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AUG 11 1995
Department of Water Resources

OFFICE OF THE GOVERNOR

STATE CAPITOL
BOISE 83720-0034

PHILIP E. BATT
GOVERNOR

(208) 334-2100

August 9, 1995

Mr. Ray A. Kagel, Jr.
310 Linden Drive
Idaho Falls, ID 83401

Dear Mr. Kagel:

Thank you for your letter detailing your situation with the Idaho Department Water Resources (IDWR) and its management of Hawley Creek.

Members of my staff have extensively researched this situation with staff from the Boise Office of IDWR. As I am sure you are aware, the water users of Water District 74W, which includes Hawley Creek, passed a resolution requiring the installation of adequate measuring devices and controlling works before receiving water. Due to the fairness issue you have raised, IDWR staff and the local watermaster will inventory all diversions on Hawley Creek to insure that all users have adequate measuring devices and headgates. The inventory would include a visit to each diversion, photographs and a technical review of adequacy.

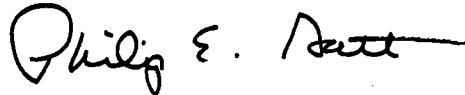
In addition, IDWR will issue an order in accordance with section 42-701, Idaho Code, requiring each diversion found to have inadequate measuring devices or headgates to be properly equipped in a timely fashion.

As I have said many times before, it is my desire to return the role of state government to that of servant, and not master. The regulation and monitoring processes used by state agencies are an important element of this mentality. State agencies should follow the lead of the citizens of Idaho, and assist them whenever it is possible, within certain guidelines. In this case, IDWR's regulations concerning Hawley Creek come directly from a resolution passed by the waterusers of that district.

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I hope that this takes care of your concerns. Please do not hesitate to contact me again if you feel unfairly treated by any state agency in the future.

Very truly yours,

A handwritten signature in cursive script that reads "Philip E. Batt". The signature is written in dark ink and is positioned above the printed name and title.

Philip E. Batt
Governor

PEB:jbk

CC: Karl Dreher, Director, IDWR
Norm Young, IDWR