



Oregon Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279
Telephone – 503-986-5200
Fax – 503-378-4844

AGENCY # _____

**APPLICATION TO PURCHASE FILLED LAND, SUBMERGED AND
 SUBMERSIBLE AND SIMILAR LANDS (WATERWAY LANDS)***

Please print clearly.

Applicant Name(s): _____ **Phone:** _____
Address: _____ **Fax:** _____
 _____ **E-mail:** _____
City: _____ **State:** _____ **Zip Code:** _____

I (we) hereby make application to purchase the following described waterway land:

	County	Section	Township	Range	Tax Lot	Acres
(Attach additional sheets if necessary)					Total Acres	

The waterway lands described above are (check all that apply):

- Submerged/Submersible Historical Filled Lands Formerly Submerged/Submersible
 New Lands Not Sure

I have included an assessor's tax map of the property I wish to purchase along with the \$750 non-refundable application fee. The Department of State Lands (DSL) reserves the right to reject this application at any time before completion of the sale.

 Applicant's Signature

 Date

****Note: Please read the Instructions for Submitting an Application to Purchase Filled Land, Submerged and Submersible and Similar Lands (Waterway Lands) before completing and submitting this application.***

For submerged and submersible lands, also read and sign the waiver on the following page.

For purchase of submerged and submersible land only:

I acknowledge the character of land applied for and the title of the state thereto, and waive my claim, as applicant, upon the state of Oregon for the return of the purchase price of the land described in this application in the event the land, or any part thereof, does not belong to the State of Oregon. (ORS 273.265)

I understand that before my application to purchase submerged and submersible land is considered complete, I must provide, at my own expense, a survey of the land described in this application. The Department of State Lands (Department) must approve the surveyor and the manner and form in which the survey is conducted, documented and presented to the Department. (ORS 273.265)

Submerged and Submersible Land Sales Acknowledgment Waiver

Applicant's Signature

Date

Send completed application and fee to:

Oregon Department of State Lands
Land Management Division
Unit 18 PO Box 4395
Portland, OR 97208-4395

Application to Purchase Filled Land, Submerged and Submersible and Similar Lands (Waterway Lands)

Instructions and Procedures

Attached to these instructions is the application to purchase waterway lands from the Oregon Department of State Lands

The Department of State Lands (DSL) has an active land sale program of involving many types of waterway lands. Oregon state law, the Land Board's 2006-2016 Asset Management Plan and rules (OAR 141-067) govern and direct DSL's waterway land sales efforts and priorities.

Please note: DSL strongly recommends a pre-application meeting with DSL staff before submitting an application. Submittal of a waterway land purchase application does not guarantee a sale will be authorized.

Instructions

To insure prompt processing of your application:

- Meet with DSL staff at a pre-application meeting
- Fill out the application legibly and completely
- Carefully review the waiver statements
- Sign and date the application
- Provide an accurate description of the property location
- Provide a notarized survey of the property in accordance with direction given from DSL at the pre-application meeting
- Remit a check for the non-refundable application fee of \$750 for each application.

Send the completed application and check to:

**Oregon Department of State Lands
Land Management Division
Unit 18 PO Box 4395
Portland OR 97208-4395**

Procedures

- Call DSL and arrange for a pre-application meeting to discuss the waterway land sale application.
- Once DSL receives the application, an evaluation will be completed regarding the type of waterway land being applied for; the area of the sale and the applicable rules governing the processing of the purchase application (for more detail see the Background section of these instructions).
- DSL evaluates all purchase applications by carefully investigating the financial, natural, cultural and recreational impacts of the proposed site. Adjacent property owners, interested parties, lessees (if applicable), federal, state and local agencies are notified during the evaluation. DSL uses the information obtained to recommend to the Land Board whether or not to sell the parcels under study; the Land Board must also approve the final sale transaction.
- The Land Board must also approve the actual land sale method. Sale methods for waterway lands vary depending on a number of factors such as the type of land being sold and the prospective purchaser. In nearly all instances, an appraisal is conducted

before a sale occurs. DSL usually retains mineral rights. In some instances reservations or easements might be attached to the property in order to place protection over or conserve special unique or significant resources (e.g. historical or cultural features). Valid existing rights (e.g., utility easements) are also honored.

- DSL may require the applicant to provide a correct and precise description of the lands applied for in accordance with a survey.

Background

State law and the Land Board's rules direct the sale of waterway lands. Generally, the Land Board and DSL do not sell state-owned waterway lands such as submerged and submersible lands except in unusual situations. Sales of other types of waterway lands such as Filled Lands, Historical Filled Lands, New Lands or Formerly Submerged and Submersible Lands are conducted more frequently. A clear awareness of terms and definitions is needed for persons considering an application to purchase waterway lands.

Useful terms and definitions relating to waterway lands:

Submerged Land means land lying below the line of ordinary low water of all title-navigable and tidally influenced waters within the boundaries of the State of Oregon.

Submersible Land means land lying between the line of ordinary high water and the line of ordinary low water of all title-navigable and tidally influenced waters and all islands, shore lands or other such lands held by or granted to this state by virtue of her sovereignty, wherever applicable within the boundaries of the State of Oregon.

Filled Lands as defined in ORS 274.705 (1) means submerged and submersible lands reclaimed artificially through raising such lands above the highest probable elevation of the tides to form dry land, by placement of fill or deposit of earth, rock, sand or other solid imperishable material.

Formerly Submerged and Submersible Lands are lands such as de-watered channels that once were part of the submerged and submersible lands of a navigable body of water but are no longer part of the waterway due to the dynamic forces of the waterway.

Historical Filled Lands are new lands created by the federal government on land owned by the state before October 5, 1973 and the adjoining or opposite upland or riparian land on the same side of the body of water is owned by other than a public body (i.e. a nonpublic riparian owner).

New Lands as defined in ORS 274.905 means those lands protruding above the line of ordinary high water, whether or not connected with the adjoining or opposite upland or riparian land on the same side of the body of water, which have been created upon submersible or submerged lands by artificial fill or deposit and not including bridges, wharves and similar structures constructed upon submersible or submerged lands by other than artificial fill or deposit.

DSL recognizes that uncertainty exists as to the extent of the state's ownership of filled lands and some formerly submerged and submersible lands. Efforts by DSL to resolve these uncertain situations are usually triggered by others, particularly riparian or upland property owners. The Land Board has authorized DSL to negotiate settlements in lieu of litigation, when and where appropriate, with regard to the ownership of filled lands and formerly submerged and submersible lands.



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