



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 16, 2009

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

RE: Transfer 69237

Dear Mr. Anton:

Thank you for responding so promptly to my October 30th letter. I am very sorry for any stress that it caused you. It was not my intention to intimidate or threaten, only to connect with the most appropriate person and to impress upon him or her, the importance of quick action to remedy a problem with your water right.

It is an unfortunate reality that funding levels, staffing and Department priorities sometimes require processing of applications to be set-aside for a period of time. I am sorry that your application was delayed by a change of staff, and hope to complete this process without further delay. It appears that the original individuals involved with this application on behalf of the homeowners association assumed that the process had been completed and made the change that they had requested on the application; they changed the point where water is diverted from the river. In researching the application and the pertinent water right, I found that the Watermaster for Water District #63 was unaware that the change had been accomplished.

It is also unfortunate that neither you nor any of the other current directors for Riverside Village Homeowners' Association received the water right documents or files from your predecessors. That gap is most easily remedied if you have access to an internet-capable computer. The entire backfile for both of Riverside Village Homeowners Association's water rights (63-9718 and 63-9751) can be viewed or downloaded from our website: <http://www.idwr.idaho.gov/>. If this is your first visit to our website, you may appreciate guidance on the best mouse clicks for a quick water rights query and I, or any of the other water rights agents, would be happy to direct you through a search.

The transfer application which set me in motion is acting on your water right 63-9751. For your reference, I have enclosed a computer generated document which includes the primary elements of that water right. In that document you will read that your water right 63-9751 takes water from the Boise River and lists the Public Land Survey address for that point-of-diversion as being in the **Northwest quarter** of the Northeast quarter (abbreviated NW1/4NE1/4) of section 25, Township 4 North, Range 1 East (abbreviated Sec 25, Twp 04N, Rge 01E). However, the current point-of-diversion for water right 63-9751 is actually located in the **Northeast quarter** of the Northeast quarter of section 25, Township 4 North, Range 1 East. Transfer 69237 requested that change to the point-of-diversion.

You may be aware that after mid-summer, water from the Boise River is fully pledged to senior water right holders. Your water right 63-9751 has a 6/23/1981 priority date which makes it junior to many (500+) other rights also accessing water from the Boise River. A change to a point-of-diversion can negatively impact a senior water right and can trigger intervention by the watermaster. The transfer review process provides checks to ensure that a watermaster is notified of changes requested by a transfer applicant, and requires that the watermaster's comments be considered. Without the authorization provided by an approved transfer, the location of your current diversion is illegal and your homeowners association could be subject to penalties. That was why it was so important that I make contact with a concerned party on your side and that we act cooperatively to bring this open application to a close.

From a recent phone call that I received from Rex Barrie, (Watermaster for Water District 63), I understand that your water works operator, Cornel Van Dam, is a water-savvy guy and that he has been in contact with Mr. Barrie. I am confident that the actual diversion works are in good hands. As I promised in my previous letter, I will do my part to make sure that paperwork required by transfer application 69237 is processed as soon as possible. The address-of-record for both of the water rights held by the Riverside Village Homeowners Association will be updated to include the representative you identified in your letter.

I would be happy to answer any questions you might have related to this matter. Please feel free to contact me at the phone numbers or addresses below.

Sincerely,



Michele Edl
Associate Engineer
Water Rights Section
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098
Phone: 208-287-4946
FAX: 208-287-6700
Email: Michele.Edl@idwr.idaho.gov

Enclosure
Cc Rex Barrie