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April 5, 2013

Senator Ted Ferrioli, Party R District 30  
900 NE Court St, NE, S-323  
Salem, OR 97301

Dear Senator Ferrioli:

We are writing in reference to proposed Senate Bill 401. We request that this correspondence be made part of the record on Senate Bill 401.

We own property in the Whitney Valley which would be directly affected in a negative manner should Senate Bill 401 pass. We OPPOSE this bill.

Since notification of proposed Senate Bill 401, we have been doing extensive research on the repercussions of the 'Oregon Scenic Waterways Program' and Senate Bill 401. In recent correspondence received by Mr. Cliff Bentz, he notes that Ms. Warner-Dickason confirmed that "Oregon Water Resources Dept." assures Senate Bill 401 has no effect on existing water rights. This may be true, but putting the waterways into the Scenic Waterways Program WOULD directly effect the ability to get the water OUT of the river. On page 9 of the attached 'Oregon Scenic Waterway Program', it specifically states:

A Scenic Waterway designation has no impact on current Water rights. However, the Scenic Waterways Act outright prohibits dams, reservoirs, or impoundments.

To utilize our water right, we use a dam to divert the water from the river onto the meadow ground.

The meadow land we are specifically addressing has the North Fork of the Burnt River flowing through the middle of it. Highway 7 skirts along the edge of the meadows for approximately four miles. We summer our cattle on this property from June through November. This property has been in our family since the 1930's. Our oldest water right in the Whitney Valley is dated 1892.

The meadow and timbered land along the North Fork of the burnt River has been improved and developed over the last 100 + years to support the responsible management and utilization of valuable natural resources, which directly benefit the local economy. These attributes are contradictory to any kind of wild and scenic designation. The Whitney Valley is known for the mill and lumber activity which Nibley Lumber Company set up a large sawmill South of town in 1911 and ended in 1940's. The railroad was abandoned in 1947. To date, there is still a railroad right of way through the middle of the property.

An abundance of elk, deer, and antelope graze the property throughout the summer and fall months. You will see cars stopped along the highway photographing the wildlife. This property is truly scenic and beautiful. It has maintained its beauty because of proper personal management by the land owners. The land is healthy, the cattle and wildlife prosper, and the public enjoy the natural beauty of the property. Not only do our current working landscapes protect open space for the long term, they create and maintain more diverse and complex environmental conditions for the benefit of fish, wildlife, and watershed health.

Senate Bill 401 would devastate our cattle program and the maintenance of the property. The inclusion of the North Fork of the Burnt River in this bill makes no sense. The waterway harbors neither salmon nor steelhead. It flows southeast to Unity Reservoir. The restrictions in Senate Bill 401 and the Oregon Scenic Waterways Program will directly inflict hardship and financial burden on the ranching community along the North Fork of the Burnt River.

This proposed action is an excessive duplication to existing laws and programs that already limit the development and authorized impacts within and along rivers and wetlands. To specifically name a few: The Oregon Agricultural Water Quality Management Act, Forest Practices Act, State and Federal removal/fell Laws, Oregon Water Resources Department, County Zoning, Federal Endangered Species and Clean Water Acts, US Forest Service Management Plan and many other localized conservation and planning programs, all of which provide for supervision and restriction of impacts to the proposed stream areas.

Proposed Senate Bill 401 and the Oregon Scenic Waterways Program create a complete preservation position that promotes a sterilized land condition state that will limit diverse species recruitment, will benefit noxious weed invasions, and will reduce forage quality for wildlife.

The 'one-fourth mile' of the bank would literally take away our meadows, rendering them useless for our cattle program.....our livelihood. This proposal will directly add additional restrictions to the peaceful enjoyment and legal utilization of our property and would be considered a 'taking' without due process or compensation, which is a direct violation of the 5<sup>th</sup> Amendment of the US Constitution.

The majority of the County is federally owned which greatly limits the tax base and economic return from those lands. Any additional restriction to private lands would only accentuate the economic distress of the community.

We urge you to understand the repercussions and devastation Senate Bill 401 will cause the Rancher/Landowner. Your empathy is crucial. We hope those in favor of Senate Bill 401 have stopped to realize the hardship this will cause many of us.

Very sincerely,

*Timothy J. Hueckman*  
*Jeanette Hueckman*  
*Russell Ricco*  
*Muffett Ricco*

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Enclosure

The Oregon Scenic Waterways Program