



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 1, 2009

GARY MADSEN
48 OUTFITTER LN
MAY ID 83253

RE: Preliminary Recommendation for Snake River Basin Adjudication (SRBA) claim 73-4099

Dear Mr. Madsen,

I received the results of Bob Fosters field exam and have put together a preliminary recommendation for your review. I wanted you to take a look and then if everything looks ok, let me know and we can officially route the appropriate paperwork with the new recommendation for signature.

There are a couple of things I want to explain about the recommendation:

I cannot remove Kenny Madsen from the claim without documentation showing that he has no interest in the property. Generally a copy of the death certificate or warranty deed showing you are sole owner of the property will be sufficient. If you can send me that documentation, I can remove Kenny Madsen from the claim.

The recommended point of diversion is located on BLM ground. The BLM located the point of diversion with a GPS in 2007. That point was very close to the line between the NENE and the SENE of section 13. In the end it did fall in the SENE of section 13 and that is how the location of the point of diversion is described.

The priority date recommended was based on the 1961 air photo you provided. The recommended priority date is the first day of the irrigation season in 1961.

Please take a look at the recommendation and let me know if you are in agreement with the recommendation or if you have any questions.

Craig L. Saxton
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Adjudication Bureau
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Enclosure(s): Preliminary Recommendation 73-4099