



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 30, 2009

RIVERSIDE VILLAGE HOME OWNERS ASSOC
4884 LAKE PARK PLACE
GARDEN CITY ID 83714

RE: Application for Transfer No. 69237

Dear Applicant:

The state office of the Idaho Department of Water Resources (IDWR) is currently reviewing your Application for Transfer of a Water Right No. 69237. This transfer requested a change to the point-of-diversion from a location in Township 4 North, Range 1 East, section 25 NWNE to a location in Township 4 North, Range 1 East, section 25 NENE which would be free from the sediment deposits which were blocking flow at the original point of diversion. Although this transfer was initiated some years ago in our Western Region office, processing was not concluded and transfer 69237 has not been approved. The water rights agent who was your contact for this transfer found employment elsewhere and without an active contact to escort it, this transfer has languished in its partially processed state. I have been assigned to review the file and if possible conclude the processing of this transfer.

The Riverside Village Home Owners Association holds two water rights: 63-9718 (for irrigation, diversion to storage and aesthetic storage uses) and 63-9751 (for aesthetic use). Only Water Right 63-9751 is to be changed by Transfer 69237 and the only element of the water right to be changed is the location of the point-of-diversion accessing the Boise River. When this transfer application was received, the partial decree for your water rights had not yet been issued. Partial decree of Water Right 63-9751 was issued in 2/16/2007 and that decree is the definition of your water right that I will be referencing for this transfer.

Use of water under Water Right 63-9751 is regulated by the watermaster of State Water District No. 63, which is essentially the Boise River basin. A diversion such as yours, from the Boise River, requires a lockable headgate and a measuring device be installed and maintained. Recent field reconnaissance combined with a review of recent aerial photography of the area shows that those items are not in place, either at the decreed, authorized, point-of-diversion (your original diversion site) or at the diversion site proposed by this transfer. You appear to be out of compliance with the conditions of your water right.

Please note that diversion of water in Idaho without a valid water right is illegal pursuant to §42-351 Idaho Code and subject to civil penalties.

I will do my part to expedite the final processing of your transfer but I request your cooperation in resolving this matter. Please:

- 1) Confirm your intent and continued interest in Application for Transfer of Water Right No. 69237.
- 2) Contact the watermaster for Basin 63 for direction on diversion control requirements.
- 3) Cease further diversion of the water if you do not have a valid water right and/or cannot obtain watermaster approval for your diversion.

Your written response, including the requested information, must be received with fourteen (14) days of the date of this letter. Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application.

Feel free to contact me directly with questions. Thank you for your attention to this matter.

Sincerely,



Michele Edl
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