

Eric
Vogel

WATER DISTRICT #31
PO BOX 33
DUBOIS ID 83428

RECEIVED

SEP 28 1994

Department of Water Resources
Eastern District Office

September 23, 1994

Mr. Ray Kagel
Army corps of Engineers
1820 E 17th Street Suite 350
Idaho Falls, ID 83401

Dear Mr. Kagel:

In reference to a letter dated August 5, 1994 from myself to you concerning some directives from you, and a request for written or printed copy of authority by which you made those directives, I will make the following statements.

I feel that it shouldn't take seven weeks to send us a copy of the requested materials. I also pointed out that some emergencies were at hand from Beaver Dam diversions. I therefore feel that because of a lack of response to this request that this authority does not exist.

I will in the future continue to operate as we have in the past in relationship to problem Beaver Dam removal.

I will see to it that dams that divert waters directly from the stream channel, thereby injuring valid water right delivery, be removed from that stream bed. This removal will be in co-operation with the landowner, federal and state agencies, and Idaho Department of Fish and Game as has always been the rule in the past.

The authority to accomplish this task will be through the Federal Court Decree which I operate under, Idaho stream channel exemptions pertaining to obstructions, and the Clark County Land Use Plan under the water policy section.

If this is contrary to some authority that we don't know about, please advise in writing immediately.

Sincerely,

Donald W. Shenton

cc: I.D.W.R.
Rep. Golden Linford
Rep. Joan Wood
Sen. Rex Furness
Sen. Laird Noh
Sen. Stan Hawkins

Jim Hagenbarth
Harold Siddoway
Clark County Commissioners
Clark Co. Land & Planning Commission