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DEPARTMENT OF
WATER RESOURCES

April 3, 2025

From: Gordon Fulton
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To: Director Mathew Weaver
Idaho Department of Natural Resources
322 E. Front Street, Suite 648
Boise, Idaho. 83702

RE: Water user input on proposed action on Eastern Snake Plain Area of Common Ground Water Supply.

Dear Director Weaver, et all.

First a kindly reminder in case you have forgotten.

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom all government exists and acts, And the law (constitution) is the definition and limitation of powers. (Yick Wo v. Hopkins, 118 US 356,370

I can easily see that a case can be made within some of the (so called) tributary basins, where with proper and accurate measuring devices it may be possible to qualify and quantify a harm or an injury to specific party/s with prior existing beneficial surface rights. Thus, a possible case for conjunctive management, but only under certain clearly defined conditions within, and only within those specific tributary basins.

Another kindly reminder.

Equality under the law is paramount and mandatory under the law.

I know it was mentioned at the public hearing that other tributary basins were to be considered for conjunctive management at some point. Meanwhile I want to know why. Out of the whole "Eastern Snake Plain Aquifer Area of Common Ground Water Supply", was only one drainage suddenly included?

I suspect a friggin snake in the grass, (pun intended) or at least an agenda of some kind.

In all fairness this is absolutely absurd, regarding tributary basins, either all or none must be included. Legally, for there to be a "taking" there has to be a "cause of action", initiated by an "injured party". I dare say that there is absolutely nobody in the whole Snake River Plane that

can, within a reasonable time frame, stand before a jury of their peers and prove beyond a reasonable doubt that they were injured or deprived of their prior water right by someone within a tributary basin, especially one that has no live measurable connection with the Snake River.

You also must remember that the "State of Idaho", and the "Department of Water Resources" are, by legal definition "persons", but unlike "living beings" or "we the people" they happen to be non-sentient. They exist only on paper as an "ens legis" or "corporation", thus they cannot be an injured party under Common Law in Idaho (Idaho is a Common Law State).

In summary, there are three things, among others, that will never stand up in court (1) hearsay, (2) presumption, (3) circumstantial evidence, and I might add speculation.

Since, to my knowledge, there is still no provable evidence when, or even if the Lost River drainages ever again become measurable surface flows within the Snake River Basin.

Everything about your case invokes either one or all of the above terms.

Your whole premise is lacking any real measurable evidence of harm or injury to anyone outside of the immediate drainage, nor is there a measurable benefit to another user who happens to be closer to the ocean. Neither can be proven beyond a reasonable doubt.

In closing, I find your "Proposed Action" to be at worst, possibly punitive, or at best ridiculous, unenforceable and expensive.

Thanks!

by: Gordon-David: Fulton, Agent

Gordon Fulton

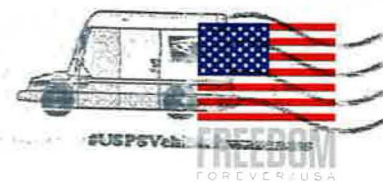
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Keep Safety in View as We Drive Our Tool



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