

IN REGARD TO THE RED ROCK ROAD FOND
RE: WATER PERMIT
REQUESTED DOCUMENTS
ENCLOSED

FAX COVER SHEET

TO: DAN NELSON
IDWR - WESTERN

FROM: CLEON MAY-
FAX# 402-9000
work phone 459-6951
cell " " 724-3343

South Board of Control, Owyhee Project

P.O. Box 67
Homedale, Idaho 83628
Phone 337-3760

February 27, 2007

Cleon May
6622 Red Rock Rd.
Marsing, ID 83636

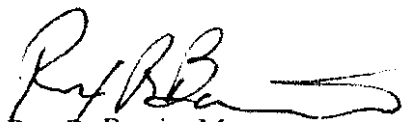
Dear Mr. May:

I have discussed the issue of the pond in your subdivision with my staff and they have indicated we have no interest in this pond. Please be aware that the waste water from the surrounding properties must be allowed to continue to spill into the pond.

As to the issue of water right, Gem Irrigation District has a delivery point downstream from your location. We would request that you do not pump "Snake River Water" during the irrigation season, April through November 1, as this could cause a problem at our delivery point during low flows. You indicated in our conversation that your intent was to pump during the winter months to keep water available for wildlife. This would be an acceptable proposal.

Please contact me with any questions.

Sincerely,



Rex R. Barrie, Manager
South Board of Control

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WATER RESOURCES
WESTERN REGION

May 8th, 2006

Dear Homeowner;

We have scheduled a meeting for the purpose of getting the Pond on Red Rock Road, Marsing, Id. licenced with the Department of Idaho Water Resources.

Licencing is a requirement in order to have water rights VIA the Snake River to keep water in the pond year round.

We request your presence at this meeting, or a proxy to represent you. We will be choosing a President, Vice President, and secretary for the purpose of applying for a permit to have the rights necessary to keep te pond full of water.

We will meet at the Mays' home, 6622 Red Rock Road on May 23th, 2006, at 7:00 p.m.

If there are any questions you can reach Cleon or Jill May at 724-3343. We hope you can make it.

Your Neighbor,
Cleon & Jill May

**Minutes of the Red Rock Road
Homcowners Association
5/23/06 at 7:00 p.m.**

- 1. Present: Bob & Debbie Bell, Linda Redford, Pam Forestier, Cleon & Jill May; Frank & Dana Marsh were there by phone. Earl Darway by phone as well.**
- 2. A President was appointed: Cleon May; Linda Redford was Appointed as Vice President; Pam Forestier as Secretary.**
- 3. The discussion of the night was what we needed to do to to get a permit from the water of resources. We also discussed the maintenece of the pond. All who were in attendance were in favor of grooming the pond and sharing any cost that may be involved.**
- 4. A Letter was sent to all the home owners as the matter of The meeting. Most of the Home owners were in attendance Or called and conveyed their support. The meeting was successful, and of good repour.**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

January 9, 2007

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RED ROCK POND HOMEOWNERS ASSOCIATION
C/O CLEON MAY
6622 RED ROCK ROAD
MARSING ID 83639

***RE: REQUEST FOR ADDITIONAL TIME TO SUPPLY
INFORMATION***

Ladies and Gentlemen:

I received your request for additional time to supply the information to process your application for permit for your pond. Due to the amount of work and effort that has gone into this application, I can grant you another extension of time to supply the needed information listed in my 12/7/2006 letter. Unfortunately, this will be the last extension that I will be able to grant. I am required to forward any further extensions through my supervisor and regional manager for approval. **Your request is approved. The information requested by the department on 12/7/2006 is therefore due by 3/2/2007.**

Any further requests for additional time will need to be given in writing and should include significant information to show that you have been actively pursuing this application. This information could include a timeline or other type of documentation showing whom you have contacted and when the contact was made.

In your request for additional time, you asked if you could speak with me concerning the application. I attempted to contact you by telephone and left a message, but I haven't received a return call as of the writing of this letter. Please contact me at the above address or telephone number if you have any questions or concerns, and I will my best to assist you in bringing this application to fruition.

Respectfully,

A handwritten signature in cursive script that reads 'Daniel A. Nelson'.

Daniel A. Nelson
Sr. Water Right Agent

Dear Daniel Nelson, (Dept. of Water Resources)

I am writing you in response
to your letter dated Dec. 7, 2006

I would like to have some more
time to get the things you requested
to process our Application.

I would like to talk to you
as soon as possible to clarify
some of the items you mentioned in
your letter.

Thank you,
Clara L. Sy

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JAN 08 2007

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CLEON MAY
6622 RE ROCK ROAD
MARSING ID 83639

RE: APPLICATION FOR PERMIT FOR POND

Dear Mr. May:

I received the amended application for permit from the Red Rock Pond Homeowner's association for the pond in your subdivision. I apologize for the delay in getting back to you, but department resources were re-allocated to work on the Snake River Basin Adjudication (SRBA). I have been attempting to work on permits and other application as time allows, and I have just now been able to get back to your application. When I reviewed the application you submitted for this pond in your name, I had a sizable list of things that needed to be done to make the application acceptable.

In reviewing the amended application, you have successfully re-filed the application in a manner that most of the things on the first list were answered. There are still two things that will be needed to continue with the processing of this application.

I informed you during our conversation of your original application that you would need to attain approval and/or permission from all the owners of the property to put the application in your name. Your solution to this was to form a homeowner's association. This is an acceptable solution, but we will still need to have some type of documentation that shows that all of the homeowner's are aware of the proposal and are in agreement with the filing of the permit.

In the application you state that the homeowner's association owned the property, but it appears from the tax lot information we have available that the members of the homeowner's association and not the association itself owns the property. Therefore, we will need proof that the homeowner's association purchased the property, or we will need the minutes of the homeowner's meeting discussing the application and agreeing to go forward with the application. These minutes should have a list of those in attendance.

The second issue that needs to be addressed is the approval from Gem Irrigation District (GID) to use the wastewater being sought in the application. IDWR must determine whether the water you wish to appropriate is wastewater or whether it is actually "live" water under control of GID. State law allows for appropriation of unappropriated wastewater, but IDWR is not authorized to issue a permit for use of live water still under the control of an organization. Because of this distinction, it is necessary for IDWR to understand the nature of the water you are seeking to appropriate.

The term "wastewater" may describe a source of water for appropriation. For purposes of appropriation, the source "wastewater" refers to water flowing in a waste way or channel (i.e. a waste drain or waste ditch). In order for the wastewater to be available for further appropriation, the original water user must have discontinued exercising control over the water. A water user receiving live water acts as an agent for the use of organization water while it is in the possession of the water user. If the water user continues to control the surface water before it leaves his or her property, or the water will be recaptured by the organization for delivery to downstream water users, the water retains its original character as the organization's live water. In that case, the water is not available for appropriation.

Prior to further processing of your application, you must demonstrate that the water you seek to appropriate is flowing in a waste way or channel, has not commingled with other water in a natural stream, and that both you and the organization have discontinued control of the water as live water. This can be accomplished by providing written approval from the irrigation delivery organization. The approval must show the organization does not object to IDWR approval of the proposed quantity of water, the proposed location of the diversion, and the proposed diversion works to be installed. Also, if you propose to divert from a waste channel owned and controlled by an organization, you must show you have a right of way to divert water from the channel.

Conclusion:

Once receive the minutes or other documentation showing that all the homeowners had the opportunity to work with you on the filing of this application, and a letter from the canal company is received, we can continue with processing of the application.

IDWR will hold your application without processing until the above information is received. If the information cannot be obtained, you can withdraw your application and receive a full refund of the application fee. If you prefer your application to be processed (advertised in local newspaper legal notices) while you seek the information from the canal company, please provide written confirmation to allow processing to resume. We will need the ownership issues resolved prior to advertising the application. A refund cannot be issued once the application has been advertised, even if the application is later denied.

12/8/2006

Page 3

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. **Your written response including the requested information, or a request for more time to seek the information, must be received by January 8, 2007.** The application will be voided without a timely reply.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long, sweeping horizontal line extending to the right.

Daniel A. Nelson

Sr. Water Right Agent

RECEIVED

JUL 25 2006

WATER RESOURCES
WESTERN REGION

Date: 16 July 2006

Subject: Supplying water to the pond located along the boundary line common to the NW1/4NW1/4 and Government Lot 8, Section 34, Township 3 North, Range 4 West in Owyhee County, Idaho.

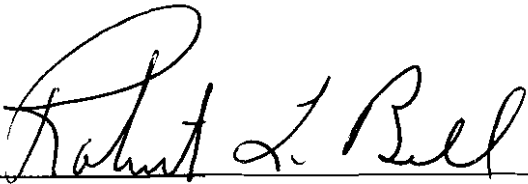
To Whom It May Concern:

We, Robert L and Deborah L Bell, own property that has a pump on it to get water from the Snake River and a supply line that transports that water to farm land which includes the above mentioned constructed pond. We agree the Red Rock Association can use the land and equipment to supply water to the pond during the winter months provided:

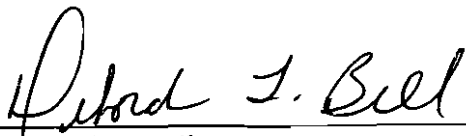
1. They have water rights to do so,
2. They reimburse the monthly operating expenses in a timely manner, and
3. They share in any maintenance costs as agreed upon by the Association and Bells.

This agreement shall be in effect as long as we own the land and equipment.

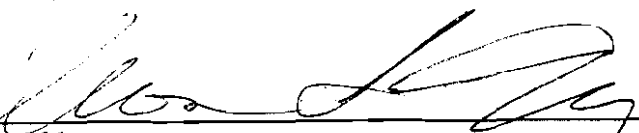
Signed and Dated 16 July 2006



Robert L Bell



Deborah L Bell



Witnessed by:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

January 27, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CLEON MAY
6622 RED ROCK ROAD
MARSING ID 83639

RE: APPLICATION FOR PERMIT FOR STORAGE

Dear Mr. May:

I have received your letter for additional time to supply information for your application for permit. I have granted this request, you will need to supply the information we discussed in our 1/27/2006 meeting by 7/27/2006.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel A. Nelson', with a long, sweeping horizontal line extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

1/27/06

Dear Mr. Nelson,

Would you please hold this application
for 6 months. We will organize Home Owners
Association & complete Application within this
time.

Thank you,
Ellen L. Jay