



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

March 19, 2009

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: Subcase No. 02-7242D

Dear Clerk:

Pursuant to discussions held during Basin 02 initial hearings, IDWR presents the following language to the Court for inclusion in the recommendation for the above referenced case.

Water right 2-7242D shares a common point of diversion with water right nos. 2-7103 and 2-7104. Water rights 2-7103 and 2-7104 are limited to a total combined diversion rate of 9.0 c.f.s. each with a priority date that is earlier than water right 2-7242D. Water rights 2-7242D, 2-7103 and 2-7104 are also limited to a total combined diversion rate of 9 cfs. Notwithstanding said total combined diversion rate, water under water right 2-7242D can only be diverted when 2-7103 and 2-7104 are diverting less than the full 9 c.f.s.

The Claimants did not attend the initial hearings and the Court subsequently scheduled an Order to Show Cause Hearing for July 23, 2009. An SF5, which included the language above, was sent to the Claimants on or about March 12, 2009 to two separate addresses. One of those mailings has been returned as "undeliverable." If the claimant returns the SF5 to IDWR, we will promptly get the remaining signatures and file with the Court.

Should you have any questions please contact me at (208) 287-4811

Sincerely,

A handwritten signature in black ink, appearing to be 'Garrick Baxter', with a long horizontal line extending to the right.

Garrick Baxter
Deputy Attorney General

cc: Vic Conrad
Ronald Graves