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RETIRED
Kenneth L. Pursley
James A. McClure
Raymond D. Givens (1917-2008)

January 8, 2009

Mr. Shelley W. Keen
Manager, Water Rights Permits Section
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

JAN 09 2009

DEPARTMENT OF
WATER RESOURCES

Re: *Transfer of Water Right No. 63-146 and Approval of Permit No. 63-31934*
Our File No. 4977-12

Dear Shelley:

Thank you for your letter dated January 6, 2009. For clarification, I do not represent the Lakeland Owners' Association or the New Union Ditch Company, but knowing that the responsible persons for these entities are different than what were indicated on your December 22nd letters with the Department's approvals, I had hoped to get an extension to allow the appropriate people time to respond.

I have identified those people and forwarded the approval notices and a copy of your letter to them pursuant to the enclosed letters to John Adams and Beth Ellen Punches. Any responses you may receive regarding this water right transfer and permit will be coming from them or their counsel, not me.

Sincerely,



Michael C. Creamer

MCC:ch

Enclosures

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VIA OVERNIGHT MAIL

January 8, 2009

Beth Ellen PUNCHES
P.O. Box 1255
Eagle, ID 83616

COPY

Re: *New Union Ditch Company Transfer of Water Right No. 63-146 and Permit
No. 63-31934 Approval Notice*
Our File No. 4977-12

Dear Beth,

As we discussed, I am enclosing copies of the Idaho Department of Water Resources' December 22nd proposed approval of New Union Ditch Company's transfer application no. 73632 for water right no. 63-146 and notice of approval of permit no. 63-31934 authorizing a change in use of a portion of the Ditch Company's water rights to mitigate evaporation from ponds constructed at the Lakeland Estates/Lakeland Village subdivisions. Also enclosed are copies of my January 5, 2009 correspondence with the Department requesting the Department extend the deadline for seeking reconsideration of its proposed approval and the Department's January 6, 2009 response.

I represented Ron Bath, the developer of the Lakeland subdivisions, when these applications were prepared and filed. He is no longer involved with these developments. Due to the significant length of time the Department took to review and approve the permit and transfer applications, however, the original signatories/addressees on the applications appear to be no longer current. Suspecting that the approvals likely were not received by either the Ditch Company or the appropriate person representing Lakeland Village, I asked the Department to provide more time to review and respond to them. The Department has responded by providing that any petition for reconsideration or exceptions need to be filed with the Department by January 19, 2009.

I do not now represent, and have not in the past represented, New Union Ditch Company or the Lakeland Owners' Association regarding this transfer or permit. If you have legal

Beth Ellen Punches
January 8, 2009
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counsel, you may wish to consult them concerning these approvals. In any event you should bear in mind the current deadline for responding the Department.

Sincerely,



Michael C. Creamer

MCC:ch
Enclosures

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