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Deschutes River - Scenic or Recreational?

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Senator Packwood Visits Shearers Bridge

by Olney Patt, Jr.

United States Senator Bob Packwood paid a visit to Shearers Bridge on Thursday, July 15, to confer with Tribal representatives on matters of conservation and water management on the Deschutes River.

Packwood arrived by helicopter at 4:00 p.m., and was only able to spend 20 minutes with the Tribal officials before having to continue his tour that began at Bend (the source of the Deschutes) and was scheduled to end at the Columbia River later in the day.

The purpose of Packwood's tour was to hear the opinions of user groups as to whether the Deschutes should be designated a 'scenic' or 'Recreational' river under the Wild and Scenic Rivers Act of 1974. Seven other Oregon rivers are being similarly surveyed; the recommendations of users and owners of riverfront property will play an important role in the eventual Congressional decision.

Scenic vs. Recreational

Should the Deschutes River become a 'recreational' river under the act, it would then fall under the jurisdiction of the Bureau of Land Management (B.L.M.), whose central Oregon division is stationed in Prineville. This would be "in violation of the Warm Springs Tribal Water Code, which was drawn up jointly by the Confederated Tribes of Warm Springs and the federal government, and held up by the Supreme Court of the United States," according to Fish and Wildlife Committee and Water Board member Delbert Frank.

Frank was also apprehensive of a complete takeover of the Deschutes River by the B.L.M. from the source to the mouth. For recreational purposes, their jurisdiction would be a quarter mile strip on both sides of the river, including reservation lands.

Repeated reference was made to the Warm Springs Water Code (the only Indian



SENATOR BOB PACKWOOD (l) is shown the Warm Springs water code by water board member Delbert Frank. On the right is Tribal Attorney Dennis Karnopp. Photo by Olney Patt, Jr.

water code in the country) and the Columbia River Basin Indian Winter's Doctrine Rights To The Use Of Water. In it is included the Governor's Interstate Indian Council's Resolution No. 4, adopted in 1966 (Resolution Respecting Indian Rights to the Use of Water and the Preservation of Them) which reads, in part:

"Whereas, the Indian rights to the use of water in Western United States constitute one of the most valuable if not the most valuable of the

". . . prior and superior rights to the use of water in the streams, lakes, springs and other sources of water which arise upon, border or traverse their lands. . ."

natural resources owned by them; and

"Whereas, those rights to the use of water are a catalyst for all agricultural, industrial, recreational, municipal, domestic, power generation and all other developments on their lands; and

"Whereas, the ever-increasing demands for water throughout the United States, particularly in Western United States, constitutes a grave and ever-growing threat to the Indian rights to the use of water;

"Now, therefore, Be It Resolved by this Council that the Indians throughout the Western United States undertake a broad program for determining their present and foreseeable needs for water, making an inventory of those needs as they relate to the existing supplies of water available to them; and

"Be It Further Resolved, that the Indians assert prior and superior rights to the use of water in the streams, lakes, springs and other sources of

water which arise upon, border or traverse their lands for quantities of water sufficient to satisfy their present and future needs."

Those prior and superior rights to the use of water to the Indians are, continued the resolution, "against the entire stream" systems and "may be

exercised for any and all beneficial purposes"; they "do not arise from use nor are they lost by disuse."

Also on hand for the meeting were Superintendent James Cornett, Tribal attorney Dennis Karnopp, Fish and Wildlife warden Harold Culpus, com-

mitteemen Linton Winishut and Cyrus Katchia, and Council secretary Winnie Miller.

Karnopp pointed out the need for a campground and sanitary facilities for the Indian fishermen at Shearers Bridge, stating that many of them live at the site for the duration of the salmon spawning season.

Paul Arr, representing the Bureau of Land Management, accompanied Senator Packwood on his tour acting in an advisory capacity, offering neither supportive nor contradictory statements to the Tribal views. No date was given for the final decision on the status of the river.