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To <i>Tim Luke</i>	From <i>B Kenworthy</i>	
Co. <i>IDWR</i>	Co. <i>Hagerman NFH</i>	
Dept.	Phone #	
Fax # <i>208 327-7566</i>	Fax #	

HAGERMAN NATION
 3059 D National Fish Hatchery Road
 Hagerman, Idaho 83332

Mr. Howard "Butch" Morris
 1101 East 2900 South
 Hagerman, Idaho 83332

April 8, 1994

Dear Mr. Morris,

First, I appreciate the time you took from your busy schedule on Saturday April 2 to help mediate negotiations with John Mavencamp. Unfortunately, we were unable to come to an agreement.

Butch, I am writing to reiterate the need to have in writing your proposal to cross the Hagerman National Fish Hatchery property with an irrigation line. During our discussions the week of April 8 and again on March 25, I mentioned that I would need a written detailed description of what you were proposing and that you would need to provide documentation from the Idaho Department of Water Resources of the right to use the water.

Furthermore, as we have discussed, there are a number of factors that require this documentation. First, as the Manager of the Hagerman National Fish Hatchery, I am not authorized to enter into verbal agreements that obligate the United States Fish and Wildlife Service to a private party. Second, because of the sensitive nature of water issues and the on going Snake River Basin Adjudication, I am required to have our legal counsel provide guidance on this decision. The U.S. Fish and Wildlife Service cannot be party to any activity that could result in further litigation. Third, the section of Hatchery property that is in question is managed under a cooperative agreement by the Idaho Department of Fish and Game. They will need to concur with any decision on this matter.

As soon as I receive your written request I will begin the process of having your proposal approved.

Sincerely,

Bryan R. Kenworthy
 Project Leader

COPY

*Tim
 original signed
 & sent BRK*

cc: Dan Diggs, U.S. Fish and Wildlife Service
 Barbara Scott-Brier, Regional Solicitors Office, Department of Interior
 Bill Gorgen, Idaho Department of Fish and Game

*** ACTIVITY REPORT ***

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