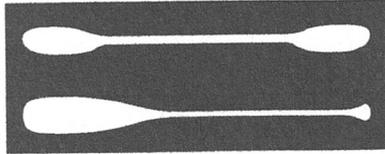


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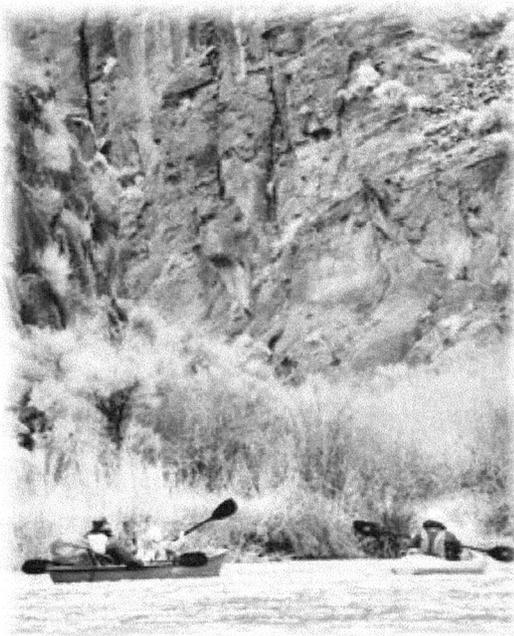
Home > Go Paddle > Trip Finder > **Salmon Falls Creek in Idaho**

Salmon Falls Creek in Idaho



Trip Overview

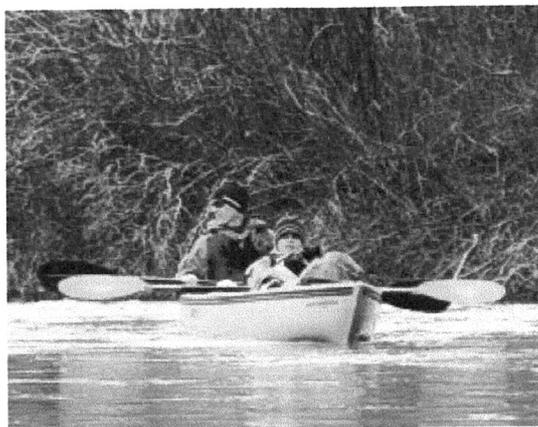
Salmon Falls Creek is a small river or large creek/stream that runs north into the Snake River and drains the northeastern Nevada slopes. The put in is in the Mountains and ranch land outside the



town of Jackpot, NV. This is an easy class 1 trip with one easy portage around a concrete diversion

structure. The scenery is a lot like the Jarbridge and Bruneau River Canyons, but its low volume and no rapids make this a favorite canoe or rec kayak trip.

This is a great trip to canoe or rec kayak and excellent for taking kids or beginners. The water is flat. There are no rapids, just class 1 moving water. Put in just south of Jackpot NV on the west side of Hwy 93. Take out before the reservoir for an easier float (access ranch roads off HWY 93), or paddle all the way across Salmon Falls Reservoir for a longer trip, but watch out for high afternoon winds in the spring! The Reservoir winds can make paddling across the lake tougher, usually in the afternoon.



Salmon Falls Creek is a small river or large creek/stream that runs north into the Snake River and drains the northeastern Nevada slopes.

The put in is in the Mountains and ranch land outside the town of Jackpot, NV. This is an easy class 1 trip with one easy portage around a concrete diversion structure. The scenery is a lot like the Jarbridge and Bruneau River Canyons.

Wildlife, scenic. Incredible thunder and lighting displays sometimes occur in this canyon make for natural fireworks and sound shows. Take firewood if doing an overnight cause there is not a lot of dead fall in the desert.

Camping is everywhere if doing an overnight. Lots of sand is deposited on along the corners, just roll up

on the beaches and enjoy the stars!

Accommodations:

None; Wilderness trip, longer day trip or easy weekend trip

Fees:

None

Directions:

From Idaho, take I-84 to Hwy 93 south

Launches:

Put In: River Left a few miles south of Jackpot, NV

Take out: Off HWY 93, North of Jackpot, take forest roads into take out, Google Maps shows several.

Optional take out: anywhere you can access Salmon Falls Creek Reservoir

Contact:

Call Tony at the RiverAT kayak store in Twin Falls, ID for updated flows, rentals, Shuttles....208-735-8697

Resources:

None, but there is a facebook page with all the beta you need: www.facebook.com/home.php?#/pages/Salmon-Falls-Creek-Idaho/227369440914?v=wall

Details

Duration: Day Trip, 2-3 Day Trip

Sport/Activity: Kayaking, Canoeing

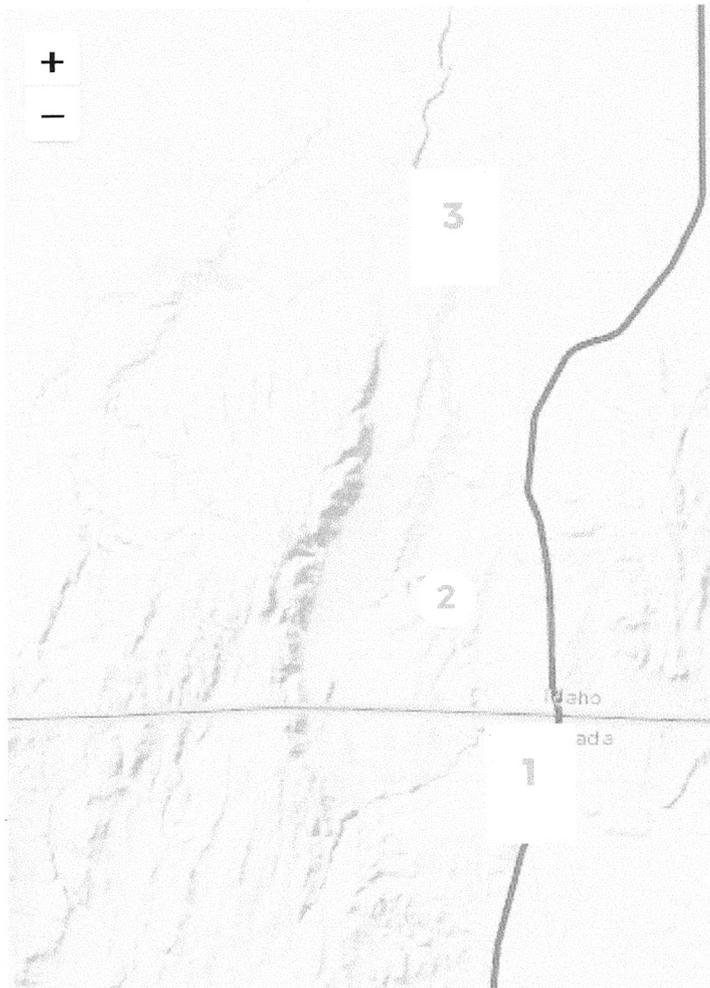
Skill Level: Beginner

Water Type: River/Creek (Up to Class II)

Group Rates: No



Locations on this Trip



- 1 Salmon Falls Cr
- 2 Salmon Falls Cr
- 3 Salmon Falls D

Leaflet | Tiles © Esri — Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012

Fred Hill Atcheson

ATTORNEY AT LAW
926 Marsh Court.
RENO, NEVADA 89509
(775) 771-3037

September 30th, 2020

AARON FORD
Nevada State Attorney General

Carson City, Nevada

Subject: A public right to use rivers and streams in Nevada

Dear General Ford:

I am writing this letter in the capacity of a citizen and not for any purpose relative to litigation even though I am a licensed attorney in Nevada and have been for over 44 years. I am an active paddle boater as are many of my friends and associates. Since I am an attorney they have asked me to get involved in an analysis of the right of the public to both access and use the rivers of Nevada for recreation purposes and to request a legal opinion from your office confirming those rights.

I was recently made aware that there are only four rivers in Nevada which have a "navigable" designation: the Colorado, Virgin, Carson, and Truckee. These rivers can be accessed and used by leisure boaters and government agencies also have jurisdiction such as: the U.S. Fish and Wildlife Service, the Department of Transportation and other necessary agencies. We, in the environmentally friendly community of boaters, believe the same "navigability" status as is accorded the above named four rivers be accorded to all other rivers in Nevada. We believe established law bends toward confirming a public right to use rivers as part of our constitutional fabric and civic legacy and believe simple economics also favors this result.

We are only asking for the right to paddle, fish, and recreate within the maximum high water line for each river or stream in Nevada. We are not requesting a right to use the land along side or under the river; therefore, we are asking the State to acknowledge the right to use the rivers as a conveyance but not the land through which it flows. A right for the general public. What could be more justified than the ubiquitous use, without consumption, of water coming from the heavens? It is also economically advantageous. The push of the baby boomer, millennial, Y2K, and otherwise health conscious groups to avoid obesity and other crushing problems have resulted in a huge upswing in seeking vigorous outside vacations and adventures. The thirst to get out in nature has always been with humans. To deny or damage our right to seek and use nature or to give to specific members of the public the right to exclude public access to our rivers also denies economic opportunity to those who live in the commercial centers surrounding these public river assets. Boaters spend on restaurants, bars, gas, chips in a can, and ice cream, usually in the boonies; spending where outside money is most needed. We must now

establish a clear right to use these assets so boaters of all types along with their fisherman friends can go into these rivers without fear of being subject to capricious behavior by citizens who believe they have the right to deny access to the use of the river within the channel above defined.

Enough preaching, now for the legal underpinning. The term “navigable” is controlled by the definition of “use” under the common meaning. If a river is usable by a canoe or other small craft it is navigable under the law and becomes a public river or highway. *The Daniel Ball*, 77 U.S. 557 (1870). If a Nevada river is usable, no matter what mode of commerce is conducted, it is navigable in fact and law. In a navigable stream the public right is paramount to even that of state regulators. *Weber v. Board of Harbor Commissioners*, 85 U.S. 57 (1873); *West Chicago Railroad Co. V. Illinois*, 201 U.S. 506 (1906).

Rivers usable in recreational watercraft are navigable and this rule applies the canoes, kayaks, rafts, stand up paddle boards and other watercraft.

Best regards,

Fred Hill Acheson

From: Charles cralbright@juno.com
Subject: Fwd: Mail Not Delivered
Date: March 4, 2021 at 8:46 AM
To: Brett Mayer bmayer@americancanoe.org



The lower portion is what I found in Nevada's Water Law

--- Enclosed is a copy of the message.

From: Charles <cralbright@juno.com>
Subject: Fwd: Nevada Water Laws.
Date: February 17, 2021 at 1:49:31 PM PST
To: aginfo@ag.nv.gov, sguyer@ag.nv.gov, Charles Albright <cralbright@juno.com>

Thanks for your time and I hope that i will get a response to this letter/ email. What I present seems rather obvious to be law in Nevada.

Begin forwarded message:

From: Charles <cralbright@juno.com>
Subject: Nevada Water Laws.
Date: February 17, 2021 at 1:03:21 PM PST
To: Gregory I. Zunino Deputy Solicitor General:

Nevada Water Laws.

TITLE 48 Water

Chapters 532-to 538, Inclusive
Also Chapters 543 and 544

Chapter 232
(State Department of Conservation and Natural Resources)

NRS 232.005, 232.101 through 232.150

ADJUDICATION, APPROPRIATION 533.010

Under DEFINITIONS is:

533.020 "Stream System" Defined. As used in this chapter, "stream system" shall be interpreted as including any stream, together with its tributaries and all streams or bodies of water to which the same may be a tributary.
[47:140:1913; 1919 RL p. 3235; NCL 7932]

Next up is:

GENERAL PROVISIONS

533.025 WATER BELONGS TO PUBLIC.

The water of all sources of water supply within the boundaries of the state whether above or beneath the surface of the ground, belongs to the public.
[1:140:1913; 1919 RL p. 3225; NCL 7890]

533.030 APPROPRIATION FOR BENEFICIAL USE.

1. Subject to existing rights, all such water may be appropriated for beneficial use as provided in this chapter and not otherwise.
2. The use of water, from any stream systems provided in this chapter and from underground as provided in NRS 543.080, for any recreational purpose, is hereby declared to be a beneficial use.

533.035 BENEFICIAL USE; Basis, measure and limit of right to use.

Beneficial use shall be the basis, the measure and the limit of the right to use the water.
[3:140:1913; RL p. 3225; NCL 7892]

533.040 WATER USED FOR BENEFICIAL PURPOSES TO REMAIN APPURTENANT TO PLACE OF USE

533.050 BENEFICIAL USE OF WATER DECLARED A PUBLIC USE; EMINENT DOMAIN.

533.085 VESTED RIGHTS TO WATER NOT IMPAIRED.

Nothing contained in this chapter shall impair the vested right of any person to the use of water, nor shall the right of any person to take and use water be impaired or affected by any of the provisions of this chapter where appropriations have been initiated in accordance with law prior to March 22 1913.

INTERSTATE WATERS; COMPACTS 538.600

ARTICLE XIII FISH, WILDLIFE, AND RECREATION

The use of waters for preservation, and protection, and enhancement of fish, wildlife, and recreation is hereby recognized as an inseparable part of the public interest in the use of the waters of Lake Tahoe, Truckee, Carson, Walker River Basins in both states, and is therefore beneficial.

All of the above cited sub sections of Nevada Water Laws ALL say that the Waters of Nevada Belong to the PUBLIC and their usage of those waters for RECREATION are legal and our right.

Dear Governor Sisolak, Attorney General Ford, and Department Directors and Administrators and Assistants, et al:

Under this cover letter please find:

- 1) Our pro bono attorney's request to the Attorney General for an opinion "confirming that the public...may pursue their lawful rights to enjoy all navigable rivers and streams within Nevada...." consistent with Federal and Nevada State Law
- 2) A copy of "State v. Bunkowski, 1972" regarding test of navigability of the State's rivers and streams
- 3) Shepherding citations of "State v. Bunkowski, 1972" regarding subsequent decisions

In spite of Numerous Legal Rulings at both the National and State Level we do not have OUR WATERS Legally available for our citizens to use for recreation in any form. Be it hiking, fishing, gathering of food or furs, hunting, paddling, swimming and many more forms of recreation.

Those Legal Rulings repeatedly agree that Nevada's Waters are indeed Navigable and therefore available for all forms of Recreation along the length of those Waterways up to the Mean High Water line of each Waterway. How do we go about agreeing that the Laws and Legal Rulings of Nevada and the US Government favor the Public's Right to use those Waterways? The only way available to those of us seeking another view of this States Water is to get your departments to request a Legal Opinion of the Attorney General's Office. I and others of the public have no other option other than legislative. Nevada and US Law Rulings already say what the Law is so why should legislative, or other expensive and time consuming options be required?

Below We will explain many reasons why your agencies should make that request of the Attorney General's Office for a new Legal View of our Waters and Waterways.

Again we will start with the fact that Nevada legally OWNS All the Surface Waters and Waterways of Nevada.

Nevada has many Interstate flowing Rivers and streams. The Carson, Truckee, Walker, Bruneau, Jarbidge, Owyhee, Virgin, Colorado, Amargosa, Quinn, Kings, Salmon Falls Creek and many more. Federal Laws say that ALL Interstate Waters Ways are Navigable. Nevada has posted that only the Colorado, Virgin, Truckee and Carson Rivers are Navigable. Why? Commerce! The Carson and Truckee Rivers due to log floating for the mining needs. That also occurred on the Walker River yet for other reasons that was denied Navigable Status. The Commerce issue comes from the time of Statehood for Nevada in 1864. Every other waterway in Nevada was denied a Navigable Status when in reality history says the opposite. The first white people to come to Nevada were fur hunters which is an Act of Commerce. There are still many folks who hunt fur bearing animals in Nevada. Just ask NDOW. The term Commerce also is used for hunting and gathering. What did all of our first pioneers do and the Native Americans ahead of them do for food? They were living by this state's waters and finding anything they could to feed, clothe and house their families and livestock. So how is it that this was ignored when Statehood occurred? This would still be true today but for the fact that many of Nevada's Waterways cannot legally be accessed for those activities. Say What! History of Commerce denied.

So how will a State Wide acceptance of Navigability for our State Owned Waters benefit our State?

First and biggest is that the Lands adjoining Nevada's Legally Navigable Waters would be legally accessible to the public for all forms of recreation. (Except perhaps limits on hunting in some areas with the discharge of firearms limits). Both on the waters and above to the Mean High Water Line where the limit currently exists on the currently Navigable Rivers. State Lands would control those Waters and Lands. It would gain control of the riverbeds, waters and land to Mean High Water Line on ALL of Nevada's Waterways should you agree that they are in fact Navigable. A basic question to ask once that is considered is who will better care for those Riparian Lands and Waters? State Lands or other land owners, interests, mining or others. State Lands does an excellent job now. It would create a far greater job for them but I am sure they would gladly accept that.

Others benefitting Navigable Status are several of Conservation and Natural Resources Departments. State Parks currently has a State Park on the East Fork Walker River. Where they are currently promoting paddling, hiking, fishing, and other forms of Recreation along the waterway there. YET it is not considered Navigable by Nevada.

Outdoor Recreation and Tourism and Cultural Affairs would benefit GREATLY from a new view of our States Resources. They are currently doing much to promote Tourism of our rural State Areas. Do you think that those rural areas might benefit from additional areas available to recreate and enjoy? Currently they cannot legally offer these areas for recreation due to our current view of the waters in those rural areas. Hamstrung is a word that comes to mind with the current view of this State's Waterways.

Would not the State's Water Engineer and his Staff benefit from the legalization of all our State's Waterways. They after all oversee all of Nevada's Waters. How could it hurt their affairs?

Nevada's Department of Wildlife would greatly benefit from this new look at our State's Waterways. It would vastly improve the public's usage of our Waters with greater access. Again it is illegal currently to access all but 4 waterways in Nevada. Much is overlooked by them currently but still by Declaring ALL of Nevada's Waterways Legal they would have legal access to the Mean High Water Line on all of Nevada's Waterways. Not just for fishing but hunting (again with limits), fur gathering and paddling for recreation.

US Fish and Wildlife as well as NDOW do rehabilitation and fishery management on many streams, creeks and rivers in this state. They spend lots of taxpayer monies on these projects to benefit the riparian habitat as well as benefit the public for licensed fishing opportunities. That's a form of Commerce. It certainly enhances opportunities for access to areas below Mean High Water Line on all of those State Waterways.

The US Congress has created many Laws that oversee the waters of our states. One of them is the Clean Waters Act. Over 400 Waterways in this State are or were under their oversight. Nevada has agreed legally to abide by this law. Each and every one of those Waterways is by FACT considered Legally Navigable by the US and in enforcement by the

Army Corps of Engineers (ACE). ANY project that was too possibly in any way to affect any of those 400 plus Waterways required a ACE permit with drawings, engineering and a printed plan to be approved. Again every one of those 400 plus Waterways was deemed Navigable in Fact and any possible disturbance to said Waterways required a permit to limit pollution of them and OUR waters. Since its passage of the Clean Water Act every permit issued to any project in Nevada was an acknowledgement of that Waterway as being in FACT Navigable. Surely this and other stated aspects listed above speaks as to why Nevada Departments must ask for an Attorney General's Opinion on our Waters being indeed Navigable in fact.

Another opportunity for Nevada with a change in Navigable Status for our States Waterways would be the possibility of having many of our States Waterways being declared Wild and Scenic on some of their sections. The Bruneau, Jarbidge, Owyhee and Amargosa have sections in other states that are Wild and Scenic. In a state that only has one National Park do you think it might benefit Tourism and Outdoor Recreation in Nevada to have a few Wild and Scenic Rivers? They cannot exist if they are Non Navigable as they are now. Remember it is 2021 NOT 1864.

I have much more that I could say that further supports our view of Nevada's Waters but I think I have covered enough. I would GLADLY meet with any of you that wish to entertain a positive view of our States future. My info will be listed below.

AS you and I both know our world has changed greatly with CoVid and the public closures of your Offices. I still intend to deliver this note along with some Legal Rulings that support our quest to get a 2021 view of Nevada's Waterways. Our Governor and many of you Departments are very challenged by CoVid and meeting folks like me from the public and there is also this latest challenge to our government that we all must live with now. I still will attempt to deliver this to each of your Offices and the addressed Officials. Your efforts to continue to do what needs to be done to manage our states needs are appreciated greatly. Especially those of our Governor. His job has become unimaginable.

So who am I the person writing all this? My name is Charles Albright and I have been paddling since childhood but especially kayak and canoeing since 1971.

- I am part of a greater group of paddling recreation seekers who see a bigger picture for Nevada's future. I moved to Nevada in 1972 and started exploring rivers and lakes then. Living in Carson and Tahoe at the time gave me access to the East Sierras and all of its creeks, rivers and lakes. I moved to Reno in 1976 and quickly began creating a paddling community there and nearby.
- I taught paddling for 21 years for free and taught thousands of folks the basics for well past that.
- I am the reason there is a White Water Park in Reno and by example one in Sparks as well. It took our group 8 years of efforts to get it created.
- I have fought many battles with folks for river issues. I finally got Sierra Pacific Power to work with us for safety and signage at their dams and continue to work with TMWA for the benefit of river and shore users.
- One of SPPCO's Dams was illegally built with no permits whatsoever at Chalk Bluff on the Truckee River. They created a Low Head Dam, an insafe design which has killed hundreds of people across this country. I raised a big stink and they had to come back in and "make it safer" but it still is a major hazard.

- I had "battles" with Reno PD who claimed they could remove paddlers and make law with regards to the river like they owned a "Legally Navigable River". We several times were confronted by officers who said we could not paddle that it was illegal. One time they kicked 4 friends off the river and loaded them in a paddy wagon and drove their shuttle for them. After a rather spirited conversation with the head officer that day I contacted many state and local officials like NDOW, Governor, AG's, County and Reno Officials and low and behold it was NO LONGER a problem.
- I have put on races at Wingfield Park for years and still assist with the River Festival each Year. I have led hundreds of paddling trips on this state's waterways.
- I was a founding member of One Truckee River and still work with Iris on many issues.
- I have led hundreds of River Clean ups on the Truckee River.
- I have been working for years to solve the issue of Homeless Camps along our River. I have a great working relationship with our Mayor, Parks Department and Fire Department. Reno Fire asked me to PLEASE assist with getting the many Homeless Camp issues solved. I have promoted several river paddles to take officials, news and others to witness the problem first hand from water level. I am also working with Grant Denton who is the official Homeless Liaison for Reno, Washoe and Sparks for the Homeless Issues. Grant has become a great friend and I am now working on getting him and his clean up crews more higher quality trash bags for their efforts to clean up the shoreline and river channel.
- There is much more but I will end with the facts that I have been on numerous US Teams, competed in Europe and Canada numerous times and also been a National Champion several times and finished in 4th place and 6th several times representing the US in International Competition.

So I hope that you folks do not see me as some kind of Wacko. We all want what is best for our STATE and its PUBLIC!

Sincerely,

Charles Albright
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