

Maximum Diversion Volume: 215.0 AF

SHORES HOMEOWNERS ASSN INC C/O SENTRY MANAGEMENT  
6149 N MEEKER PL STE 150 BOISE ID 83713

**SOURCE:**  
GROUND WATER

**TRIBUTARY:**  
BOISE RIVER

| <u>BENEFICIAL USE</u>  | <u>PERIOD OF USE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|------------------------|----------------------|------------------------------------|
| AESTHETIC STORAGE      | 01/01 to 12/31       | 215.0 AF                           |
| AESTHETIC FROM STORAGE | 01/01 to 12/31       | 60.0 AF                            |

|              |        |                                 |            |
|--------------|--------|---------------------------------|------------|
| GROUND WATER | SE¼SW¼ | Sec. 17, Twp 04N, Rge 01E, B.M. | ADA County |
| GROUND WATER | SE¼SW¼ | Sec. 17, Twp 04N, Rge 01E, B.M. | ADA County |
| GROUND WATER | SE¼SW¼ | Sec. 17, Twp 04N, Rge 01E, B.M. | ADA County |
| GROUND WATER | SW¼SW¼ | Sec. 17, Twp 04N, Rge 01E, B.M. | ADA County |
| GROUND WATER | SW¼SW¼ | Sec. 17, Twp 04N, Rge 01E, B.M. | ADA County |
| GROUND WATER | SW¼SW¼ | Sec. 17, Twp 04N, Rge 01E, B.M. | ADA County |
| GROUND WATER | SE¼SW¼ | Sec. 17, Twp 04N, Rge 01E, B.M. | ADA County |

[illegible][illegible]

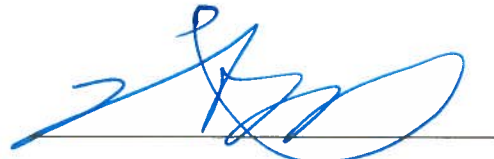
State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 63-32235

**CONDITIONS OF APPROVAL**

1. The seven (7) ponds established by the storage of water under this right shall not exceed a total capacity of 215 acre-feet or a total surface area of 14.3 acres.
2. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
3. Right 63-33067 authorizes the diversion of 42.2 af of water to storage to offset evaporation losses from the seven (7) ponds authorized by this right.
4. The right holder shall maintain control of shares appurtenant to 14.5 acres in the Mace Caitlin Ditch Co. representing the portion of Right 63-33067 used for storage purposes in concert with this right. If the required portion of Right 63-33067 is sold, transferred, leased, used on any place of use, or is not deliverable due to drought or curtailment, the diversion of water to storage under this right shall cease.
5. Aesthetic from storage use is for recirculation of water between ponds authorized under this right.
6. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
7. This right does not grant any right-of-way or easement across the land of another.
8. Place of use is located within Lot 12, Blk 4, Waters Edge Sub No 03; Lot 12, Blk 1, Waters Edge Sub; and Lot 1 Blk 3 and Lot 12 Blk 2, Shores Sub No 01.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 8<sup>th</sup> day of January, 2018.



Nick Miller  
Manager, IDWR Western Region

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
63-32235

This map depicts the AESTHETIC STORAGE and AESTHETIC FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.075 0.15 0.3 Miles



RECEIVED

NOV 20 2017

WATER RESOURCES  
WESTERN REGION

RECEIVED

NOV 16 2017

DEPARTMENT OF  
WATER RESOURCES

Page 1

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 63-32235

PRIORITY: February 08, 2006

Maximum Diversion Volume: 215.0 AF

Comes now

SHORES HOMEOWNERS ASSN INC PO BOX 57 EAGLE ID 83616

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-32235, and requests that the permit be changed as follows:

**SOURCE:**  
GROUND WATER

**TRIBUTARY:**  
BOISE RIVER

| <u>BENEFICIAL USE</u>  | <u>PERIOD OF USE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|------------------------|----------------------|------------------------------------|
| AESTHETIC STORAGE      | 01/01 to 12/31       | 215.0 AF                           |
| AESTHETIC FROM STORAGE | 01/01 to 12/31       | 60.0 AF                            |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE¼SW¼ Sec. 17, Twp 04N, Rge 01E, B.M. ADA County  
GROUND WATER SE¼SW¼ Sec. 17, Twp 04N, Rge 01E, B.M. ADA County  
GROUND WATER SE¼SW¼ Sec. 17, Twp 04N, Rge 01E, B.M. ADA County  
GROUND WATER SW¼SW¼ Sec. 17, Twp 04N, Rge 01E, B.M. ADA County  
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GROUND WATER SW¼SW¼ Sec. 17, Twp 04N, Rge 01E, B.M. ADA County  
GROUND WATER SE¼SW¼ Sec. 17, Twp 04N, Rge 01E, B.M. ADA County

**PLACE OF USE: AESTHETIC FROM STORAGE**

| Twp | Rge | Sec | NE |         |    |    | NW      |         |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|---------|----|----|---------|---------|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW      | SW | SE | NE      | NW      | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01E | 17  |    |         |    |    |         |         |    |    |    |    | X  | X  |    |    | X  |    |        |
| 04N | 01E | 20  |    | X<br>L2 |    |    | X<br>L3 | X<br>L4 |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: AESTHETIC STORAGE**

| Twp | Rge | Sec | NE |         |    |    | NW      |         |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|---------|----|----|---------|---------|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW      | SW | SE | NE      | NW      | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01E | 17  |    |         |    |    |         |         |    |    |    |    | X  | X  |    |    | X  |    |        |
| 04N | 01E | 20  |    | X<br>L2 |    |    | X<br>L3 | X<br>L4 |    |    |    |    |    |    |    |    |    |    |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 7th day of November, 2017.

Shores Homeowners Association, Inc

by 

D.E. O'Neil (Signature)  
President

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 63-32235

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by TE Fee = 100.00 Received by TE # C104329 Date 11/16/2017

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-32235 with the following:

**CONDITIONS OF APPROVAL**

1. The seven (7) ponds established by the storage of water under this right shall not exceed a total capacity of 215 acre-feet or a total surface area of 14.3 acres.
2. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
3. Per Transfer 72596, Right 63-132 authorized the diversion of 42.2 af of water to storage to offset evaporation losses from the seven (7) ponds authorized by this right. At the time of licensing for this right, evaporation volume is described by Right 63-33067.
4. The right holder shall maintain control of shares appurtenant to 14.5 acres in the Mace Caitlin Ditch Co. representing the portion of Right 63-33067 used for storage purposes in concert with this right. If the required portion of Right 63-33067 is sold, transferred, leased, used on any place of use, or is not deliverable due to drought or curtailment, the diversion of water to storage under this right shall cease.
5. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
6. This right does not grant any right-of-way or easement across the land of another.
7. Place of use is located within Lot 12, Blk 4, Waters Edge Sub No 03; Lot 12, Blk 1, Waters Edge Sub; and Lot 1 Blk 3 and Lot 12 Blk 2, Shores Sub No 01.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 8<sup>th</sup> day of January, 2018

  
Nick Miller  
Manager, IDWR Western



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 8, 2018

SHORES HOMEOWNERS ASSN INC  
C/O SENTRY MANAGEMENT  
6149 N MEEKER PL STE 150  
BOISE ID 83713

RE: License No. 63-32235

### Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

Nick Miller

Western Regional Manager

Enclosure(s)

cc: TOOTHMAN ORTON ENGINEERING CO

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**63-32235**

**SHORES HOMEOWNERS ASSN INC  
C/O SENTRY MANAGEMENT  
6149 N MEEKER PL STE 150  
BOISE ID 83713**

**TOOTHMAN ORTON ENGINEERING CO  
ATTN STEVEN E HOLT PE  
9777 CHINDEN BLVD  
BOISE ID 83714-2008**



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**Rachel Neely  
Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.