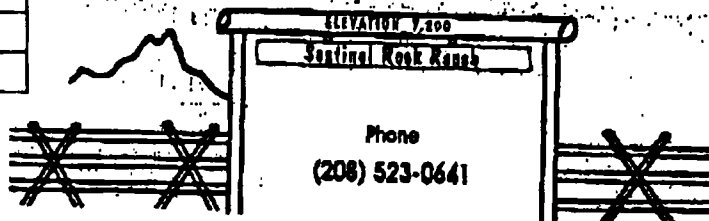


Post-It™ brand fax transmittal memo 7671		# pages > 2
To IDWR	From JACOB KREIDERBICK	
Co.	Co. GOV'S OFFICE	
Dept.	Phone #	
Fax # 327-78106	Fax # 334-3454	

P01



Home Office: 310 Linden Dr. • Idaho Falls, ID 83401  
Field Office: P.O. Box 16 • Leadore, ID 83464

May 23, 1995

Mr. John Chatburn  
Office of the Governor  
State of Idaho

Dear John:

This is in response to your request that I Fax you a short note detailing my frustrations with IDWR and the local water district in Lemhi County; they continue to thwart my efforts to install a newly constructed, \$950 steel headgate into my irrigation ditch. I have a small (120 acres) ranch on Hawley Creek, near Leadore, Idaho, and I have a legal water right to divert 2 cfs which is necessary to irrigate my 41 acre south pasture. Last year, June, 1994, the watermaster turned off my water (rock and gravel diversion) due to low water levels and priority downstream water rights. This action was understandable, however, soon after I questioned IDWR about the accuracy of downstream flow measuring devices and the dilapidated conditions of those old and rotted wooden headgates, I received a letter from IDWR that they had agreed with the watermaster that I should be denied any water in the future, until I constructed and installed a new headgate. My new headgate is far superior to any other headgate structure on Hawley Creek and the only structure that includes a IDFG approved screen to protect anadromous fish. It is also the only headgate on the creek that costs nearly a thousand dollars!

Here's my problem, since the point of diversion is located on adjacent U.S. Forest Service land (public), the USFS won't grant me a special use permit to install the headgate because they're told by the watermaster that my thousand dollar headgate is not good enough because it doesn't have a water flow measuring device. This delay is absolutely ludicrous. My new headgate is 10 times better than all other existing structures on Hawley Creek, not to mention that for the past 50+ years there has been absolutely no structure (other than pushing rock and gravel during irrigation season) for my irrigation diversion. Additionally, there are numerous "other" water users that have not been denied the right to irrigate their land, yet those same irrigators have no headgate and simply continue to use the old "push up river rock and gravel method" to divert irrigation water. When I phoned Mr. Jones of the Idaho Falls office of IDWR to complain about this situation, he was rude, abusive, and even hung up on me! I found his actions to be both unprofessional and unacceptable. I believe that IDWR is denying me the right to irrigate my farmland because of personal reasons related to the fact that Mr. Ron Carlson (IDWR) has admitted to making the statement "somebody should knock him in the head [Ray

A PRIVATE RANCH LOCATED ON HAWLEY CREEK, AND SURROUNDED BY SALMON NATIONAL FOREST - IDAHO

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P02

Kagel] and stuff him in a hole or throw him into the river" and that Mr. Norman Young (IDWR) published a libelous letter against me in which he slandered me professionally. Although Mr. Young has apologized to me for his letter, I feel that he, and Mr. Carlson must be responsible for the ultimate decision to: 1.) Require that I have a headgate before allowing me to irrigate my land and... 2.) The determination that my thousand dollar headgate isn't good enough and that I need to spend additional money for the construction of precise flow metering device in addition to the fish screened headgate. I can think of no other explanation for these problems; particularly in view of the fact that there was no problem with irrigation when it was owned by Oxbow Ranch two years ago, and I'm aware of no other such problems in my area (even with irrigators that have no headgate/weir structures).

Meanwhile, my very expensive new headgate sits on the ground next to my irrigation ditch while my pastureland is dying from lack of water (I experienced significant losses last year). Would you please ask Governor Batt to cut through this unfair red tape and allow me to irrigate my land? ....please.....

Sincerely,

*Ray L. Kagel, Jr.*  
Ray L. Kagel, Jr.  
Sentinel Rock Ranch

CF:

U.S. Senator Larry Craig  
U.S. Senator Dirk Kempthorne