



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 18, 2006

VIA FACSIMILE

Jerry Rigby
Ray Rigby
Rigby Thatcher
PO Box 250
Rexburg, ID 83440-0250

Re: Subcase Nos. 22-203 and 22-204C (City of Rexburg).

Dear Jerry and Ray:

The Department is in the process of reviewing the above listed claims filed by the City of Rexburg in the Snake River Basin Adjudication (SRBA). A question has arisen as to whether the City of Rexburg intended to claim irrigation as the only purpose of use for the above water rights, or whether it intended to claim municipal. Both claims are based on a prior decree and were decreed for municipal and power purposes. However, in the SRBA, the claimed purpose of use is for irrigation only.

Claim no. 22-203 claims the full decreed quantity of 33 cfs for irrigation.

Claim no. 22-204C claims the full decreed quantity of 27 cfs for irrigation. The Department's records show that 6.5 cfs of the water under 22-204C is subject to a lease agreement with Teton Pipeline Association and is the subject of approved Transfer #2081. We have been told there is also a lease with Rexburg Irrigation Company but this lease is not on record with the Department.

If the City wants to amend the City's claims to change the purpose of use, **then these amended claims must be received by the Department no later than February 17, 2006.** Otherwise, the Department will review these claims as irrigation only and will recommend the amount of water for that purpose. It appears that the power use for these claims was never developed and thus, it is probably appropriate that power was not a claimed use.

Jerry Rigby
January 18, 2006
Page 2

If you have any questions or what to discuss this matter further, you can contact me at (208) 287-4801 or Allen Ruberry or Ernest Carlsen at (208) 525-7161.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Candice M. McHugh", with a stylized flourish at the end.

Candice M. McHugh
Deputy Attorney General, IDWR

cc: *electronically*
Allen Ruberry
Ernest Carlsen