



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 24, 2009

JERRY R RIGBY
PO BOX 250
REXBURG ID 83440-0250

RE: Snake River Basin Adjudication (SRBA)
Preliminary Recommendation: 35-7498
Your Client: Estate of Thomas F. Christensen, Jr.

Dear Mr. Rigby,

I have been in communication with Mr. Moeller regarding SRBA late claim 35-7498. In a letter from Mr. Moeller dated April 17, 2009, he informed me that I should be contacting you from now on regarding communication related to claim 35-7498. I am enclosing a copy of Mr. Moeller's letter for your review.

I wanted to respond to the last communication confirming that I did receive and review the information provided. With that said, unfortunately my recommendation is limited by license 35-7498 issued on April 29, 1982. If there was an error in the license as argued, it needed to be addressed at the time of licensing.

Fortunately, it does appear that there is evidence that could support an enlargement claim. If this is something you would like to pursue, I could possibly hold onto recommendation 35-7498 and not include it in the Spring 2009 late claim report. Rather I could wait until a motion to file the late enlargement claim is submitted and granted by the SRBA court. That way I could submit both 35-7498 as well as the enlargement claim to the SRBA court at the same time. If this is an option you would like to pursue, I will need to know by mid May.

As always, if your client still disagrees with the recommendation, they will have an opportunity to file an objection and be heard by the SRBA court.

Please feel free to contact me with any questions.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
craig.saxton@idwr.idaho.gov

Enclosure(s): Gregory Moeller 4-17-09 Letter