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JUN 13 1994

Department of Water Resources  
Eastern District Office

WATER DISTRICT # 32-D

Donald W. Shenton, Watermaster

P.O. Box 33

Dubois, Idaho 83423

Mr. Ted Sorenson  
Birch Creek Ranches  
5203 South 11th. East  
Idaho Falls, Id. 83404

Dear Mr. Sorenson:

On Wednesday, June 8, 1994, I found a ditch of water being diverted from Birch Creek through a ditch onto pasture lands approximately 1/4 mile up stream from the Blue Dome weir.

I found no measuring device in this ditch or control device from Birch Creek. The ditch was immediately closed and posted with closure signs and photographed and witnessed by my Deputy, Greg Shenton and myself.

I don't know how many times I have asked you to tell me when you want to turn water out only to go ignored and do as you please. Nor do I know how many times I asked to have the weir in place, nor do I know why you removed the one in place some time back. Most recently I visited personally and by phone with Bill Simmons about your assessments not being paid and the need for this weir before any water is to be diverted. He informed me he had visited with you about both. I also made it clear to you in a meeting with D&D and Newman in your Father's trailer near the power house approximately a year ago that I needed to know when these diversions were to take place.

When water is turned out it reduces the flow on Wagoners ditch very much and if this adjustment doesn't take place Wagoner's are injured until the diversion is discovered. There is also a markable adjustment and disruption to D&D and Newman flows as one is regulated under pressure and the other by free flow.

If the above are not reasons enough to justify a need for those structures then I suggest you read the Idaho code on control devices, measuring devices, and who has authority to divert water from the streams of the State under a Water District.

The ditch just below the Lone Pine Cafe was flowing water May 21st. and wasn't shut off until June 6th. or 7th. This diversion was not flowing over a weir either.

I realize that this has been happening for some time, but I remember your telling me this was very temporary and only for that year which wasn't true.

I must state that you or your agents are not exempt from water laws and that you should comply to the same regulations the other water users must comply with and I request you to install weirs in the above mentioned ditches before and more diversions of water will be delivered. I also demand notice to myself or my deputy before any water diversions are made. I also ask you to inform your agents of the above request.

Your cooperation will be appreciated.

Sincerely,

Donald W. Shenton

Donald W. Shenton

Watermaster Water District #32-D

cc: I.D.W.R. Idaho Falls Office  
I.D.W.R. Boise Office  
Bill Simmons  
Birch Creek Water Users