



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

May 24, 2012

GIVENS PURSLEY LLP  
ATTN: MICHAEL C CREAMER  
PO BOX 2720  
BOISE ID 83701-2720

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

Dear Applicant(s):

Enclosed is a copy of the protest filed against the issuance of the above-referenced application. As part of the application process, the following are options available for resolution of contested (protested) applications:

**-Direct contact** with the protestant(s) to determine what is being disputed in the application and parties attempting to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

**-Formal Proceedings** consist of a pre-hearing conference & hearing through the water appropriation statute/rule process. A pre-hearing conference identifies the protest issues and reviews the resolution possibilities with the parties. If the issues cannot be resolved, a formal hearing will be scheduled.

**-Mediation** through a certified professional mediator. The advantages can include: reduced costs and time that are associated with formal proceedings, the ability to address non-water concerns, more influence over a final settlement, and fast track processing by the Department for parties reaching a mediated agreement. If you are interested in this option, please contact our office for details.

Please consider with the protestant the best option for resolution of the contested application.

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

Sincerely,

*John Westra* For:

JOHN WESTRA  
Western Regional Manager

Cc: C. Thomas Arkoosh, Capitol Law Group; Dorothy Douglas, Protestant.

Enclosure: Protest copy



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May 24, 2012

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

C THOMAS ARKOOSH  
PO BOX 2598  
BOISE ID 83701-2598

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

Dear Protestant(s):

This office acknowledges receipt of your protest to the issuance of the above referenced application. As part of the application process, the following are options available for resolution of contested (protested) applications:

**-Direct contact** with the protestant(s) to determine what is being disputed in the application and parties attempting to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

**-Formal Proceedings** consist of a pre-hearing conference & hearing through the water appropriation statute/rule process. A pre-hearing conference identifies the protest issues and reviews the resolution possibilities with the parties. If the issues cannot be resolved, a formal hearing will be scheduled.

**-Mediation** through a certified professional mediator. The advantages can include: reduced costs and time that are associated with formal proceedings, the ability to address non-water concerns, more influence over a final settlement, and fast track processing by the Department for parties reaching a mediated agreement. If you are interested in this option, please contact our office for details.

Please consider with the applicant the best option for resolution of the protested application.

If you would like additional information, or need to further discuss the process, feel free to contact me at the Western Regional Office, phone 334-2190.

Sincerely,

JOHN WESTRA  
Western Regional Manager

Cc: Michael C Creamer, Givens Pursley LLP; Dorothy Douglas, Protestant.

Enclosure: Applicant copy

RECEIVED

MAR 26 2012

WATER RESOURCES  
WESTERN REGION

07/2008

STATE OF IDAHO DEPARTMENT OF  
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer Application No. 77710, Riverside Village HOA, Inc.
2. Name of protestant DOROTHY "DOT" DOUGLAS
3. Protestant's Representative for service (If different than protestant)

C. THOMAS ARKOOSH

Service mailing address P.O. BOX 2598, BOISE, IDAHO 83701

4. Service telephone no. (208) 424-8872 Email Address: tarkoosh@capitolawgroup.com

5. Basis of protest (including statement of facts and law upon which the protest is based)

The new proposed place of diversion is neither the place of diversion nor an allowed access to a third party facility.

The proposed change constitutes an enlargement of use of the current right.

The proposed change is not in the local public interest because it decreases property values, dries up currently irrigated ground that homeowners perceive to be and rely upon being irrigated ground now and when they committed to purchase; it is done without consent of or notice to members of the homeowner's association and contrary to their wishes; and, it is done without coordination with or notice to neighboring associations.

It is injurious because of the foregoing reasons, and because it seeks to impose a financial obligation upon the members of the homeowners' association in excessive amounts without an assessment vote.

The proposed change is not in the local public interest in that it will pointlessly decrease the market value of homes.

7. What would resolve your protest?  
AMENDEDMENT OR WITHDRAWAL OF APPLICATION

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 23 day of March, 2012.

Dorothy "Dot" Douglas  
Protestant

[Signature]  
Protestant's Representative

SCANNED

MAY 02 2012

**NOTE:**

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
  2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
  3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
  4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
  5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
  6. Specifically describe the nature of the protest.
  7. Describe the relief being sought by the protestant.
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**FOR DEPARTMENT USE ONLY**

Received by RS Date 3/26/12 Time 12:00pm  
\$25.00 fee Receipted by RS # W040003 Date 3/26/12

SCANNED  
MAY 02 2012