

Subject: : Fly Fishing Locations

Topic: : New list of Public owned streambeds

Re: New list of Public owned streambeds

Author: : JeffK

Date: : 2012/12/10 10:27:20

URL:

Another view of riparian law based on the Justinian system is that the state holds the water as a public trust but the riparian landowners can control access to the water. One of the basic tenets of the Justinian system is that riparian owners can't harm the water for those upstream or down and the state acts as the enforcer. However, if the state owns the bottom it seems the public should be able to wade in the stream. Much confusion exists where the property owners own the streambed. But if the state owns the streambed?

Navigation is an ancient privilege, but most other rights - including fishing - have taken a lot of twists and turns over the years and the interpretation varies from state to state. Up to about 30 years ago it seemed that recreation uses of streams were far down the list, but recreational uses, such as canoeing and fishing, seem to be moving up the ladder of importance. For example, in many places only commercial navigation was allowed, but a few cases stating the commercial side of recreational canoeing opened up streams to canoeing and that seems to be a trend.