



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720-9000
TELEPHONE: (208) 327-7920

July 18, 1994

Don F. Pickett
Attorney at Law
Route 1, Box 80-B
530 West 1650 South
Oakley, ID 83346

RE: Goose Creek Waters

Dear Don:

Phil Rassier asked that I look into the matter raised in your letter dated June 27, 1994. Phil had earlier discussed the administration of water from Goose Creek with Water Resources' Director, R. Keith Higginson. Mr. Higginson recently talked with Robert L. Morgan, Utah State Engineer and requested that he look into the status of the administration of Goose Creek waters on the Utah side of the border. Mr. Higginson informed me that he expects to hear from the Utah people sometime in the near future.

In general, short of an interstate compact or some type of working agreement, watermasters from one state are unable to cross state lines to administer waters and enforce decrees in another state. However, in this case perhaps the Utah water department can facilitate and help enforce the provisions of the *Whittle* decree.

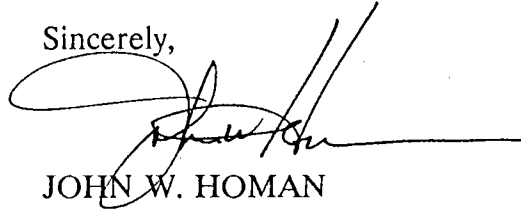
If administration of the waters on Goose Creek remains unsettled, waterusers on Goose Creek may consider filing motions for enforcement or contempt before the original (successor) court in Idaho; another alternative may be to file an original action in the Utah courts seeking to enforce the *Whittle* decree.

At this time, the canal company may want to wait and see if any action is taken by Utah in response to Mr. Higginson's inquiry.

Don F. Pickett
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Please call me at (208) 327-7924 if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Homan". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

JOHN W. HOMAN
Deputy Attorney General
Idaho Department of Water Resources

JWH:dc