



RVHOA - Riverside Village
Homeowners Association

RECEIVED

JAN 14 2010

DEPARTMENT OF
WATER RESOURCES

Sent Via Certified Mail

January 11, 2010

Michele Edl, Associate Engineer
State of Idaho
Department of Water Resources (Water Rights Section)
322 East Front Street
Boise, Idaho 83720-0098

Re: Water Rights 63-9718, 63-9751; Transfer 69237

Dear Ms. Edl

On 11/9/09 we responded by letter to your letter of 10/30/09. Although unaware of what documents are pertinent to the circumstances in this case, we made a general request for applications and transfer documents. On or about 11/15/09 our Mr. Van Dam met with your Mr. Barrie and received copies of 2 water rights reports- 63-9718 and 63-9751, respectively, and transfer document 69237. On 12/7/07 we had a telephone conversation in which I asked for certain information and which you said was contained in detail in various documents in your records. You also indicated that it would facilitate the transmittal of this information by sending us those documents, to which I agreed and you promised to do so immediately by e-mail to be followed by U.S. mail transmittal.

We agreed and you promised to send us copies of the applications, permits and decrees, as a beginning. It is much more practical for you to supply the documents that we need rather than for you to refer us to a file of superfluous materials, much of which we may not even comprehend. To date we have one e-mail from you, containing three http links that are totally inadequate and virtually worthless to us because much of the current material is redundant, the backfile can not be opened and it did not contain the specific documents requested.

On 12/21/09 we received copies of the following documents from you by U.S. Mail:
Application for Permit 63-9718, Partial Decree for 63-09718, Application for Permit 63-9751, Part of an Unofficial SRBA Partial Decree 63-0951, with your cover letter dated 12/7/09.

It appears that the documents that you enclosed are the beginning of what is going to be a long and arduous journey to learn the facts in this case. Your documents have raised as many questions as they have answered. This is true because we do not have comprehension of the lexicon of the Water Rights Universe, so you must define specific terms as we proceed. As a result we must proceed slowly and will segment our inquiry to glean the pertinent facts in order to resolve your problems.

The questions which we will submit to you in this letter for information and documentation, will concern only file identification No. 63-9751, Permit Application 6/23/81(for original point of diversion) and a Partial Decree:

1. Is there a difference between an application for a water right and an application for a permit? If so, what is the difference?

2. The applicant is Riverside Village Associates, the signature is illegible and beneath it is typed "developer". Who actually signed the document and was Riverside Village Associates the developer?
3. In regard to paragraph 8(5) of the Application for the Permit:
Who owned the waterway along Riverside Drive? Who owned the Village Lake? Who now owns them?
4. In regard to paragraph 9 of the Application for the Permit:
 - a. 9.a.- Does the State Department of Lands still own the land at the Point of Diversion(POD)?
 - b. 9.c. - Please supply a copy of the previous agreement with the State Department of Lands.
5. In regard to paragraph 10 of the Application for the Permit:
 - a. Please supply a copy of the previously submitted and approved agreement with the State Department of Lands?
 - b. Describe the completed (excavated) "ditch"?
 - c. Explain the 2nd Point of Diversion provided for by the agreement with the State Department of Lands, as referred to by the applicant in the proposed project map in paragraph 11.
6. In regard to paragraph 1.b. of the conditions by the Director for approval, requiring proof of construction of works and application of water by 10/1/82; Who did the work? When was it completed? Where was it completed?
7. In regard to paragraph 1.d.2. of the conditions by the Director for approval; Were the measuring devices and lockable controlling works installed at the P.O.D. and P.O.R.? Were they accepted by the Department of Water Resources? If so, when installed and when accepted? If not, why not?
8. In regard to the partial decree for 63-9751:
 - a. What date was the petition for the decree filed?
 - b. Who filed the petition for the decree?
 - c. Why is it called a partial decree in the title and a final judgment in the Rule 54(b) Certificate?
 - d. What is the meaning of the acronym SRBA?
 - e. Does a partial decree ever become final or total? If so, which is it and when?
 - f. The document sent to us states that it is not an official copy, seems incomplete and directs us to contact the IDWR for a certified copy. Would you please send us a complete copy?

We want cooperate and help you solve your administrative problems, therefore we would ask that you please send us the information and documents we have requested. Thank you for your interest and assistance.

Yours Very Sincerely,



Donald C. Anton, President 
Riverside Village Homeowners Association, Inc.

cc: Rex Barrie
Cornel Van Dam