



October 18, 2023

Carl Nagel  
Vintage II, LLC  
970 W. Broadway Ste. E  
PMB81  
Jackson WY, 83001

**RE: Cease and Desist Altering Stream Channels without a Permit  
Enforcement Case: E2023-2967 – Carl Nagel - Darby Creek**

Dear Mr. Nagel,

The Idaho Department of Water Resources (“Department”) is contacting you in regards to the potential unauthorized alteration of Darby Creek. The Department received documentation showing alterations to Darby Creek that include but are not limited to vegetation removal, excavation, and grading. To our knowledge the disturbance occurred recently and is potentially ongoing as of October 13, 2023. According to County records the disturbance is occurring on and adjacent to parcel numbers RP04N45E130601 and RP004750000COM, in Teton County, Idaho (Section 13, Township 04 North, Range 45 East).

The recent stream channel disturbance described above was brought to the Departments attention on October 12, 2023. The Department has checked its records for any stream channel alteration permits authorizing the disturbances and finds no such approvals.

The Department requests your cooperation to resolve this matter by:

1. Ceasing further work within Darby Creek unless such work is approved pursuant to a Stream Channel Alteration Permit;
2. Notifying the Department of your involvement in the stream channel alteration;
3. Immediately coordinating a site inspection with the Department to assess the work; and
4. Working immediately with Teton County and the U.S. Army Corps of Engineers to comply with other local and federal rules or laws.

**Please note that alteration of a stream channel without proper authorization constitutes a violation of Idaho Code § 42-3803.**

Please contact Cass Jones within **14 days** of the date of this letter at 208-287-4897 or [cass.jones@idwr.idaho.gov](mailto:cass.jones@idwr.idaho.gov) to discuss this matter. Your response will help the Department

determine what actions may be necessary to address the unauthorized stream channel alterations. If you do not respond to this notice or if the Department finds you uncooperative, the Department may initiate a formal enforcement action in accordance with Idaho Code § 42-1701B.

Respectfully,

A handwritten signature in black ink, appearing to read "Cass Jones", with a stylized flourish at the end.

Cass Jones  
Stream Channel Protection  
Idaho Department of Water Resources

cc: James Joyner, U.S. Army Corps of Engineers, Idaho Falls  
Eric Anderson, Idaho Department of Fish and Game, Idaho Falls  
Alex Bell, Idaho Department of Environmental Quality, Idaho Falls  
Pat Brown, Idaho Department of Lands, Idaho Falls  
Wendy Danielson, Teton County Floodplain Administrator  
Cherie Palmer, Aaron Golart, and Scott Stosich, Idaho Department of Water Resources

Enclosed: Map

