



DEPARTMENT OF THE ARMY  
WALLA WALLA DISTRICT, CORPS OF ENGINEERS  
201 NORTH THIRD AVENUE  
WALLA WALLA, WASHINGTON 99362-1876

July 10, 1995

Reply To  
Attention Of:

Operations Division

SUBJECT: NPW No. 950500020

Mr. Donald W. Shenton  
Water District No. 31  
P.O. Box 33  
Dubois, Idaho 83423

Dear Mr. Shenton:

This confirms our policy on the removal of beaver dams, as you requested in your letter of June 20, 1995. Under Section 404 of the Clean Water Act (33 U.S.C. 1344), a Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities which result in the discharge of dredged material and destroy or degrade waters of the United States.

The removal of beaver dams is an excavation activity that requires a Department of the Army permit. However, we find the removal of recently established beaver dams may not result in a discharge of dredged material or destroy or degrade waters of the United States, therefore you may remove beaver dams which are less than 1 year old, without contacting us and without obtaining a Department of the Army permit.

You should contact us if you will be removing a beaver dam which is older than 1 year. We will inspect the beaver dam and review your proposed excavation method. If we determine your work will result in the discharge of dredged material and destroy or degrade a water of the United States, a Department of the Army permit will be required. I am enclosing our permit application pamphlet containing an application form and a drawing sheet, for use in preparing your application.

You said you were disappointed it took so long for us to respond to your letter of last August. Our regulations governing the excavation of fill material were new at the time we received your letter and the issue of beaver dams had not yet been addressed by our office. Our Office of Counsel needed to review the Federal Court Decree which directs you to remove obstructions from the streambed. We felt our determination would be precedent setting. We are sorry for the long wait and apologize for any inconvenience it caused you.

Water Dist.: 32-C Year: 1995 Monthly Flow Totals

Water User	Monthly Totals of 24-hour Second Feet for Irrigation Season										Total 24-hour Sec. Ft.
	April	May	June	July	August	September	October				
Lee Small	0.00	29.00	54.00	58.00	99.00	96.00	86.00	422.00			
Kyle: Tod John	0.00	31.00	30.00	31.00	31.00	30.00	31.00	184.00			
Middle Creek Ranch	0.00	22.00	38.00	46.00	95.00	54.00	33.00	288.00			
Grant Ashcraft	0.00	0.00	111.00	149.00	149.00	145.00	92.00	646.00			
Thomas Edan	0.00	42.00	75.00	78.00	78.00	75.00	78.00	426.00			
Dean Shenton	0.00	104.00	126.00	252.00	252.00	108.00	90.00	932.00			
Gerald Holmes	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
Jack McGarry	0.00	62.00	60.00	38.00	62.00	60.00	62.00	344.00			
Jack McGarry	0.00	104.00	101.00	64.00	104.00	101.00	104.00	578.00			
Jack Webster	0.00	155.00	227.00	187.00	218.00	210.00	27.00	1024.00			
Jack Webster	0.00	173.00	388.00	224.00	404.00	284.00	257.00	1730.00			
Ken Rowland	0.00	86.00	105.00	70.00	48.00	45.00	47.00	401.00			
Hogigan Brothers	0.00	0.00	0.00	0.00	37.00	101.00	104.00	242.00			
Elm an Woodfield	0.00	617.00	925.00	851.00	956.00	661.00	550.00	4560.00			
Thomas Eden	0.00	356.00	463.00	439.00	455.00	354.00	233.00	2300.00			
Dusty & Susie Shifflett	0.00	0.00	79.00	63.00	93.00	237.00	103.00	575.00			
George Whittaker	0.00	27.00	60.00	64.00	31.00	30.00	24.00	236.00			
Ned Greiting	0.00	39.00	120.00	84.00	62.00	60.00	26.00	391.00			
G & L Cattle Co	0.00	126.00	288.00	301.00	206.00	96.00	72.00	1089.00			
Hogigan Brothers	0.00	94.00	230.00	206.00	62.00	75.00	51.00	718.00			
Dean Shenton	0.00	0.00	48.00	42.00	54.00	18.00	0.00	162.00			
Lee Small	0.00	6.00	20.00	0.00	40.00	39.00	7.00	112.00			
G & L Cattle Co	0.00	93.00	210.00	217.00	105.00	206.00	179.00	1010.00			
Tom Stelzer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
Medicine Lodge Cattle	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
Medicine Lodge Grazing	0.00	63.00	72.00	32.00	31.00	30.00	26.00	254.00			
Patrick McGarry	0.00	69.00	72.00	32.00	31.00	30.00	26.00	260.00			
24-hour Sec. Ft. Totals:	0.00	2298.00	3902.00	3528.00	3703.00	3145.00	2308.00	18884.00			

Water User	Total 24-hour Sec. Feet	Total Cost	Adopted Budget	Credit	Debit
Lee Small	422.00	\$240.17	\$820.42	\$580.25	
Kyle, Tod, John	184.00	\$104.72	\$88.16		(\$16.56)
Middle Creek Ranch	288.00	\$163.91	\$1,330.95	\$1,167.04	
Grant Ashcraft	646.00	\$367.66	\$599.38	\$231.72	
Thomas Edan	426.00	\$242.45	\$359.49	\$117.04	
Dean Shenton	932.00	\$530.43	\$1,198.07	\$667.64	
Gerald Holmes	0.00	\$0.00	\$849.36	\$849.36	
Jack McGarry	344.00	\$195.78	\$0.00		(\$195.78)
Jack McGarry	578.00	\$328.95	\$1,068.72	\$739.77	
Jack Webster	1024.00	\$582.78	\$2,926.33	\$2,343.55	
Jack Webster	1730.00	\$984.59	\$0.00		(\$984.59)
Ken Rowland	401.00	\$228.22	\$641.49	\$413.27	
Hoggan Brothers	242.00	\$137.73	\$464.79	\$327.06	
Elman Woodfield	4560.00	\$2,595.21	\$2,488.53		(\$106.68)
Thomas Eden	2300.00	\$1,308.99	\$873.99		(\$435.00)
Dusty & Susie Shifflett	575.00	\$327.25	\$244.55		(\$82.70)
George Whitaker	236.00	\$134.31	\$122.22		(\$12.09)
Ned Gneiting	391.00	\$222.53	\$181.66		(\$40.87)
G & L Cattle Co	1089.00	\$619.78	\$268.27		(\$351.51)
Hoggan Brothers	718.00	\$408.63	\$455.61	\$46.98	
Dean Shenton	162.00	\$92.20	\$76.10		(\$16.10)
Lee Small	112.00	\$63.74	\$0.00		(\$63.74)
G & L Cattle Co	1010.00	\$574.82	\$185.35		(\$389.47)
Tom Stelzer	0.00	\$0.00	\$74.62	\$74.62	
Medicine Lodge Cattle	0.00	\$0.00	\$69.84	\$69.84	
Medicine Lodge Grazing	254.00	\$144.56	\$66.71		(\$77.85)
Patrick McGarry	260.00	\$147.97	\$45.39		(\$102.58)
Totals:	18884.00	\$10,747.37	\$15,500.00	\$7,628.14	(\$2,875.51)

Water User	1995		Proposed Budget							Average 5-year Cost	Proposed Next Year's Budget
	Year:		Past Season's Costs								
	1991	1992	1993	1994	1995	1996	1997	1998			
Lee Small	\$515.74	\$977.09	\$374.98	\$1,011.12	\$240.17	\$623.82	\$744.45				
Kyle Tod John	\$0.00	\$0.00	\$0.00	\$373.79	\$104.72	\$95.70	\$114.21				
Middle Creek Ranch	\$1,345.86	\$1,430.05	\$483.01	\$1,012.99	\$163.91	\$887.16	\$1,058.72				
Grant Ashcraft	\$441.77	\$713.41	\$496.05	\$556.96	\$367.66	\$515.17	\$614.79				
Thomas Edan	\$348.28	\$241.04	\$286.82	\$321.46	\$242.45	\$288.01	\$343.70				
Dean Shenton	\$833.20	\$985.18	\$717.06	\$1,356.88	\$530.43	\$884.55	\$1,055.60				
Gerald Holmes	\$971.89	\$630.90	\$686.65	\$549.48	\$0.00	\$567.78	\$677.58				
Jack McGarry	\$843.47	\$1,090.33	\$555.64	\$1,274.64	\$524.73	\$857.76	\$1,023.63				
Jack McGarry	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				
Jack Webster	\$2,440.01	\$2,832.60	\$1,774.34	\$3,377.25	\$1,567.37	\$2,398.31	\$2,862.09				
Jack Webster	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				
Ken Rowland	\$518.82	\$655.17	\$432.10	\$648.54	\$228.22	\$496.57	\$592.59				
Hogigan Brothers	\$370.88	\$457.81	\$271.30	\$512.10	\$137.73	\$349.96	\$417.64				
Elm an Woodfield	\$1,957.14	\$2,193.60	\$2,607.49	\$2,379.21	\$2,595.21	\$2,346.53	\$2,800.29				
Thomas Eden	\$661.63	\$723.11	\$1,017.54	\$736.38	\$1,308.99	\$889.53	\$1,061.54				
Dusty & Susie Shifflett	\$0.00	\$0.00	\$825.71	\$211.19	\$327.25	\$272.83	\$325.59				
George Whittaker	\$113.01	\$21.03	\$203.63	\$0.00	\$134.31	\$94.40	\$112.65				
Ned Gneiting	\$186.98	\$77.65	\$249.57	\$0.00	\$222.53	\$147.35	\$175.84				
G & L Cattle Co	\$252.73	\$67.94	\$619.59	\$22.43	\$619.78	\$316.49	\$377.70				
Hogigan Brothers	\$534.23	\$113.24	\$635.73	\$22.43	\$408.63	\$342.85	\$409.15				
Dean Shenton	\$32.88	\$0.00	\$224.12	\$0.00	\$92.20	\$69.84	\$83.35				
Lee Small	\$0.00	\$0.00	\$0.00	\$0.00	\$63.74	\$12.75	\$15.21				
G & L Cattle Co	\$148.97	\$0.00	\$533.92	\$16.82	\$574.82	\$254.91	\$304.20				
Tonn Stelzer	\$60.61	\$0.00	\$255.78	\$0.00	\$0.00	\$63.28	\$75.51				
Meridine Lodge Cattle	\$0.00	\$0.00	\$296.14	\$0.00	\$0.00	\$59.23	\$70.68				
Meridine Lodge Grazing	\$90.41	\$0.00	\$192.46	\$0.00	\$144.56	\$85.49	\$102.02				
Patrick McGarry	\$0.00	\$0.00	\$192.46	\$0.00	\$147.97	\$68.09	\$81.25				
Totals:	\$12,668.51	\$13,210.15	\$13,932.09	\$14,383.67	\$10,747.37	\$12,988.36	\$15,500.00				

WATER DISTRICT 32-C  
1995  
(Breakdown of Expenses)

Watermaster	\$ 1,800.00
Deputy	\$ 4,290.00
Mileage	\$ 2,156.50
Secretary	\$ 250.00
FICA Tax	\$ 396.92
Insurance (workman's Comp)	\$ 647.94
Miscellaneous	\$ 48.96
Retirement	\$ 707.05
Channal	<u>\$ 450.00</u>
	\$10,747.37

1996 PROPOSED BUGET

Watermaster	\$ 1,800.00
Deputy	5,400.00
Mileage	4,080.00
Other	<u>4,220.00</u>
TOTALS	\$15,500.00

1995 Adopted Buget	\$15,500.00
1995 Actural Cost	<u>\$10,747.37</u>
TOTAL	\$ 4,752.63

1996 SNOW COURSE MEASUREMENTS

Irving Creek	Snow Depth	1995 Water Cont.	1996 Water Cont.
3-1-96	16.5	6.80	3.55
Weber Creek	Snow Depth	1995 Water Cont.	1996 Water Cont.
3-1-96	17.6	6.00	3.95
Irving Creek Percent of average		72%	of normal
Weber Creek Percent of average		82%	of normal
Average of both courses		77%	of normal

## SUGGESTED RESOLUTIONS

### HEADGATES AND WEIRS

All control devices and measuring devices shall be in good working order before water can be demanded and delivered. The watermaster shall not deliver any water unless such devices are in good working order.

### COLLECTION OF WATER ASSESSMENT

That no ditch, canal, or other water user shall have the right to demand and receive water until full payment due is paid. Payment shall become due April 1, 1993 and shall become delinquent May 1, 1993, and if not paid by May 1, 1993 the payment shall bear interest from May 1, 1993 at the rate of eight percent (8%) per annum.

The watermaster shall not deliver any water until full payment due is paid.

### WATERMASTER TERM OF SERVICE

That the Watermaster shall be elected for a term of one full year. The purpose is so the watermaster can serve in the legal capacity to do official business for the district in the event of emergencies, legislative actions, hearings, disputes or other water related or job related activities. The watermaster cannot be required to make water deliveries before April 1 or after November 1, (the normal irrigation season) unless an emergency exists. The watermaster shall not be paid before April 1 or after November 1 from water district budgeted regular funds.

### SPRINKLER IRRIGATION

To prohibit sprinklers pumping directly from Medicine Lodge Creek as per the motion adopted in 1980 which read as follows: That no additional sprinkler pumping be allowed from Medicine Lodge Creek or its tributaries, without first diverting water into a private pond or sump, to eliminate any interference with regulation of stream waters.