



United States Department of the Interior

FISH AND WILDLIFE SERVICE

SOUTHEAST IDAHO REFUGE COMPLEX

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November 26, 2004

Roger Warner
Idaho Department of Water Resources
900 North Skyline
Idaho Falls, Idaho 83402

RECEIVED
DEC 03 2004

Department of Water Resources
Eastern Region

Dear Mr. Warner:

It has been brought to my attention that on October 25, 2004, refuge staff at Grays Lake National Wildlife Refuge (NWR), Wayan, Idaho, observed what appears to be a recently constructed dike across the Fulton Creek Channel. The dike spans the entire creek channel on the Kenny O'Brien property located directly south of Bridge Creek Road and approximately 1.25 miles east of the Grays Lake NWR Headquarters Office (T 4 S, R 43 E, Section 36).

The dike was constructed across Fulton Creek, with no apparent outlet or means of supplying water downstream. There is potential for damage to downstream water users. I request an investigation by your agency to determine if this is a permitted and legally constructed dike and if the landowner has filed for a permit to store water on his property. If the structure was not legally constructed I request that the Department require the landowner remove the structure from the Fulton Creek Channel.

If you have any further questions or require additional information, please feel free to contact me at (208)237-6617, or the Grays Lake NWR Refuge Manager, Aaron Drew, at (208)574-2755.

Richard Munoz

Project Leader

Southeast Idaho National Wildlife Refuge Complex

Attached: (3) photos of Fulton Creek Channel and suspect illegal dike



Photograph of dozer on newly constructed dike across Fulton Creek Channel (background), Bridge Creek Road and Fulton Creek culvert (foreground). Picture taken from north side of the Bridge Creek Road right-of-way looking south. ADD 10/25/04.



Photograph of Fulton Creek Channel south of Bridge Creek Road. Picture taken from Bridge Creek Road looking south across Kenny O'brien property. ADD 10/25/04.



Photograph of Fulton Creek Channel north of Bridge Creek Road. Picture taken from Bridge Creek Road looking north across Brian Muir property (?) in general direction where Fulton Creek flows into the Bridge Creek Channel. ADD 10/25/04.