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PO BOX 33  
DUBOIS   ID   83423

RECEIVED

JUL 12 1995

Department of Water Resources  
Eastern District Office

July 11, 1995

Mr. Ted Sorenson  
5203 South 11 East  
Idaho Falls, ID 83404

RE: Letter concerning Diversion test dated 7/7/95

Dear Mr. Sorenson:

The question on the last sentence of the second paragraph indicates to me you want an answer and in addition I need to clarify several errors you made.

First the meeting I had with you at Blue Dome Weir was on May 31st and not on June 5th or 6th. As found by diary entries and field note sheets. You are also wrong on scheduling a diversion test on June 14 as we did not schedule a date for a diversion test at any time. You stated you wanted one as quick as possible preferably by the end of June if possible as you said you wanted to do it again in August also. We did schedule June 14, 1995 to put in weirs and control structures. I had told you I needed to be in Boise the first week of June and you indicated you were not available the following week as you would be out of town until the 13th.

You are right that I did call you on the 13th as this was the first time you were available and I did inform you that there would be no test, and that D&D and Newman Ranches had met with Ron Carlson of I.D.W.R. and Ron had told them there would be no test if they did not agree, and that there was several reasons for no test and that if I needed further direction from him to get in touch with him. I also discussed with you the fact I had spend \$253.00 on structure materials for one of your control gates and asked you to let me know if you were going to proceed. The last thing you stated was you were going to contact your attorney and hoped that Ron was right or else there would be some legal actions. You were informed of the rules at this time. Yes, I did visit Ron about your testing and asked him if he would write his directions for me of which he said he would. His letter was dated June 13th, but I received it late afternoon on June 16th as I remember reading it in back of my boat as I was preparing to go fishing for Father's Day weekend which was two days past your so called diversion test date.

How would you have run a test without weirs, control structures, and etc. I had instructed that you needed to do a lot of work to legally divert waters at any time for any reason.

Lewis Newman called me the afternoon of June 16th informing me he had put his water back into Newman's Ditch and was wanting to know what his share of the waters would be so he could adjust elevation over the weir properly. I did not tell Newman not to irrigate nor did I tell them to turn water on nor did I tell them that if they had excess flows that it would be used for a Birch Creek Ranch test. Yes Lavar could have known the rules as he talked with Ron Carlson much before I did.

However on June 28th, I did call Newman and Jim Demordant questioning them as to how they wanted their licenses recorded, either by seven parts and five parts or by wording and priority of the license. At that time I told them you had called requesting diversion tests on waters over water right amounts or waters to waste to the I.N.E.L. If that was criminal or partial then I am guilty.

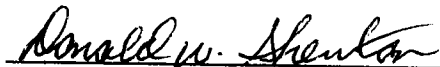
I guess the bottom line is that I am frustrated by false charges innuendo's and accusations.

This water district is not easy at best with all the controversy within it and I would suggest you work directly with the other water users rather than through me for some of your proposed activities. This would eliminate some of my frustration.

Due to the fact you and I have referred to Newman, Demordant, and Carlson I feel it only proper to send a copy to them.

Hoping I have answered your questions.

Sincerely,



Donald W. Shenton  
Watermaster

cc: Ron Carlson  
Jim Demordant  
Lavar Newman