



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 6, 2010

DONALD C ANTON PRESIDENT
RIVERSIDE VILLAGE HOMEOWNERS ASSOCIATION INC
C/O ADVANTAGE IDAHO INC
5537 N GLENWOOD STE A
BOISE ID 83714

RE: Decreed rights 63-9718, 63-9751 and Transfer 69237

Dear Mr. Anton:

The Department has received your letter dated December 30, 2009, requesting additional information related to the Riverside Village Homeowners Association water rights. It is unfortunate that my attempts to fill your requests for information using electronic means have failed you. When I did not receive a response to the email I sent under your direction in December, I assumed that you had successfully viewed the documents that you had requested at that time or Pat would have redirected me.

It is unfortunate that neither you nor any of the other current directors for Riverside Village Homeowners' Association received water right documents or files from your predecessors. Given that electronic technology is failing you, I recommend that you or one of your associates make a trip to this office to view the physical contents of your water rights files. Water right records are available for the public to view between 8:00 a.m. and 5:00 p.m., Monday through Friday at the state office of the Idaho Department of Water Resources which is located at 322 East Front Street in Boise. Records can be copied for a small fee and water rights staff can be made available to answer questions.

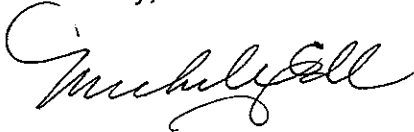
It is an unfortunate reality that funding levels, staffing, and department priorities requires that I must limit the amount of additional time I put toward defining and resolving your non-water right issues. In general, much of the additional information that you requested in your letter is outside of the authority of the Department of Water Resources. You posed several questions related to property ownership and ownership history of the land associated with your water rights. As administrators of water rights, the IDWR does not maintain land ownership records. Land ownership questions are best directed to the assessor's office.

You also posed questions related to documentation of the diversion and distribution works. Construction drawings and specifications can be submitted as supporting documents in a water rights application. And I encourage you to respond to my invitation to view the contents of your water rights files. There should be a basic system diagram contained within the original licensing field exam completed to confirm the extent of development of the right. If a construction diagram is part of the record, you may obtain a copy of it. However, the Department does not typically require these documents. It is the applicant's choice to retain any construction records they might find useful when improving their property.

SRBA stands for Snake River Basin Adjudication. An adjudication is a court action for the inventory and confirmation of existing water rights, which results in a decree that confirms and defines each valid water right. A general adjudication of the Snake River Basin is an ongoing court action that began in 1987. One of your predecessors submitted the claim documents required by that action and partial decrees describing rights 63-9718 and 63-9751 are the result. When all the claims in each basin have been addressed, an overall basin decree will be issued. The Department assists the adjudication court with technical matters related to recommendations of water rights in this legal action. The Department's adjudication staff may be able to address some of your questions related to decree timelines or decree formats, but these items are directed by the court and legal requirements. You may want to pose your questions to the staff from the Fifth Judicial District Court in Twin Falls instead.

Partial decrees of rights 63-9718 and 63-9751 and approval of transfer 69237 completes all of your pending water right processes. Your water rights have been confirmed through the SRBA court and to the best of my knowledge correctly defined.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Edl".

Michele Edl
Associate Engineer
Water Rights Section
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