

FYI

ROI  
SKIP *[Signature]*

WATER DISTRICT #31  
PO BOX 33  
DUBOIS ID 83423

June 20, 1995

*File w/ WO # 31,  
1995 FOLDER -  
SV*

**RECEIVED**

JUN 21 1995

Department of Water Resources  
Eastern District Office

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

Dear Mr. Kagel:

This letter is a response to a letter received from the corps dated April 12, 1995, and signed by James S. Weller, Lieutenant Colonel, Corps of Engineers. I first must say that I was extremely disappointed that it took in excess of eight months to answer a letter which was written describing the emergency conditions and concerns in paragraph 2 on page 2 of that letter. Secondly I don't feel many of the questions I asked were answered including what would happen if you do not approve a permit and what would be a condition of which you would not approve a permit?

Of more concern to myself and the water users I deliver water to is the Corps response to the need for contacting your office for you to decide if a beaver dam may be removed without a permit, as stated in paragraph 4 of letter dated April 12, 1995. I can assure you that it would not be possible to go through a time frame of contacting you, then waiting for you to find a time you could come to the site, then to review to see if a permit was needed while all the time someone's water was not being delivered because of the water being diverted, or ditch or structure being shut off by beavers.

This frustration has caused some of the water users to set up an appointment with a Mr. Stan Clark, a field representative for Senator Dirk Kempthorne to see if they can get them some relief or protection for delivery of their water rights. I was in attendance at this meeting in Idaho Falls on June 15, 1995 at which time Mr. Clark called a Barbara Benger of the Walla Walla office at which time she stated she would report back to Mr. Clark by Monday, June 19, 1995.

On Monday the 19th Barbara Benger called Mr. Clark stating that the new policy of the Corps District office of which Mr. Kagel is over, has a new policy that does not require a permit or a visit or a review from the local office for the watermaster, I.D.F.G. personal or a property owner to remove a beaver dam which is less than one year old. When asked by Mr. Clark for written policy to this effect he was told that if a written request was sent through your office we would receive in writing the above exemptions.

Though we have never visited either personally or by phone I feel that we need any information concerning letters, requests, questions, answers, or policy to be in writing so there will be less room for misunderstandings for our actions taken in the field for water delivery to valid water rights.

Sincerely,

*Donald W. Shenton*

Donald W. Shenton  
Water District #31

cc: Stan Clark  
Senator Rex Furness  
Laird Noh  
Stan Hawkins  
Rep. JoAn Wood  
Rep. Golden Linford  
Rep. Tom Lorcher  
I.D.W.R.  
Jim Hagenbarth  
Harold Siddoway  
Clark Co. Commissioners  
Clark Co. Land & Planning Commission