



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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**EASTERN REGION**

**C. L. "BUTCH" OTTER**  
Governor

February 6, 2009

**DAVID R. TUTHILL, JR.**  
Director

Mr. John Reilly  
PO Box 3702  
Ketchum, ID

**CERTIFIED**

RE: Unauthorized Fence Placement on the Big Lost River

Dear Mr. Reilly:

This letter concerns a barbed wire fence that was installed below the mean high watermark of the Big Lost River. During a site inspection on September 16, 2008 I photographed several areas on the Big Lost River where a fence had been installed (see enclosed photos). County tax records indicate that this fence was installed on your property, thus the reason for this letter.

Under Idaho's Stream Protection Act, Idaho Code Section 42-3801 *ect.*, a Stream Channel Alteration permit is required prior to installing a fence in the Big Lost River. Consequently, this fence is a violation of Idaho's Stream Protection Act. Another concern that the Idaho Department of Water Resources has is that this fence could potentially endanger recreational users of the Big Lost River.

Please contact me at your earliest convenience to discuss this matter.

Sincerely,

A handwritten signature in black ink that reads "Tom Bassista".

Tom Bassista  
Stream Protection Specialist  
Resource Protection Bureau

ec: USACE (Idaho Falls); IDFG (Idaho Falls); Custer County; City of Mackay



