



**RVHOA - Riverside Village
Homeowners Association**

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**DEPARTMENT OF
WATER RESOURCES**

Sent Via Certified Mail

December 30, 2009

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. 63-9718:

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. 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.b. - Has the land to be irrigated been transferred to Garden City? If so, when?
 - c. 9.c. - Please supply a copy of the agreement with the State Department of Lands?
3. In regard to paragraph 10. of the Application for the Permit:
 1. Is the "attached maps" described in this paragraph the same as that contained in paragraph 11? If not, would you please supply a copy of those maps? May we please also have a copy of the engineering drawings showing the piping from the "Village Lake" to the lake-stream system (for aesthetics), and the name of the engineer for this project? Who owns the "Village Lake" and the stream system?
 2. Who owns the area to be irrigated (greenbelt, dike face, etc.)?
4. 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 8/1/82; Who did the work? When was it completed? Where was it completed?
5. In regard to the partial decree for 63-9718:
 - a. Why is there no date contained in the body of the decree when it was ordered?
 - b. What date was the petition for the decree filed?
 - c. Who filed the petition for the decree?
 - d. Why is it called a partial decree in the title and a final judgment in the Rule 54(b) Certificate?
 - e. What is the meaning of the acronym SRBA?
 - f. Does a partial decree ever become final or total? If so, which is it and when?
6. Has there ever been an application for a transfer and/or a transfer of the P.O.D. for 63-9718? If so, by whom and the result?

We want to cooperate and to 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

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

cc: Rex Barrie
Cornel Van Dam