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DEPARTMENT OF  
WATER RESOURCES

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June 26, 2006

**VIA FACSIMILE & REGULAR MAIL**

Gary Spackman  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

Re: Water District 34 - Watermaster issues

Dear Mr. Spackman:

We are in receipt of your letter of June 20, 2006. In response to your request, we hereby consent to a delay of a "hearing to remove the Watermaster". We strongly encourage the Department to issue written instructions to the Watermaster with as much dispatch as possible.

Our primary objective is not the removal of Bob Duke as Watermaster of Water District 34; rather, our primary objective is the immediate, strict, accurate and thorough performance of all the statutory duties of the Watermaster of Water District 34. We agree there needs to be effective instruction, education and direction by the Department for the Watermaster. We believe that could be done orally, in writing, or by onsite training by qualified Department personnel. Possibly all three methods, in some combination, would be helpful, but it needs to be done now.

We initiated our request for action by the Department well before the irrigation season. Now we are nearly halfway through the 2006 season, and to our knowledge, no practices have changed, no more frequent or accurate measurements are being made and no better records are being kept. We hope we are mistaken, but so far, we have observed no action to remedy the longstanding non-performance and mis-performance of the Watermaster statutory responsibilities in Water District 34.

We think a written report, or even a verbal report from the Watermaster, in the context of a meeting for such purpose (we were contemplating such a meeting when we stated "there should

Gary Spackman  
Idaho Department of Water Resources  
June 26, 2006  
Page 2 of 2

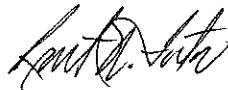
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definitely be a hearing" in our last letter; not so much to consider the Watermaster's removal, but rather so the water users can learn what is being done and whether any improvements have yet been made) would be a positive effort, especially if water users were able to ask questions, express some of their observations and concerns over what is happening so far this season, and to hear the Department's plan for resolving the serious problem.

We reiterate that in addition to effective training and instruction, there needs to be frequent and substantial oversight activities, by qualified Department personnel and/or private consultants. Such activities should have commenced more than two months ago. To date, there has been no response that we know of to this important request.

We thank you in advance for your prompt efforts to remedy the continuing administrative deficiencies in Basin 34.

Yours very truly,



Kent W. Foster

c: Nick Miller  
✓ Tim Luke  
Bob Duke, Watermaster, Water District 34