

Merritt, Allen

From: Luke, Tim
Sent: Thursday, August 23, 2007 11:12 AM
To: Challis, Jack (E-mail)
Cc: Blau, Terry; Foster, Bob; Merritt, Allen
Subject: FW: Beaver Dams

Jack,

My prior e-mail to you on this topic did not include this other interpretation, warning or advice. I understand that Bob Foster discussed this matter with you already and that you are aware of this potential problem; that is, if any mechanical equipment is used in the stream bed to remove the dams then a stream channel permit is required. Bottom line: try to remove or breach the dams without using mechanical or heavy equipment in the bed channel (other than hand shovels or hand equipment).

Tim

-----Original Message-----

From: Blau, Terry
Sent: Thursday, August 23, 2007 10:52 AM
To: Merritt, Allen; Luke, Tim
Subject: RE: Beaver Dams

I believe
Allen is correct.

-----Original Message-----

From: Merritt, Allen
Sent: Monday, August 20, 2007 11:46 AM
To: Luke, Tim
Cc: Blau, Terry
Subject: RE: Beaver Dams

I believe a SCA permit is required if they take mechanical equipment into the stream bed to take out the dams. A classic screw-up occurred along these lines a few years ago below Fish Creek Dam where they took out beaver dams and did a little stream cleaning and were fined.

If the removal of the dams is done by hand or from the bank with equipment without the equipment in the stream then I believe a SCA permit is not required. Terry can comment on the details.

Allen

-----Original Message-----

From: Luke, Tim
Sent: Monday, August 20, 2007 11:26 AM
To: 'Challis, Jack (E-mail)'
Cc: Merritt, Allen; Foster, Bob; Miller, Nick; Blau, Terry
Subject: RE: Beaver Dams

Sorry, Forgot the attachment. Tim

<< File: 092402 LTR to WM RE Const Work & Beaver Dam Removal.pdf >>

-----Original Message-----

From: Luke, Tim
Sent: Monday, August 20, 2007 11:08 AM
To: Challis, Jack (E-mail)
Cc: Merritt, Allen; Foster, Bob; Miller, Nick; Blau, Terry
Subject: Beaver Dams

Jack,

I deleted the message you sent on the Beaver dams because the photos has a lot of memory and overfilled my e-mail storage allotment, but I did save the photos.

In general, guidance on Beaver dams is provided in the attached IDWR letter to watermasters dated September __, 2002. I'd suggest you review this if you have not done so recently. I suspect you have looked at however. We need to follow the protocol outlined in that letter as closely as possible.

With respect to the first situation, it seems to me that one is pretty clear cut and both you and IDWR can confirm and report to Fish and Game (IDFG) that water rights are being injured as a result of the creek being diverted in a different direction and towards if not directly to an irrigation ditch that should not be receiving all that water. If the dam is also on Valnoski's property then he can go directly to IDFG and get a permit for beaver removal as well as authority to from IDFG on removal of the dam. I do not suggest that the water district, or you as watermaster, or even the landowner remove the dam without first coordinating with IDFG. I am willing to support the water rights injury just based on your brief description but it would be better if Bob Foster could look at it and if necessary, write up a brief memo verifying that rights are being injured. That determination then could go quickly to IDFG so they can expeditiously deal with the matter.

On the second situation, you, the district and/or other landowners should refrain from removing the dam without first getting some authorization from IDFG. If that landowner refuses to support removal of the dam, then I believe IDWR will have to investigate and make a determination of injury to water rights or other property. IDWR's determination would be limited to injury of water rights although I think we can comment on the controlling works or head gates as well. Again, Bob Foster could investigate and make/document a determination.

In both cases, I will assume that no additional stream channel permits or authority is required by IDWR or the US Army Corps of Engineers assuming that the beaver dams were not in place at these locations prior to the start of the irrigation season.

Call me or Bob if you need further assistance. I will be out much of the next 2.5 days so you may also want to call Southern region directly if I or Bob Foster are not available.

Tim