

Edl, Michele

From: Kevin Pepper [kpepper@utah.gov]
Sent: Tuesday, February 03, 2009 2:07 PM
To: Edl, Michele
Cc: Kevin Pepper
Subject: RE: Emerald Beach

Hey Michele,

I was looking over the packet that you helped me print off of the web. I found where it does say right in the application that it is for Emerald Beach Inc. If you look at the page right after the license, application for permit, it shows on section 8a(4) Name of municipality to be served and it shows Emerald Beach Inc.

Does this or will this make any difference on if I can just send a letter asking the change on township be completed or does your boss feel their is still an issue on the entity??

Thanks

Kevin

>>> "Edl, Michele" <Michele.Edl@idwr.idaho.gov> 2/2/2009 6:14 PM >>>

Kevin,

This email is follow-up and documentation for our phone conversation this afternoon. The Department sees the place-of-use issue as a correction to the approval document and not a change to the water right.

The Department is concerned that the entity to which the license has been issued doesn't exist and we have no documentation to change the name. I understood you to say that it may be mistake in self-identification and the fix may be as simple as a name change. I also understood you to say that you would check through your HOA records in search of a document to confirm or clarify that name change for Department records.

You have our web site address and have queried the backfile to Water Right License 11-7292.

I will put file 11-7292 on a 15-day call-up. If you find something to assist with a name change before that time I would be delighted to accept it.

To be thorough, I found that Water Right License 11-7016 is an older water right license also appurtenant to the Emerald Beach subdivision properties. That license appropriated water for use in the first 24 homes. It had a colorful past and is still in the name of W. Glenn Taylor. If your HOA has lost track of their records of that water right license, you can query it up and print out the backfile using the same search tool as we used earlier today. I believe that the elements of the right are solid, however, the department doesn't have an ownership chain on it either. Depending on the incorporation date of your HOA that ownership may be a bigger headache to resolve.

Michele
208-287-4946

-----Original Message-----

From: Kevin Pepper [mailto:kpepper@utah.gov]
Sent: Monday, February 02, 2009 2:43 PM
To: Edl, Michele
Subject: RE: Emerald Beach

When do I have to have this completed by?? Is it something that can wait till our next home owners meeting, May 25th. If it is something I need to have sooner I will need to contact the rest of the board by e-mail and just make sure they are aware of what is

happening. On the letter you need to make the change, we do have letterhead for the association. Would a letter authorizing you to complete the change with my name and association title be enough?? One other thing, on the change of address, is this something that needs to be changed every time a new president comes in?

Sorry for all the questions. This is my first year as president and I want to make sure I am doing what is correct and best for the association.

Kevin

>>> "Edl, Michele" <Michele.Edl@idwr.idaho.gov> 2/2/2009 1:16 PM >>>
Mr. Pepper,

Thank you for getting back to me so promptly.

Let me try to answer your first question.

Each water right has several components. Place-of-use is one component.

In the case of Water Right License 11-7292, the Idaho Department of Water Resources (IDWR) believes that the place-of-use was incorrectly recorded as being in Township 12. There is evidence in the file that the correct place-of-use is in Township 16. However, Water Right License 11-7292 is held by the Emerald Beach Homeowner Assoc not IDWR, so IDWR cannot unilaterally make the correction. Even when a correction is in the best interest of the right holder as I believe this one is, the department needs a written request from the water right holder.

To answer your second question, IDWR does need a signed document requesting the change. However, a faxed letter or a scanned letter (i.e. PDF) would be acceptable.

Michele D Edl

P.S. Idaho Department of Water Resources has not received a necessary address change for Emerald Beach Homeowner Assoc. Please visit our website for the appropriate form.

http://www.idwr.idaho.gov/water/rights/water_rights_forms.htm

-----Original Message-----

From: Kevin Pepper [mailto:kpepper@utah.gov]
Sent: Monday, February 02, 2009 11:35 AM
To: Edl, Michele
Cc: Patrick.Jorgensen@HILL.af.mil
Subject: Emerald Beach

Morning Michele,

I received your letter here over the weekend concerning Emerald Beach Water Right License 11-7292 and yes, I am currently the president of the Emerald Beach Home Owners Association and Pat Jorgensen, who is CC'ed is the Vice President.

I need to clarify with you that if we change the license to show Township 16 from Township 12, which is currently on the license, that this will NOT effect any of the water rights Emerald Beach currently has? Also, is this something that I can take care of by way of e-mail.

Please feel free to contact me on my cell which I have listed at the end of this e-mail.

Thanks for your time on this matter.

Kevin Pepper, President
Emerald Beach Home Owners Association

Capt. Kevin M. Pepper
Chief Investigator,
Medicaid Fraud Control Unit
Utah Attorney General's Office
Office (801) 281-1254