinehart Creek	T4S-R14W Sec. 18
Curry	Rogue River	RM 4.5 @ T36S-R14W Sec. 17
Curry	Shy Creek	T40S-R14W Sec. 26
Curry	Sixes River	RM 2 @ T31 S-RI 5W Sec. 31
Curry	Spruce Creek	T39S-T14W Sec. 21
Curry	Taylor Creek	T40S-R14W Sec. 26
Curry	Thomas Creek	T39S-R14W Sec. 28
Curry	Whalehead Creek	T40S-R14W Sec. 3
Curry	Winchuck River	RM 1.1 @ T41 S-R13 W Sec. 25
Douglas	Brainard Creek	T21 S-R11 W Sec. 17
Douglas	Butler Creek	RM 1.1 @ T21S-R11W Sec. 30
Douglas	Eslick Creek	T20S-R1 I W Sec. 35
Douglas	Frantz Creek	RM 0.5 @ T21 S-RI 2W Sec. 14
Douglas	Hudson Slough	ALL
Douglas	Joyce Creek	T21 S-R1 I W Sec. 8
Douglas	Noel Creek	T21 S-R1 I W Sec. 3
Douglas	Oar Creek	T22S-R1 I W Sec. 7
Douglas	Otter Slough	RM 1.0 @ T21 S-RI I W Sec. 27
Douglas	Providence Creek	T21S-R12W Sec. 28
Douglas	Scholfield Creek	RM 53 @ T22S-R12W Sec. 11
Douglas	Silver Creek	T22S-R12W Sec. 8
Douglas	Smith River	RM 23.1 @ T20S-R1 OW Sec. 34
Douglas	Smith River N. Fork	RM 3.0 @ T20S-R1 OW Sec. 30
Douglas	Tahkenitich Creek	T20S-R12W Sec. 19
Douglas	Threemile Creek	T21S-R12W Sec. 18
Douglas	Umpqua River	RM 29.2 @ T22S-R9W Sec. 7
Douglas	Winchester Creek	T22S-R12W Sec. 8
Lane	Agate Creek	T15S- R2W Sec. 27
Lane	Berry Creek	T17S-R12W Sec. 15
Lane	Blowout Creek	T16S-R12W Sec. 22

Lane	Bob Creek	T15S-R12W Sec. 22
Lane	Cape. Creek	T16S-R12W Sec. 34
Lane	China Creek	T16S-R12W Sec. 22
Lane	Cummins Creek	T15S-R12W Sec. 10
Lane	Gwynn Creek	T15S-R12W Sec. 10
Lane	Hadsall Creek	T18S-R10W Sec. 12
Lane	Haring Creek	TI 8S-R11 W Sec. 7
Lane	Hoffman Creek	TI 8S-RI I W Sec. 13
Lane	Knowles Creek	T18S-R10W Sec. 1
Lane	Lawson Creek	T18S-R11 W Sec. 28
Lane	Lindsley	TI 8S-R12W Sec. 12
Lane	Morris Creek	TI 8S-R11W Sec. 5
Lane	Munsel Creek	T18S-R12W Sec. 26
Lane	Nancy Creek	T16S-R12W Sec. 10
Lane	Rock Creek	T16S-R12W Sec. 15
Lane	Siltcoos River	T19S-R12W Sec. 34
Lane	Siuslaw N. Fork	RM 10.5 @ TI 8S-R11 W Sec. 4
Lane	Siuslaw River	RM 22.8 @ TI 7S-RI OW Sec. 34
Lane	South Inlet	T18S-R11W Sec. 31 T19S-R11W Sec.
Lane	Squaw Creek	T16S-R12W Sec. 3
Lane	Sutton Creek	RM 0.4 @ T17S-R12W Sec. 28
Lane	Sweet Creek	TI 8S-R10W Secs. 16 & 21
Lincoln	King Slough	TI I S-R1 I W Sec. 28
Lincoln	Alsea River	RM 11.5 @ T13S-R10W Sec. 34
Lincoln	Beaver Creek	T12S-R11 W Sec. 20
Lincoln	Beaver Creek S.	T12S-RI 1W Sec. 20
Lincoln	Big Creek	T10S-R1 1 W Sec. 32
Lincoln	Boone Slough	T1 1 S-R1 1 W Sec. 25
Lincoln	Buckley Creek	T13S-R12W Sec. 1
Lincoln	Cape Creek	T15S-R12W Sec. 3
Lincoln	Coal Creek	T1 OS-R11 W Sec. 17
Lincoln	Collins Creek	T12S-R12W Sec. 36
Lincoln	D River	TI 7S-RI I W Sec. 15 (50 yds. W. of Hwy. 101 bridge)
Lincoln	Deer Creek	T12S-R12W Sec. 24
Lincoln	Depot Creek Slough	RM 5.0 @ T11S-R10W Sec. 6
Lincoln	Drift Creek	RM 2.7 @ T13S-RI 1W Sec. 23
Lincoln	Drift Creek	T7S-R11 W Sec.' 6
Lincoln	Eckman Slough	T13S-R11W Sec. 28
Lincoln	Elk Creek	RM 4.5 @ TI I S-R1 OW Sec. 25
Lincoln	Flesher Slough	TI 1S-R11W Sec. 35
Lincoln	Fogarty Creek	T8S-R11 W Sec. 32
Lincoln	Fox Creek	T13S-R12W Sec. 1
Lincoln	Grant Creek	TI 1S-R11W Sec. 30

Lincoln	Henderson Creek	T11S-R11W Sec. 30
Lincoln	Hill Creek	T12S-R12W Sec. 25
Lincoln	Johnson Creek	Ti OS-RI 1W Sec. 5
Lincoln	Lint Slough	T13S-Ri 1 W Sec. 30
Lincoln	Little Creek	TI OS -RI I W Sec. 32
Lincoln	Little Creek	T13S-R12W Sec. 36
Lincoln	Lost Creek	TI 2S-RI I W Sec. 7
Lincoln	McCaffery Slough	T12S R11 W Sec. 3
Lincoln	McKinney Slough	T13S-R1 I W Sec. 20
Lincoln	Mill Creek	T1S-RIOW Sec. 27
Lincoln	Moolack Creek	TIOS-RI 1W Sec. 17
Lincoln	Moore Creek	TI I S-RI I W Sec. 31
Lincoln	North Cape Creek	T15S-R12W Sec. 3
Lincoln	Nute Slough	TI I S-RI OW Sec... 30
Lincoln	Ollala Slough	TI I S-R1 OW Sec.17 Secs. 8 & 5
Lincoln	Parker Slough	TI I S-R1 I W Sec. 27
Lincoln	Pooles Slough	T12S-Ri I W Sec. 1
Lincoln	Pumphouse Creek	T12S-RI I W Sec. 18
Lincoln	Rowdy Creek	T6S-RI I W Sec. 25
Lincoln	Salmon Creek	Tidegate Three Rocks
Lincoln	Salmon River	T6S-R1OW Sec. 29
Lincoln	Schoolhouse Creek	T8S-R1 I W Sec. 16
Lincoln	Schooner Creek	TI OS-RI 1 W Sec. 19
Lincoln	Sijota Creek	T8S-R1 I W Sec. 10
Lincoln	Siletz River	RM 22.6 @ T9S-Ri OW Sec. 8
Lincoln	Spencer Creek	TI OS-RI I W Sec. 5
Lincoln	Starr Creek	T14S-R12W Sec. 23
Lincoln	Thiel Creek	T12S-RI 1 W Sec. 6
Lincoln	Vingie Creek	T14S-R12W Sec. 14
Lincoln	Wade Creek	TI OS-RI 1 W Sec. 8
Lincoln	Yachats River	RM 1.5 @ T14S-RI2W Sec. 26
Lincoln	Yaquina River	RM 21.8 @ TI I S-RI OW Sec. 1
Multnomah	Columbia Slough	T2N-RI W Sec. 23 to T1N-R3E Sec. 19 (Note that the limit of state ownership in a portion of the channel in TIN-R2E Sec. 23 TIN-R2E Sec. 24 and TIN-R3E Sec. 19 is still uncertain.)
Multnomah	Columbia River	RM 145.5 @ Bonneville Dam T2N-R7E Sec. 21
Tillamook	Alder Creek	T3N-R1OW Sec. 27
Tillamook	Anderson Creek	T3N-RI OW Sec. 14
Tillamook	Anderson Creek	T2S-R9W Sec. 6
Tillamook	Beaver Creek	T2S-RIOW Sec. 12
Tillamook	Clear Lake Creek	TIN-RI OW Sec. 5
Tillamook	Coal Creek	T3N-RIOW Sec. 14
Tillamook	Crescent Lake Creek	T2N-R1 OW Sec. 29

Tillamook	Daley Lake Creek	T5S-RIIW Sec. 13
Tillamook	Dougherty Slough	TI S-R9W Sec. 20
Tillamook	Esther Creek	TIS-RI OW Sec. 26
Tillamook	Fall Creek	TIS-R1 OW Sec. 31
Tillamook	Flower Pot Creek	TI S-R1OW Sec. 8
Tillamook	Foley Creek	T3N-R1 OW Sec. 36
Tillamook	Gallagher Slough	T3N R1OW Sec. 35
Tillamook	Hall Slough	T1S-RIOW Sec. 24
Tillamook	Hathaway Slough	T1S-RIOW Sec. 12
Tillamook	Hoquarten Slough	TIS-R9W Sec. 30
Tillamook	Illingsworth Creek	T1N-RIOW Sec. 23
Tillamook	Jackson Creek	T2S-R10W Sec. 30
Tillamook	Kilchis River	RM 2.0 @ TIS-R9W Sec. 7
Tillamook	Little Nestucca River	RM 3.2 @ T5S-RIOW Sec. 9
Tillamook	McCoys Cove	TI S-RI OW Sec. 9
Tillamook	Messhouse Slough	T2N R10W Sec. 17
Tillamook	Miami River	RM 0.8 @ TIN-R1OW Sec. 14
Tillamook	Neskowin Creek	T5S-RI 1 W Sec. 36
Tillamook	Nestucca River	RM 8.5 @ T4S-RI OW Sec. 14
Tillamook	Nolan Slough	TIS-RIOW Sec. 24
Tillamook	Patterson Creek	TIN-RIOW Sec. 34
Tillamook	Rice Creek	T2S-RIOW Sec. 5
Tillamook	Short Creek	T1S-RIOW Sec. 24
Tillamook	Spring Lake Creek	TIN-RIOW Sec. 6
Tillamook	Squeedunk Slough	TIS-R10W Sec. 13
Tillamook	Sutton Creek	T2S-RIOW Sec. 12
Tillamook	Tillamook River	RM 6.0 @ T2S-R9W Sec. 7
Tillamook	Tomlinson Slough	TIS-RIOW Sec. 26
Tillamook	Trask River	RM 4.3 @ T2S-R9W Sec. 6
Tillamook	Watseco Creek	TIN-RI OW Sec. 7
Tillamook	Wilson River	RM 3.1 @ T1S-R9W Sec. 20
Tillamook	Wiskey Creek	T2S-RIOW Sec. 17
Tillamook	Yagar Creek	12S-RIOW Secs. 8 & 9

NOTE: The head of tide indicated in Table 2 is approximate and is based on inspection or other evidence obtained by Division staff prior to 1989. The location of the head of tide of any particular waterway may have changed since that time of determination.

Some waterways in Clatsop, Columbia and Multnomah Counties which flow into the Columbia River and may in part be affected by tidal influence have not been investigated by Division staff. Therefore, they are not included in Table 2.

Table 3

Meandered Lakes

ORS' 274.430 State Ownership Of Meandered Lakes; Status As Navigable And Public Waters.

(1) All meandered lakes are declared to be navigable and public waters. The waters thereof are declared to be of public character. The title to the submersible and submerged lands of such meandered lakes, which are not included in the valid terms of a grant or conveyance from the State of Oregon, is vested in the State of Oregon.

(2) ORS 274.430 to 274.450 shall not apply to any nonnavigable lakes lying within the boundaries of any duly organized and incorporated drainage district which was in existence on January 1, 1921.

(3) Nothing in this section impairs the title of any upland or riparian owner to or any vested rights in land which was added prior to May 25, 1921, by natural accretion or reliction to the lands of such upland owner.

Note:

- However, see United States v. State of Oregon, 295 U.S. 1 (1935) which found that Malheur Lakes (Malheur, Mud and Harney) are meandered, but not navigable.
- To date, the Division has issued leases on the following lakes:

- Devil's Lake
- Klamath Lake
- Mercer Lake
- North Tenmile Lake
- Siltcoos Lake
- Tenmile Lake
- Upper Klamath Lake
- Woahink Lake