

310

JOHN DAY RIVER TESTIMONY SUMMARY

Note: This document lists the names of all person who submitted either written or oral testimony to the Department of State Lands concerning the May 19, 2004 John Day River Draft Navigability Study Report.

Comments and corrections suggested by the person are indicated only when they relate to the historical and other evidence of the use and condition of the John Day River study segment as presented in the May 19, 2004 study report.

Smith Fussner **5/24/04 Letter**

- *"The assumed navigability of the John Day River from Kimberly to its mouth at the Columbia River is in part a myth based on hearsay evidence of floating logs downstream long ago. When logs reached the "wild" section of the John Day (described in The Wild and Scenic Rivers Act) beginning at Cottonwood, the rapids were and now are, extremely dangerous and would smash any "log raft" or commercial wooden vessel to pieces. A contour map of the area will suggest why – high walls causing compression and velocity increases."*
- *"The John Day Queen was used as a passenger ferry and pleasure craft during her brief life (1895-97). Young Clarno planned to take the sternwheeler to the Columbia, but only got 4 miles below the bridge (built in 1897) when he ran into the rapids (which drop 40 feet in 1 mile) and the Queen was lost. This evidence cannot be used to support the "navigability" of the John Day River."*
- *"During the spring snow melt, the floods are sometimes so high-crested that fields may be flooded and/or the course of the river permanently changes, expecially around bends and horseshoe bends."*

Jed Volkman **5/27/04 E-mail**

- Spends approximately two weeks every year fishing on the river.

Donalt Cossitt **5/27/04 E-mail**

- "I am about half way through the draft and read under paragraph "Chee Lumber Company" pg. 22, the following "In the 1923 test, the Chee Lumber Company floated 20, 16 foot logs (200,000 board feet)..." This certainly must be a typo. One would have to go to the Redwood Forests to get timber of that size. Eg, I once cut a pine (circa 1975) on Rock Creek that was 9 feet on the stump (I have pictures), which no doubt is well beyond the average upper limit for Ponderosa Pine. At 29 feet where the log was cut because of a fork, it was yet 9 feet in diameter. This log weighed in excess of 56,000 pounds and was 6,280 board feet – the only one log load I have ever seen come out of eastern Oregon. Therefore, I can conclude that a 16 foot log from the Spray

area (or probably anywhere in Oregon) was not 10,000 board feet – didn't happen.”

John Saltveit 6/1/04 E-mail

- “I am writing to explain my beliefs on the navigability of the John Day River. I have rafted the John Day a couple of times with my family, and I intend to continue paddling on the river throughout my life.”

Phillip Havens 6/4/04 Letter

Eddie Thompson 6/5/04 Letter

John Garren 6/19/04 Letter

- “I have read the report and believe it is factual, complete, accurate...”

Sherry Kaseberg 8/22/04 Letter

- *“The facts are combined with assumptions that may or may not be correct.”*
- *“Murdock reported the Tenino Indians moved up and down the John Day River and maps show their east bank trail. Early Sherman County pioneers reported their movement on ponies and on foot. Murdock describes the trail leading upstream from the John Day villages along the east bank of the river to their spring and summer campsites.”*
- *“How could you have missed the fact that an Army surplus amphibious truck owned by a John Day River cattle rancher was used in a short-lived experiment in commerce?”*

Ole Olsen 6/22/04 Oral testimony at hearing

Jim Brown 6/22/04 Oral testimony at hearing

Art Israelson 6/22/04 Oral testimony at hearing

Joyce Brown 6/22/04 Oral testimony at hearing

Matt Williams 6/22/04 Oral testimony at hearing

Mike Weedman 6/22/04 Oral testimony at hearing

Unidentified Person 6/22/04 Oral testimony at hearing

- *“There's not one use in here that I can remember, now I might be shown wrong, that there was a successful commercial venture. They all ended in tragedy. Now that's commerce, but it's not the kind of commerce that we all would like to have when we think of commerce. You haven't shown us one.”*

Jeanne Burch **6/22/04 Oral testimony at hearing**

Don Cossitt **6/22/04 Oral testimony at hearing**

Sherry Kaseberg **6/22/04 Oral testimony at hearing**

- *“Does the John Day River meet the federal test? It meets the susceptibility test, and I assume that’s all that’s important. The factual evidence, however, is not all correct. And you’re interpretation of history in this document is adjusted inappropriately and inaccurately. The information provided will be used for decades to come as fact. And people who’ve never been here will believe everything you print. So it’s all the more important that you maintain credibility by bearing the burden of proof.”*
- *“ You overstate the John Day River commerce in order to call it navigable. You concluded that it’s navigable based on the supposition that the John Day River flow was likely greater at the time of statehood than it is today. And then I might ask, “One would conclude it might be less navigable now.” These statements, as well as citing the failed commerce of the sternwheelers, the log drives, the one-time exploratory ventures, are not credible examples of navigability. So your errors cast increasing doubt on your credibility. There were some dams, for instance. You didn’t manage to remember that and you, your citing commerce in much the same way as the short-lived sawmill on the Harris Place on the Deschutes River that drove the navigability designation there. Commercial ferries, of course, crossed the river; they didn’t go up and down it.”*
- *“ Then you ask about other evidence to refute or support this study. The canoes are an issue in my mind and you state that you can’t prove they were here. But the historians that you refer to, Murdock in particular, shows a map of the trail coming up the east bank of John Day River from the mouth. The old-timers in Sherman County remember Indians in the late ‘70s, early ‘80s coming through with ponies trading fish for produce, that kind of thing. And I think you missed a fact. I just have to tell you that was a cattle rancher that tried using an Army surplus amphibious truck to cross the river with his cows.”*

Gary Thompson **6/22/04 Oral testimony at hearing**

John Asher **6/22/04 Oral testimony at hearing**

- *“To me there’s a lot of guesswork and a lot of false statements which I’ll address later in a letter.”*

Dennis Reynolds **6/22/04 Oral testimony at hearing**

- *“Everybody to read the subjective nature of the arguments put forth. It’s already been mentioned here once this evening that everything is theorized. If you found a body laying along the road you would theorize it was murder. But proving whether or not it is is another issue. We’re challenged by the notion that the federal courts have interpreted the word “susceptible” to meaning the wildest imagination of whether or not you could have done*

commerce on a river. That creates a formidable challenge to refute the findings of the state agency. But I would ask, "Did Chee's ever build the sawmill?" I think you'll find the answer is there was never a sawmill built because they could never get the logs to it as they theorized they could."

- "I would also ask you to take judicial note of the fact that both the Middle Fork of the John Day River and the North Fork of the John Day River were initially included in the permit that they asked the State of Oregon to issue them for the sole and singular right of floatation of logs. They admitted at the time they made application that the waterways were not navigable. And yet for 16 years they maintained the theory that they could somehow float logs to a sawmill that was yet unbuilt."
- "The ferries. The John Day Queen I and the John Day Queen II. Mind you that this was in such an early stage and admittedly in this document it indicates that these were the early times in Wheeler County. Development came slow because it wasn't easy living as it was in the Willamette Valley. Wasn't as easy to raise crops. It took more acres to create commerce. Imagine if you will in the times when people struggled to put food on their table and maintain their livestock and maintain their way of life in this community and see if you can cope with the suggestion that the ferry, the John Day Queen I and John Day Queen II were used exclusively for recreational purposes. Sight-seeing. Dances. I think you will find...I'm led to believe that in the library in Sherman County there's a book that will refute that. A book that says that quite possibly it might have been used to move bands of sheep...much contrary to the notion that it is recreational use."
- "I'm troubled by the fact that again, in theory, because the Native Americans used quite prolifically the Deschutes River that there is also an obvious and intuitive assumption that the John Day River was used for the same purposes during the same time in the same manner."
- "Those of you who live here recognize that even today it's difficult to find a 24-inch diameter tree growing adjacent to the banks of the river. I would argue that if we were theorize that tribal members drag those logs from as far away as 15 to 20 miles to the nearest floatable, potable, I mean floatable quantity of water, that it was less likely than on the Deschutes where timber is more prolifically available to the banks of the river. All these things give reason to doubt, in my opinion, that the research has been done adequately, appropriately, and with an open minded approach. As a professional forester, I, too, can say to you that a 16-inch log scales, 16-foot long scales, a hundred and sixty board foot. That means that instead of a 15,000 board foot per log segment as this document reflects, it's more likely to be about 3,200 board foot. Two hundred thousand dollars in the era in which these logs were allegedly attempted to take to a sawmill would have been more than a year's supply of logs with a circle-set saw with 1,000 to 2,000 board foot a day."

Mike McArthur

6/22/04 Oral testimony at hearing

- "...I take issue with the conclusions the Division's drawn from the facts that they've presented. I think this definition says "the waters are navigable is

- Study has *“weak proposed draft conclusions...based on limited research.”*
- *“References seem adequate...but certainly does not satisfy in depth study for discussions.”*
- Believes *“case conclusions maybe have not been carefully litigated in the case of the John Day.”*
- Concerned *“that the finding of navigability as indicated might also be applied on streams and tributaries throughout basin...”*
- *“The word “susceptible” seems to have been handed down in the era of Land and Railroad barons and Reclamation barriers and was applied so that navigability or susceptible-to-navigability syndrome was automatic as in Boulder Dam.” “These words “susceptible to use” seem to mean waterway must be able to facilitate more than occasionally. Basis need not be extensive or long and continuous. Meaning less clear.”*
- Questions meaning of term “upland” and if it has a legal meaning?
- Contends canoes used in one place may be different than those used in another location.
- *“Dr. David Cole, Anthropologist, University of Oregon, did a study of a proposed reservoir site on Rock Creek, Gilliam County in the 1970s.”*
- Contends the John Day River and tributaries have changed course many times in geologic history. Further, *“the river, since about 1950, is in a state of transition brought on by higher flows being higher and low flows continuing longer. Evidence of historical flow rates has a diluting effect on graphic display of streamflow.”*
- Contends the characteristics of the river have changed appreciably since statehood.
- Questions who requested the study and why?
- Mentions book called *“The Beaver Men”* and states that he understands it to be factually credible.
- *“Our cousin had run the McDonald ferry at the mouth of Rock Creek.”*
- Contends that forest roads and ditches for roads have significantly changed hydrology of John Day Basin. *“We’ve diminished much of the forest’s ability to absorb and store water.” “All John Day stream gages show change not explained by weather variation alone.”*
- States that Peter Skene Ogden “over-nighted” at the mouth of the John Day. Cites passages from his diary during the time he was in the area.
 - *“We had some difficulty in crossing over the river, its banks being overflowed owing to the mild weather and late rains.”*
 - *“As we cannot ford the river with our horses we have a canoe made.”*
- Believes that the diary entries of Ogden indicate that the beaver pelts obtained from the upper reaches of the John Day River were either transported downriver in packs of 60 pounds each, two pack to a horse – not brought down on canoes. *“The evidence seems to indicate that their knowledge, coming from their guides’ knowledge along with their own considerable experience, shows that any consideration of canoeing up the John Day was far-fetched and coming down the John Day was impractical.”*

- *Contends that “river was lower in the summer before statehood because the high-water yielding timbered headwaters and their “forks” were beaver dam reaches. Rising water hung in the basin’s clogged meadows. The meadows were formed by beaver action. Their dams constantly plugged breakouts, thereby containing moving small channels across the valley.” “In fact, there is good reason to believe the river flowed less at time of statehood than it does now.”*
- *Contends “The low water before statehood is about the same as low water now. However, the high water is much higher.”*
- *Contends: “The watershed has undergone tremendous change. The stream bed and banks are cutting deeper and wider.”*
- *“Odgen’s Journals of twenty-seven and twenty-nine years before Oregon statehood indicate no travel by canoe in the John Day Basin.”*
- *“There is no documented evidence of either Navigability or Susceptibility prior to statehood in 1859.”*
- Photos provided:
 - Wooden dam (1918); cement dam at Early (1916-1918) both **RM 6**.
 - Swinging bridge across John Day River at Early (**RM 6**).

Sara Leigh Wilson **6/30/04 Letter**

- Believes *“evidence as presented in the draft navigability study report is factually correct.”*

George DesBrisay **7/2/04 E-mail**

Scott Ashcom **7/14/04 Letter**

- *Contends the fording of the John Day River by emigrants is not evidence of navigability. Instead, it indicated based on the definition of a “ford” that the river at McDonald’s Crossing (RM 21) was quite shallow and not navigable.*
- *Contends that the fact that the John Day River meanders proves “that it may be impossible to establish as a matter of fact any asserting (assertion) about any event that could have occurred in 1859 at any location along the current bank in 2004. It is very likely that, in 1859, the bank was at a different location than today.”*
- *Contends that the 1806 map prepared by Lewis & Clark may be “evidence of something,” but it is “still not evidence of navigability in fact of the John Day River from RM 10 to 184.”*
- *Contends that Capt John T. Mullen’s military maps do not provide evidence of navigability.*
- *Contends that it is not possible to identify any specific location on the Surveyor General’s 1839 map.*
- *Concurs that the General Land Office maps of 1866 and 1879 “are of limited value in determining the precise course of the John Day River” at those times.*
- *Contends that maps prepared after 1900 do not more accurately depict the course of the river.*

- Contends that none of the earlier maps provide useful evidence of where the banks of the John Day River were in 1859 because of their inaccuracies and the scale at which they were drawn.
- Believes that the chapter discussing the uses of the John Day River contains *“speculation about the historical uses of the river, but little if any evidence.”* *“The dugout canoes alluded to in the study are those used by the Indian nations which used the Columbia River as a highway of transportation. From time to time these nations might paddle into an estuary of rivers in confluence with the Columbia. The John Day River was, and is, too shallow for such craft.”*
- States that *“DSL staff fabricates the above conclusion (that it is reasonable to assume...that Indians did use dugout canoes on the John Day River prior to and at the time of statehood) on the basis of no physical evidence.”* *“DSL staff falsely assumes that the John Day River watershed was the range of the Tenino Indians. This is factually false. The Tenino inhabited the lower part of the watershed to about RM 5. The watershed was militarily under the influence of Walpapi Snake Indians upstream of RM 130 (near the confluence of Cherry Creek), and Cayuse Indians in the vicinity of the headwaters. There is no evidence of use of the river for transportation, trade, or any other purposes by Indian nations above RM 5.”*
- Does not contest evidence of use of the river by ferries, but *“note that it is not evidence of navigability in fact, except for the specific location of the ferry at these points. If anything, the evidence supports an assumption that the river, at that point was not navigable by water: otherwise provision for foot and vehicle travel would not have needed to be made.”*
- Agrees that use of the John Day Queen I and II is *“evidence that the John Day was navigable from RM 109.5 to 120 in 1889.”* However, the *“ten mile limit of the vessel’s operation is evidence that the river was not navigable below RM 109.5 or above RM 120 for this small vessel.”*
- Contends that the trip taken by Edward Davis from RM 84 to RM 22 indicates that the river over this segment *“was not susceptible of use as a highway of trade in the customary modes of travel on water in 1905.”*
- Regarding the Chee Lumber Company’s reported log drive, the fact that *“the construction of splash dams would have made more of the river navigable for log drives”* and that the company stated in its OPSC filing in 1923 that *“the river was not navigable for commercial purposes”* indicated that it isn’t/wasn’t.
- Contends that the use of the river by recreationists since June 1939 is *“simply not evidence of John Day River navigability in fact in 1859.”* Further, *“the river banks had 80 years to meander from 1859 to 1939, and the Chee Lumber Company altered the ordinary condition of the river from 1923.”*
- Regarding water flows, according to USGS data, the flow of the John Day at Service Creek and at McDonald’s Ferry between July and November is not enough to permit the John Day to serve as a highway of commerce if, as the report states: *“a minimum flow on the order of 250 to 350 cfs is needed by small rafts and driftboats,”* and *“to use the waterway for most uses with*

minimal inconvenience, a flow of approximately 1,000 to 1,500 cfs is recommended.”

- *Contends “all flow data presented in the present study is conjecture, and does not represent any factual measurement of flow in 1859. Data in the current study regarding recreational boats and rafts operating on the river in the 20th Century is irrelevant to determination of customary modes of travel and commerce by water current in 1859.”*

Bruce Hansen 07/14/04 Letter

- *“My two brothers and myself have private land on the John Day River at RM approximately 75. I have done fishing and hunting on this stretch of the river since 1950.” “When I was a young boy Charlie and myself would pack down and stay along the John Day River a lot. We never saw any boats or river traffic in those days. We were all by ourselves and we loved it.”*
- *Even in 1978 there was no river usage in this part of the river. Then we started to see drift boats, canoes and rafts. They would drift the river only when there was enough water to float their craft. Few wanted to drag their craft over the rocks from hole to hole.” “The heavy usage by watercraft has only been in the last 10-13 years.”*

Bob Stark 7/15/04 Letter

Sherry Kaseberg 8/16/04 E-mail

- *Contends evidence in study could be used to prove John Day is not navigable.*
 - *Contends the term “susceptible” is used to bias study; grants that river is “susceptible” to attempts at navigation – but not successful commercial navigation.*
 - *Refers to book by Dr. Eugene Hunn (**Nchil Wana**) who supports opinion that dugout canoes were not likely used on upper or middle reaches of John Day River. Hunn contends travel away from main stem of Columbia was by foot and horse.*
 - *Thinks weight and size of dugout canoes would have a bearing on feasibility of canoes being used on upper or middle reaches of John day.*
 - *Early Sherman County settlers reported Indians moving “up and down river through that county on foot and ponies.”*
 - *Questions whether DSL in the preparation of study contacted tribes, landowners or counties for information. Contends not.*
- “The assumptions, conclusions, errors and omissions found in the draft demonstrate lack of credibility and biased research. It is a huge misstatement to cite failed navigation to meet the test.”*

Randy Clark 8/26/04 Letter

- *Does not agree that John Day was navigable at the time of statehood because:*

- *"History shows travel for trade and commerce was overland between places like John Day and the Dalles. Most routes were military roads."*
- *"Commerce in the early years was mainly mining and dry land farming. The commodities were transported by wagon. The latter by rail from Condon to ports on the Columbia River. There was an attempt to move logs down the John Day River but it failed."*
- *"There has never been a human population along the river because of the geology, geography and the climate. All contribute to the lack of economic development of the region." "There isn't much rain, yet when it does rain, it can have a devastating effect of flash flooding. This can and often does choke and change the physical conditions of the John Day River."*

David Bartz

8/26/04 Letter

- States Division of State Lands has in the past contended that the John Day River is not navigable.
- *"The fact that homesteaders walking across an unusually shallow but wide river says nothing about the use of that water body as a highway for commerce."*
- *The report "omits entirely the evidence that the federal surveyors who walked the John Day were obligated to meander the River in those stretches that a surveyor concluded were "navigable." Federal deputy surveyors were instructed to meander patently navigable water bodies on both banks. Rivers that were merely "well-defined arteries of internal communication" (as well as those having a uniform width) were to be meandered on one bank only."*
- *The report "omits that not one acre of the John Day River in the area that is the subject of the Report was meandered."*
- *"The cable ferries are not evidence that the John Day was used for trade or travel from point A to point B; at most, the cable ferries represent use of the John Day from A to A'."*
- *"The trip (by the U.S. Reclamation Service) only spanned 62 miles, about one-third of the entire study area of the report. Second, it was an isolated excursion and unrelated to commercial or travel enterprises. Third, Mr. Davis's comment that it was "anything but a pleasure trip" is evidence that the John Day was not suitable as a highway for commerce in that mode of travel. Fourth, although the report tries to blame Mr. Davis's difficulties on the "high flow of the River in March," Tables 5 and 7 indicate that the River flows during March are in fact the "recommended" minimal flows necessary for recreational purposes as set forth in Table 11." "Additionally, as with all the purported evidence of use of the John Day River since statehood, the evidence of the U.S. Reclamation trip in 1905 does not qualify as "more-than-occasional" usage of the John Day necessary to support a finding of navigability."*
- *"The conclusions derived from the Chee episode are pure speculation and are not based on substantial historical evidence."*

- *“The two stern-wheeler ventures were not successful. And they were limited to a ten-mile stretch of the River. This kind of activity does not represent a general and common use of the John Day.”*
- *“Despite the ample evidence, both anecdotal and anthropologic, that various tribes in the Northwest have used canoes for transporting persons and goods up and down waterways, there is no evidence that the tribes in the John Day basin used canoes on the John Day River.”*
- *“The Tenino, as that tribe is referred to in the report, were not exclusively located on or near the John Day. Rather, the Tenino consisted of many separate local groups and subtribes, each with separate geographic identities and cultural traits. The report does not account for these disparate personalities.....:*
- *“What is clear is pages 132-135 of the 1980 article (by Murdock) shows that the John Day Tenino used trails to travel up the John Day as part of the tribe’s economic activities.” “The report’s conclusion that the Tenino set out on canoes loaded down with meat during the lowest flow month of the year is not “logical,” it is ludicrous.”*
- *“...the report at page 21 states that the John Day Indians “confirmed the use of dugout canoes.” There is no citation in the report for this conclusion. The Murdock article from 1980 does not say this. Nor does the Murdock monograph from 1965. And the reference to “Beckham, 2004” is a source not included in the references section of the report, so it is impossible to check whether Dr. Beckham stated this, and if he did, what his sources was for such a statement.”*

David Bartz

8/26/04 Attachment to Letter

Matt Smith

8/29/04 Letter

- *Contends the John Day River “really wasn’t used and wasn’t/isn’t susceptible to use by customary modes of travel. The fact that it wasn’t susceptible to use by customary modes of travel is evidenced by the historical use of the river.”*
- *Refers to 1965 monograph of George Murdock and states “The first passage refers to Indian activity along the lower reaches of the river close to the confluence with the Columbia. While the river may have been susceptible to use for commerce within a few miles of the Columbia, it certainly isn’t and wasn’t in our part of the world around River Mile 129 (**near confluence of Cherry Creek with John Day**).”*
- *“The conclusion in the report (about meat being brought back by Indians in canoes) is quite illogical and incorrect. Even in the wettest of years, it would be quite impossible to drag a dugout canoe loaded with meat past RM 129 (**near confluence of Cherry Creek with the John Day**).”*
- *Contends it is true that there is no physical evidence to prove that Indians used dugout canoes. “The assumption that a conclusion can be drawn from Murdock’s monograph is incorrect.” “Murdock’s monograph may be evidence*

of historical use implying navigability in the lower reaches of the river, but it has no bearing on the river much above the mouth.”

- *Contends “A perpendicular crossing of the river does not cause the river of being susceptible for use as a “highway of commerce” and has no bearing whatever on a determination of navigability.”*
- *With regard to the John Day Queen I and II: “One could argue that the river was therefore navigable along that stretch. Why didn’t they operate farther upriver? Likely because they couldn’t. They couldn’t because the river was not navigable that far upstream. The second boat never made it down river to RM 109 (Clarno) before it failed due to the conditions in the river. This evidence would seem to contradict, rather than support a conclusion of navigability, especially in the reaches of the river above RM 120.”*
- *With regard to the Chee Lumber Company, a possible reason why they didn’t build a sawmill at the mouth of the John Day River probably “because they physically couldn’t float logs down the river.” “The fact that the operation was unsuccessful is proof that the river was, in fact, not susceptible to this use, no matter how long or how hard they tried.”*
- *Note that “Lewis & Clark didn’t even bother to explore it as they did every other significant stream they encountered along the way.” “The historical record really bears no evidence of the John Day being used as a highway of commerce.”*
- *“The report doesn’t even mention any recreational use until more than 100 years after Oregon became a state.” “Recreational use is hardly customary along the river and it is arguable whether it represents any valid form of commerce. If guiding bass fishermen is considered a viable form of commerce, it wouldn’t even have been a use susceptible at the time of statehood, and certainly wasn’t customary, as there were no bass in the river.”*

Notes that a prior director of DSL (William Cox) said regarding a “Wild and Scenic River” study of the waterway that it “... is not generally considered a navigable river – in the traditional sense – in the reach you are considering. Thus the bed and banks are not State owned.”

Sara Murphy

9/3/04 E-mail

Kristen Murphy

9/3/04 E-mail

- *“I find the fact unsettling that erroneous assumptions are being made by those in favor of navigability are even being given credence. I refer to the claims that the Native Americans who camped, hunted and fished along the banks of the John Day probably used canoes to carry their wares and hauls, therefore the river is navigable. There is no proof, only assumptions. At the Sherman County Museum in Moro, there are anecdotes of these same Native Americans hiking in and out of the land being considered. No mention of canoes is made.”*

Russ Pascoe **9/3/04 E-mail**

- States he and others have taken many float trips on John Day. They have paddled from Service Creek (RM 158) to Cottonwood Bridge (RM 39.5). Also uses North Fork of John Day River. Contends their use proves river is navigable.

Ole Olsen **9/3/04 Written submission****Royce Dotson** **9/3/04 Letter**

- Believes that *“Chee Lumber Company could have conducted log drives down the John Day River.”* *“While is it true that Spray and Service Creek are both a few miles from where timber could have been obtained, by the late 1920’s and early 1930’s reliable trucks were available and road conditions in the area were such that it would have been possible to transport logs to the John Day River at Spray and Service Creek.”* *“It is my opinion that log drives could have been conducted on both the North Fork and Middle Fork during the spring at high water and other times of the year by the use of splash dams.”*
- Notes that: *“...a Mr. W. F. Slaughter who with two other men formed the Chee Lumber Company...for about 15 years logged on the upper Columbia and negotiated the first raft of logs through Cascade Locks.”*
- Notes that: *“...log drives were successfully made on the Middle Fork of the Malheur sometime prior to 1919, and that is it possible to identify the places where splash (dams) were built, and the river drivers camped”* *“...the Middle Fork of the Malheur is a smaller stream than any of the forks of the John Day River.”*

Thomas Cutsforth **9/13/04 Letter**

- *“The John Day River, until bass were planted (artificially introduced) had no commercial viable use in its entire history. Some tried. All failed.”*
- *“No logs were ever reported as having made the entire trip. I suspect none did.”*
- *“There are no viable trees on the John Day this side of Dayville that could be used to make canoes or rafts. Certainly none within the Kimberly to the mouth section. The likelihood that the Modoc and Piute Indians would have allowed the tribe listed in the study to travel the John Day is slim. Today’s Juniper “forest” are a result of overgrazing by horses and sheep from the 1800’s till after WWII. They did not exist at statehood.”*

Sherry Kaseberg **9/13/04 E-mail**

- States that Shelton Burres unsuccessfully used a duck-boat in the vicinity of Cottonwood Bridge (**RM 39.5**) to transport cattle across John Day. Boat later sold to Harold White who used it to transport cattle from mouth of John Day River to Miller Island in the Columbia for summer grazing. Boat required modifications to do this.
- Faults study process for using only published material and not interviewing “local folks”. If this was done, conclusion might be that river is not navigable.