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Department of Water Resources

Home Office: 316 Linden Dr. - Idaho Falls, ID 83401

Field Office: P.O. Box 16 • Leadore, ID 83464

Home : 3879 East 200 North
Rigby, ID 83442

March 1, 1996

Tim Luke
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Dear Mr. Luke:

Nearly two months ago I spoke to you about the order issued in October 1995 by Karl Dreher regarding the water users on Hawley Creek. That order required my husband and I, as well as four other Hawley Creek irrigators, to install lockable headgates or measuring devices at our points of diversion.

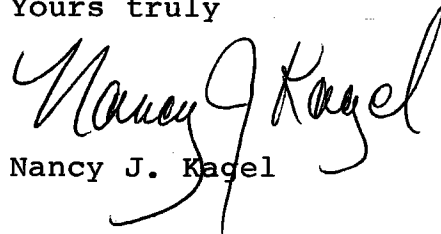
As you are aware, my husband and I installed a headgate last Spring (April 1995) which you inspected shortly after installation. At the time of your inspection you informed Robert Wagenecht, the local rancher who assists us with irrigation, that in your opinion, the installed headgate was sufficient to regulate flows in our ditch. You stated that with a 2 cfs water right, we would be either turned on or off. Since we have a junior water right on Hawley Creek, this was a reasonable assessment.

It is unclear from the order issued whether the Department of Water Resources is requiring us to add other structures than the new headgate. I called you two months ago to obtain clarification regarding the order of October 1995. You stated that you would look into this matter and respond in writing to my inquiry. Since I have heard nothing from you regarding this matter, I am writing you for a determination as to the specific additional structures we need to install at our point of diversion, if any.

As I stated in our telephone conversation two months ago, our point of diversion is located on the Salmon National Forest, and any additions or alterations to our headgate require a modification to our special use permit from the Forest Service. If your assessment stands that our new headgate is sufficient stands, then I do not need to contact the Forest Service. If we are required to add other structures or devices to our point of diversion, I need to know exactly what the Department of Water Resources requires so that I can immediately obtain the necessary approvals from the Forest Service.

I would greatly appreciate your prompt attention to this matter.

Yours truly

A handwritten signature in cursive script that reads "Nancy J. Kagel". The signature is written in black ink and is positioned above the typed name.

Nancy J. Kagel