



**RVHOA - Riverside Village
Homeowners Association**

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DEPARTMENT OF
WATER RESOURCES

November 9, 2009

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

RE: Application for Transfer No. 69237
Riverside Village Homeowners Association

Dear Ms. Edl:

Your letter of 10/30/09 reached us on 11/3/09. We received it with surprise, shock and dismay. Because you have issued an edict that we must reply within 14 days from the date of your letter, we are responding in writing via this letter to establish a record.

It is our fervent desire to resolve this matter amicably and quickly. However, our organization is a not for profit entity governed by seven directors, all of whom are unpaid volunteers with full time occupations. This means that none of us has unlimited time to devote to the solution of this issue, as you do. Therefore forbearance by you toward us would be greatly appreciated.

In your letter, you described a historical setting of "some years ago" when an application for a transfer of water rights was applied for by our Association. Frankly, none of us were in office at that time nor do we have any knowledge of what you have referenced.

You further reference several geographical locations, transfer documents, technical objectives and non compliance items which are far too complex for us to understand from the scant information contained in your letter. We lack technical understanding and comprehension of what you are describing.

Therefore, in order for us to proceed with a resolution, we are requesting that you supply us with maps, diagrams and aerial photos of the geographic areas you have referenced; engineering drawings of the technical objectives you have described; the transfer documents you have referenced; a copy of the application to which you have alluded; and, any other data which might be helpful to give us a better understanding of the issue.

You have indicated that the water rights application has languished in a partially processed state. You indicated that the reason for this was that this water rights agent (our contact) found employment elsewhere and gave it no further attention. It is unclear whether the water rights agent you describe was a State employee or a private consultant. If the agent was a State employee it is obvious that failure to complete the transfer application was the fault of the State. On the other hand, even if the agent was a private consultant, the application once filed with the

State became the responsibility of the State to complete in a timely fashion by processing and it failed to do so even failing to have knowledge of its status and whereabouts. The State with due diligence should have resolved this issue years ago, when our Association was in full compliance without necessitating the expenditure of any funds.

For the State to raise these issues now after the expiration of many years creates the implication that it is attempting to shift the responsibility for its failure by assigning blame to our Association. If resolution requires correction of what you have assigned as non compliance items and the expenditure of any funds is necessary in that process, we believe it is the duty and responsibility of the State to pay those expenses as an equitable attribution to the State for its negligence in this matter.

You have stated that you would do your part to resolve these issues, but your letter conveys the feeling of intimidation because it is couched in terms that seem threatening. By implication it puts the majesty and power of the State of Idaho against and in oppression of a small non profit volunteer community welfare organization.

Despite our observations and incredulity of your demeanor in your letter and what we have said hereinbefore, we in the spirit of cooperation shall attempt to reconcile and resolve your problems by our attention to your three demands, as follows:

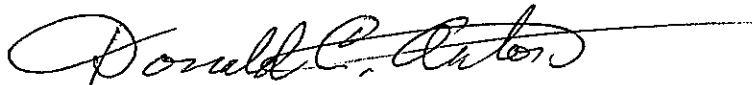
This letter confirms our continued interest in the absolute transfer of water rights as referenced in your demand #1.

Mr. Cornel Van Dam is a volunteer director that also serves as our water master. He will make direct contact with Mr. Rex Barrie, your Water Master for Basin 63. He will discuss diversion control referenced in your demand #2 and approval of diversion as referenced in your demand #3.

Please address any future correspondence to our Association Management Company, Advantage Idaho, P.O. Box 140273, Garden City, Idaho, 83714, being mindful of the fact that it may take at least 5 days for us to receive a mailing. Our Manager at Advantage Idaho is Pat Liddell.

We place our trust and confidence in the State of Idaho through you to do the right thing to resolve this matter amicably, satisfactorily without any harm or hardship to Riverside Village Homeowners Association.

Yours Very Sincerely,



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

cc: Rex Barrie
Cornel Van Dam