

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78263**

This is to certify that: RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY, ID 83714

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-9718	WR/DECREED	4/3/1981	3.210 cfs	127.5 af	N/A	11.0	VILLAGE LAKE
63-9751	WR/DECREED	6/23/1981	3.210 cfs	2324.0 af	N/A	N/A	BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-9718	NO	NO	YES	NO	NO	NO
63-9751	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-9718	63-9718	3.210 cfs	127.5 af	11.0	66.6	N/A	N/A	N/A	N/A	N/A
63-9751	63-9751	3.210 cfs	2324.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.420 cfs	2451.5 af	11.0	66.6		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 22nd day of March, 2013.


Western Regional Manager

SUPPORT DATA

IN FILE # 63-9718

Transfer No. 78263

WATER RIGHT NO. 63-9751
As Modified by Transfer No.

In accordance with the approval of Transfer No. 78263, Water Right No. 63-9751 is now described as follows:

Right Holder: RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY, ID 83714

Priority Date: 6/23/1981

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
AESTHETIC	01/01	to 12/31	3.210 cfs	2324.0 af
			3.210 cfs	2324.0 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER NENE Sec 25 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five (5) years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The point of diversion for this water right is unsurveyed accretion land. The quarter-quarter description has been protracted from the adjacent public land survey.
5. This right does not grant any right-of-way or easement across the land of another.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. The right holder shall maintain measuring devices at the point of diversion and at the point of discharge and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Return flow is discharged into the Boise River via Riverside Creek in the NESE, S23, T04N, R01E.

Transfer No. 78263

WATER RIGHT NO. 63-9751
As Modified by Transfer No.

CONDITIONS OF APPROVAL

9. Diversion and use of water is authorized only when flows in the Boise River warrant delivery of water under a date of priority of June 23, 1981. If this priority cannot be satisfied, diversion must cease unless:
- a) the use is entirely non-consumptive and all water is returned to the river, or
 - b) the consumptive amount of water is replaced from another source or right which is deliverable. In such case, a determination of consumptive use must be made and an acceptable method of replacement must be approved by the department prior to delivery under another source or right.



WATER RIGHT NO. 63-9718

As Modified by Transfer No.

In accordance with the approval of Transfer No. 78263, Water Right No. 63-9718 is now described as follows:

Right Holder: RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY, ID 83714

Priority Date: 4/3/1981

Source: VILLAGE LAKE

Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
AESTHETIC STORAGE	01/01	to 12/31		78.0 af
DIVERSION TO STORAGE	01/01	to 12/31	3.210 cfs	
IRRIGATION	04/01	to 11/01	0.440 cfs	49.5 af
			3.210 cfs	127.5 af

LOCATION OF POINT(S) OF DIVERSION

VILLAGE LAKE L2 (SWSE) Sec 24 Twp 04N Rge 01E ADA County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	23													X			X	
04N	01E	24											X	X					
													L 4	L 3					

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	23													1.3			4.7	6
																		L 11	
04N	01E	24								3.2		14.4	35.5				7.5		60.6
												L 4	L 3				L 2		

Right Acre Limit: 11.0

POU Total Acres: 66.6

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five (5) years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78263

WATER RIGHT NO. 63-9718
As Modified by Transfer No.

CONDITIONS OF APPROVAL

3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. This right does not grant any right-of-way or easement across the land of another.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. &DISTRICT.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. The 12 ponds established by the storage of water under this right shall not exceed a total capacity of 78 acre-feet or a total surface area of 4.8 acres.
8. This right is limited to the irrigation of 11 acres within the authorized place of use in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
10. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

March 22, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY ID 83714

Re: Transfer No: 78263
Water Right No's: 63-9718, 63-9751
Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,


For -

John Westra
Western Regional Manager

Enclosure

CC:

MICHAEL C CREAMER
GIVENS PURSLEY LLP
277 N 6TH ST STE 200
PO BOX 2720
BOISE ID 83701-2720

DOROTHY DOUGLAS
4810 LAKES EDGE PL
GARDEN CITY ID 83714

C THOMAS ARKOOSH
PO BOX 2900
BOISE ID 83701

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

Re: Transfer No.: 78263
Water Right No(s): 63-9718, 63-9751

RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY ID 83714

MICHAEL C CREAMER
GIVENS PURSLEY LLP
277 N 6TH ST STE 200
PO BOX 2720
BOISE ID 83701-2720

DOROTHY DOUGLAS
4810 LAKES EDGE PL
GARDEN CITY ID 83714

C THOMAS ARKOOSH
PO BOX 2900
BOISE ID 83701

REX R BARRIE
WATER MASTER
10769 W STATE ST
PO BOX 767
STAR ID 83669



Rachel Sommer
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

March 22, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY ID 83714

Re: Transfer No: 78263
Water Right No's: 63-9718, 63-9751

Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,


For:

John Westra
Western Regional Manager

Enclosure

CC:

MICHAEL C CREAMER
GIVENS PURSLEY LLP
277 N 6TH ST STE 200
PO BOX 2720
BOISE ID 83701-2720

DOROTHY DOUGLAS
4810 LAKES EDGE PL
GARDEN CITY ID 83714

C THOMAS ARKOOSH
PO BOX 2900
BOISE ID 83701

CITY HALL
ATTN: MAYOR JOHN G EVANS
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

**Re: Transfer No.: 78263
Water Right No(s): 63-9718, 63-9751**

**RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY ID 83714**

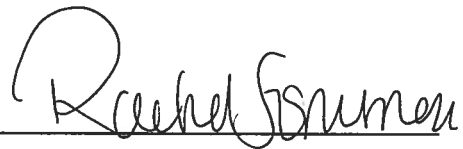
**MICHAEL C CREAMER
GIVENS PURSLEY LLP
277 N 6TH ST STE 200
PO BOX 2720
BOISE ID 83701-2720**

**DOROTHY DOUGLAS
4810 LAKES EDGE PL
GARDEN CITY ID 83714**

**C THOMAS ARKOOSH
PO BOX 2900
BOISE ID 83701**

**REX R BARRIE
WATER MASTER
10769 W STATE ST
PO BOX 767
STAR ID 83669**

**CITY HALL
ATTN: MAYOR JOHN G EVANS
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347**

A handwritten signature in black ink, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701 A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 7, 2013

ARKOOSH LAW OFFICES
ATTN: C TOM ARKOOSH
PO BOX 2900
BOISE ID 83720

RE: Withdrawal of Protest Transfer No. 78263—Dorthy Douglas

Dear Protestant:

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application..

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

John Westra
Regional Manager

Cc: M. Creamer Atty, R. Barrie, Watermaster,

Westra, John

From: Michael C Creamer [mcc@givenspursley.com]
Sent: Monday, March 11, 2013 11:18 AM
To: Westra, John
Cc: 'Tom Arkoosh'; 'Pat'; 'Terry Scanlan'; 'Jeff Sherburne'; 'Roxanne Brown'
Subject: Riverside Village Transfer Application 78263 [IWOV-GPDMS.FID516771]

Dear John:

I have confirmed that my client Riverside Village Homeowners Association, Inc. ("Association") wishes to withdraw the document styled as "Proposed Five Year Plan for Irrigation--WR 63-9718 Transfer" previously submitted to the Department in connection with the above-referenced transfer. This document does not reflect the Association's intentions for the subject water rights, and it does not appear to be relevant to the issues presented by this transfer in any event.

Also, this is to advise you that the Association anticipates, among other things, acquiring additional, more senior, water rights to be used for irrigation within the subdivision in conjunction with rights 63-9751 and 63-9718. Identifying, acquiring and transferring these rights will take some time, and may affect the Association's overall timetable for implementing any changes required by approval of Transfer 78263. The Association requests that it be provided up to five years to complete Transfer 78263.

Sincerely,

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
Direct: 208-388-1247
Main: 208-388-1200
Fax: 208-388-1300
www.givenspursley.com

*Affirms request for
5 years to complete transfer*



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ARKOOSH LAW OFFICES

C. Tom Arkoosh
tom.arkoosh@arkoosh.com

March 5, 2013

RECEIVED

MAR 06 2013

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

Re: In the Matter of Transfer Application No. 78263 in the Name of Riverside
Village Homeowners Association, Inc.

Dear Clerk:

Enclosed, please find the original of the protestant's *Withdrawal of Protest* for filing.

Thank you for your attention to this matter. Please do not hesitate to contact our office if you have any questions or concerns.

Sincerely,

ARKOOSH LAW OFFICES



Erin Cecil
Legal Assistant

/emc
Enclosure
Cc: Client
Gary Spackman
Michael Creamer
John Westra



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 10, 2013

Riverside Village HOA Inc
Michael C Creamer
Givens Pursley LLP
PO Box 2720
Boise ID 83701

Dorothy Douglas
C Thomas Arkoosh
Capitol Law Group
PO Box 2598
Boise ID 83701

RE: Contested Application for Transfer #77710
Telephone Conference 01/08/13

Dear Mr. Creamer and Mr. Arkoosh:

Thank you for facilitating the phone conference on Tuesday for the above transfer application. From our conversation, parties have made significant progress in resolution of the issues and subdivision water management. This letter will attempt to recap our conversation and provide some guidance to keep the process moving forward. It is my understanding that:

- SPF Water Engineering has been retained to make amendments/adjustments to the application for transfer to reflect the current subdivision needs and water management. Lots along the lake and street lands may be added to the transfer permissible place of use locations. Without the specifics, the Department cannot confirm that re-advertisement is not required.
- Although a 5 year irrigation plan was enclosed with the transfer application by the Applicant, there is consideration to withdraw the plan. This is acceptable to the Department.
- The application process needs to keep moving forward, and by **March 1, 2013** the Applicant (SPF) will submit updated amendments/adjustments to the transfer application.

Page 2.

Once the application amendments/adjustments have been submitted and reviewed, the Department will convey to parties if re-advertisement is required. Parties will be given ample time to continue negotiations. However if progress is no longer evident, the Department will move the contested case toward a scheduled hearing.

Should you have concerns, please contact me at the Western Regional Office, phone 334-2190.

Thank you for continued cooperation,



John Westra, Manager.

Westra, John

From: Tom Arkoosh [Tom.Arkoosh@aelawlobby.com]
Sent: Saturday, December 29, 2012 1:11 PM
To: Westra, John
Cc: Jeanne Barker; Michael C Creamer
Subject: RVHOA request for transfer

John:

Mike Creamer and I met with the RVHOA Water Committee, and have exchanged emails, and I can report the following:

We have come to concurrence on matters that, while they do not affect the integrity of the application or protest, appear to resolve all outstanding issues. Effectuating what we have concurred to do may take a little time because of dependence on third parties. For instance, RVHOA has hired SPF Engineers to formulate these agreements for presentation in the transfer. This may take a little more time.

Although I do not know Mike's calendar, I am available to visit further with you and Mike Monday, Wednesday afternoon, Thursday, and Friday afternoon. If we visit Monday, I will be 208-838-2746. Otherwise, my office is 208-343-5105. If you and Mike will communicate your unavailable times, we should be able to put together a conference call. Thank you.

C. Tom Arkoosh, J.D.

Arkoosh Eiguren

802 West Bannock, 9th Floor | P.O. Box 2900 | Boise, ID 83701

Office: (208) 343-5105 | Fax: (208) 343-5456

Web: www.aelawlobby.com

CONFIDENTIALITY NOTICE: The information contained in this electronic mail communication is from the law firm Arkoosh Eiguren and is considered legally privileged, private, protected, and confidential. It is intended only for the use of the individual and/or entity named above. If you are not the intended recipient, please be advised that any distribution, dissemination and/or copying of this communication is strictly prohibited by law. This electronic mail is covered by The Electronic Communications Privacy Act, 18 United States Code sections 2510-2521 and is legally privileged. If you receive this electronic mail in error, please immediately return it to the original sending electronic mail address and notify us by telephone at (208) 343-5105. Thank you.

Westra, John

From: Westra, John
Sent: Monday, November 05, 2012 10:58 AM
To: 'Michael C Creamer'; 'tarkoosh@capitollawgroup.net'
Subject: RE: Riverside Village HOA Transfer Application [IWOV-GPDMS.FID516771]

Mike:

This e-mail will confirm my agreement to allow until January 1, 2013 for continued negotiations.

Thank you

John Westra, Manager

IDWR Western Region Office.

-----Original Message-----

From: Michael C Creamer [<mailto:mcc@givenspursley.com>]

Sent: Monday, November 05, 2012 10:28 AM

To: Westra, John

Cc: tarkoosh@capitollawgroup.net; 'Patricia Liddell'; Jill Stevenson

Subject: Riverside Village HOA Transfer Application [IWOV-GPDMS.FID516771]

Dear John,

This is to confirm the understanding reached in our telephone conference last Friday concerning Riverside Village HOA's pending transfer application, which has been protested by Tom Arkoosh's client Dorothy Douglas.

You, Tom and I agreed that in light of ongoing discussions between Tom's client, the HOA board and other Riverside Village homeowners/association members concerning the pending transfer, hopefully leading to a resolution of the protest, the parties would like proceedings in the contested case stayed until at least January 1 to give time for these discussions to continue.

Sincerely,

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
Direct: 208-388-1247
Main: 208-388-1200
Fax: 208-388-1300
www.givenspursley.com

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MEMORANDUM

Type: In Office Conversation

Telephone Conference
Meeting Notes

Follow-up

Log of Events

Other _____

To: Transfer File # 77710 - Riverside Village Inc.
From: J. Westra, Western Reg. JFW,
Date: 11/2/12

RE: Conference call with Attorneys - Mike Creamer
Tom Arkoosh

11/02/12 - The protestant and Applicant Attorneys called by conference call.
A new HOA board has been installed. The Board and the protestant are negotiating. SPF Engineering has been retained to make proper amendments to the transfer application.
- I asked that one of the Attorneys prepare a status memo with deadlines to submit to the Department. Both Attorneys were agreeable to the request. They continued their conversation on specifics without me.

Westra, John

From: Westra, John
Sent: Friday, August 24, 2012 3:49 PM
To: 'Michael C Creamer'
Cc: tarkoosh@capitolawgroup.com; Patricia Liddell; Jill Stevenson
Subject: RE: Riverside Village HOA - Transfer Application 77710 [IWOV-GPDMS.FID516771]

Parties:

This e-mail will serve as a response to Mr. Creamer's request to extend the deadline for submitting available date calendars to November 1, 2012.

The request is granted.

Thank you,

John Westra,

Dept. of Water Resources Western Reg.

-----Original Message-----

From: Michael C Creamer [<mailto:mcc@givenspursley.com>]
Sent: Monday, August 20, 2012 3:18 PM
To: Westra, John
Cc: Lester, Steve; tarkoosh@capitolawgroup.com; Patricia Liddell; Jill Stevenson
Subject: Riverside Village HOA - Transfer Application 77710 [IWOV-GPDMS.FID516771]

*Discussed by
Telephone 8/24/12
with M. Creamer
prior.*

Dear John,

I spoke with Steve Lester briefly today regarding the pending Riverside Village HOA transfer, which has been protested by Dorothy Douglas, who represented by Tom Arkoosh.

The HOA board has recently be reconstituted with new board members and a water committee has been established to review the transfer application and other water issues. Tom Arkoosh advises that his client would like to see whether this will lead to resolution of his client's concerns--it may lead to one or more amendments to the application--and suggested that the pending September 1 date by which we were to submit available dates for a prehearing conference be set out another 60 days. I agree with Tom that this makes sense, particularly where there is some likelihood that the application may be revised.

Would you please consider this a joint request to reset the deadline for submitting available dates until Nov. 1?

Sincerely,

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
Direct: 208-388-1247
Main: 208-388-1200
Fax: 208-388-1300
www.givenspursley.com

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Westra, John

From: Michael C Creamer [mcc@givenspursley.com]
Sent: Monday, August 20, 2012 3:18 PM
To: Westra, John
Cc: Lester, Steve; tarkoosh@capitolawgroup.com; Patricia Liddell; Jill Stevenson
Subject: Riverside Village HOA - Transfer Application 77710 [IWOV-GPDMS.FID516771]

Dear John,

I spoke with Steve Lester briefly today regarding the pending Riverside Village HOA transfer, which has been protested by Dorothy Douglas, who represented by Tom Arkoosh.

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Sincerely,

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 21, 2012

To: All Associated Parties-- see attached service list.

RE: Extension to Submit Calendars for Transfer No. 77710 – Riverside Village HOA Inc.

Dear Interested Parties:

The Department of Water Resources has received your request for an extension of 60 days for submitting available dates for the pre-hearing conference referenced above. Your request for an extension of 60 days has been *granted*.

Parties will need to provide calendars with available dates for a pre-hearing conference by **September 1st, 2012**. Calendars should include October, November, and December. Please return the calendars to IDWR, *Attn: Rachel Sommer*, by the deadline.

Thank you in advance for your cooperation. If you have any questions, please feel free to contact this office at 334-2190.

Sincerely,

Rachel Sommer
Office Specialist II
Western Region Office

Enclosures

SCANNED

JUN 21 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of June, 2012, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid mail with return receipt requested, and properly addressed to person(s) listed below:

Documents: Extension to Submit Calendars for Transfer No. 77710 — Riverside Village HOA Inc.

RIVERSIDE VILLAGE HOA INC
5537 GLENWOOD STE A
GARDEN CITY ID 83714

GIVENS PURSLEY LLP
MICHEAL C CREAMER
PO BOX 2720
BOISE ID 83701-2720

CAPITOL LAW GROUP
C. THOMAS ARKOOSH
PO BOX 2958
BOISE ID 83701-2598

DOROTHY DOUGLAS
4810 LAKE EDGE PL
GARDEN CITY ID 83714


Rachel Sommer
Office Specialist II

SCANNED

JUN 21 2012

GIVENS PURSLEY_{LLP}

RECEIVED

JUN 20 2012

WATER RESOURCES
WESTERN REGION

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

MICHAEL C. CREAMER
DIRECT DIAL: (208) 388-1247
EMAIL: MCC@givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Preston N. Carter
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Elizabeth M. Donick
Thomas E. Dvorak
Jeffrey C. Fereday
Justin M. Fredin
Martin C. Hendrickson

Steven J. Hippler
Donald E. Knickrehm
Debora K. Kristensen
Anne C. Kunkel
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Emily L. McClure
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

Deborah E. Nelson
Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
Angela M. Reed
Kenton H. Walker
Robert B. White

Retired
Kenneth L. Pursley
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

June 19, 2012

Mr. John Westra
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer No. 77710
Riverside Village Homeowners Association Inc.

Dear Mr. Westra:

As we discussed this morning, Riverside Village Homeowners Association requests that the Department extend the current deadline for submitting available dates for a pre-hearing conference on the above-referenced transfer an additional sixty (60) days. This will provide the Association necessary time to conclude a pending board election and other internal matters. I have conferred with Tom Arkoosh, who is counsel for the protestant, and he asked me to state that he has no objection to this request.

Sincerely,



Michael C. Creamer

MCC:jss
11476-1_1503123_1

cc: Pat Liddell
Diane Dow
Tom Arkoosh

MEMORANDUM

Type: In Office Conversation

Telephone

Meeting Notes

Follow-up

Log of Events

Other _____

To: Riverside Transfer

From: J. Westra, Western Reg.

Date: 6/12/12

RE: Transfer status

6/12/12 Pat, Management Company for HOA

HOA wants to withdraw the transfer. The place of use needs to be changed to reflect actual irrigation. Discussed that acreage can not be increased or other elements changed of rights. The transfer is to bring the HOA in compliance with their water rights. Not to be taken lightly. Suggested they consult with their attorney. Consider amending the application. If they need additional time we can consider a request. Need to convey their intent.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 7, 2012

RIVERSIDE VILLAGE HOMEOWNERS ASSOCIATION INC
MICHEAL C CREAMER, GIVENS PURSLEY LLP
C. THOMAS ARKOOSH, CAPITOL LAW GROUP
DOROTHY DOUGLAS

RE: Scheduling a pre-hearing conference for Application for Transfer No. 77710
Riverside Village Homeowners Association Inc

Dear Interested Parties:

The Department of Water Resources is preparing to schedule a pre-hearing conference in the matter of the above referenced application for transfer, which has been protested. Attached are calendars for the months of August, September, & October, 2012.

Please indicate the dates in which you are **available** for this conference. I have indicated the dates that are *unavailable*, as shown on each calendar. Please return the calendars to IDWR, Attn: Rachel Sommer, by July 7th 2012.

Thank you in advance for your cooperation. If you have any questions, please feel free to contact this office at 334-2190.

Sincerely,

For:

John Westra
Western Regional Manager

Enclosures: Calendars for August through October, 2012.

Name: _____

“X” = Available

PRE-HEARING CONFERENCE FOR RIVERSIDE VILLAGE HOA INC. 77710

August 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Name: _____

“X” = Available

PRE-HEARING CONFERENCE FOR RIVERSIDE VILLAGE HOA INC. 77710

September 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
	HOLIDAY					
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Name: _____ "X" = Available

PRE-HEARING CONFERENCE FOR RIVERSIDE VILLAGE HOA INC. 77710

October 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8 Columbus Day	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

GIVENS PURSLEY LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
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WEBSITE: www.givenspursley.com

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DIRECT DIAL: (208) 388-1247
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May 29, 2012

RECEIVED

MAY 30 2012

WATER RESOURCES
WESTERN REGION

Mr. John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: *Riverside Village Transfer Application 77710*

Dear John:

In the course of review of the Riverside Village Transfer Application 77710 it became apparent that the Post-Transfer Exhibit Map for right 63-9751 incorrectly indicated that the point of diversion of this water right was to be moved from the NENE, Section 25 to the SWSE Section 24. That is not the case, however, as correctly indicated in the text of the application. Terry Scanlan, on behalf of Riverside Village HOA, conferred with Mat Weaver about this issue, and as a result a corrected exhibit map has been prepared which is indicated as "Attachment 7a, b - IV" on the application currently on file in your office. Riverside Village HOA wishes to substitute this corrected Exhibit in the Application.

I would appreciate it if you will confirm that this has been done, or if you need anything further to do so, please contact me.

Sincerely,



Michael C. Creamer

MCC:jss
Enclosure
11476-1_1486986_1

SCANNED

MAY 31 2012

Mr. John Westra
Idaho Department of Water Resources
May 29, 2012
Page 2

cc: Pat Liddell (w/encs.)
Dorothy Douglas (Protestant) c/o Tom Arkoosh (w/encs.)