

April 27, 2009

To Whom It May Concern,

This letter is a protest against water right transfer #75471. This transfer affects the natural water source utilized by the fish and wildlife in the area. By allowing this transfer, the water board will be causing major damage to the ecosystem of the Caribou National Forest. In fact, if the state were to monitor the area, they would find that damage has already been done by the applicant's construction process.

It is my understanding that, in the State of Idaho, riparian water rights occur as a result of landownership. A landowner who owns land that physically touches a river, stream, pond, or lake has an equal right to the use of water from that source. This water right, however, is only a usufructuary right and not a property right in the water. The water may be used as it passes through the property of the land owner, but it cannot be unreasonably detained or diverted, such as in the suggested pond use. The water must also be returned to the stream from which it was obtained, something the landowners do not plan to do. The use of riparian water rights is generally regulated by "reasonable use." Reasonable use allows for the consumptive use of water, is it really a consumptive use to build ponds? If closely studied, I do not believe that allowing this transfer will fit into the guidelines of riparian area water use within the State of Idaho.

Sincerely,



Erika Ingersoll

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*Please have them drill their
own wells to supply pond water etc.*

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Department of Water Resources
Eastern Region

*Receipt
#E034977*

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Department of Water Resources
Eastern Region