Chapter 780

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Improvement and Use of Navigable Streams

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780.010 Stream improvement authorized; channel obstruction prohibited. Any person, association, or corporation may enter upon the channel or bed of any and all rivers and water courses, navigable or susceptible of being made navigable, and perform work and labor thereon, and make such improvement of the same by clearing out or deepening the channel, constructing wing dams, blasting and removing rocks or ledges, removing sand bars, gravel bars, snags and all other obstructions to navigation, so as to render the rivers or any of them navigable at all seasons of the year or to improve the navigation. No work authorized by ORS 780.010 and 780.020 to be done shall be so done or conducted as to obstruct in any manner, either temporarily or otherwise, any channel or river now navigable, but the closing of one or more channels in any river in order to deepen or cause more water to flow in the main channel shall not be construed as constituting an obstruction to the navigation of any river or water course.

780.020 Entry on riparian lands authorized; liability. All persons, associations and corporations engaging in improvement of the navigation of any river or water course, as authorized in ORS 780.010, may enter upon the lands adjacent to any river or water course for the purpose of cutting timber, taking rock, gravel, dirt and other materials necessary for the prosecution of the work of such improvement, and pass over adjacent lands with means of transportation proper for conducting the work contemplated by ORS 780.010, doing as little damage as possible, subject only to the payment of such damages as may be assessed according to law.

780.030 Channels improved are highways free to navigation. All channels of rivers and water courses made navigable or the navigation of which is improved, as contemplated by ORS 780.010, shall be public highways, and shall be free to all steamboats and other crafts navigating them.

780.040 When landowner may construct wharf. (1) The owner of any land lying upon any navigable stream or other like water, and within the corporate limits of any incorporated town or within the boundaries of any port, may construct a wharf upon the same, and extend the wharf into the stream or other like water beyond low-water mark so far as may be necessary for the use and accommodation of any ships, boats or vessels engaged exclusively in the receipt and discharge of goods or merchandise or in the performance of governmental functions upon the stream or other like water.

(2) As used in this section, "wharf" does not include new lands created upon submersible or submerged lands by artificial fill or deposit. [Amended by 1963 c.125 §1, 1973 c.328 §2]

780.050 Municipality or port may regulate construction of certain structures beyond low-water mark. The corporate authorities of the town wherein a wharf, dock, pier, moorage or similar structure is proposed to be constructed, or the commission of any port wherein the structure is proposed to be constructed if the proposed location of the structure is not within any town, may regulate the construction of the structure. Upon application of the person entitled to and desiring to construct the wharf, dock, pier, moorage or similar structure, the corporate authorities or port commission, as the case may be, may by ordinance or other like mode prescribe the mode and extent to which the structure may be constructed beyond the line of low-water mark so that the structure shall not be constructed any farther into the stream or other water beyond the low-water line than may be necessary and convenient for the use of the structure and so that it will not unnecessarily interfere with the navigation of the stream or other like water. [Amended by 1963 c.125 §2; 1973 c.328 §3]

780.060 Construction not to interfere with oyster production. Nothing in this chapter authorizes the construction of a wharf, dock, pier, moorage or similar structure at any place where its construction and operation will substantially impair or interfere with the cultivation and taking of oysters subject to the provisions of ORS 622.210 to 622.300 and 622.320. [1969 c.675 §20; 1973 c.328 §4]