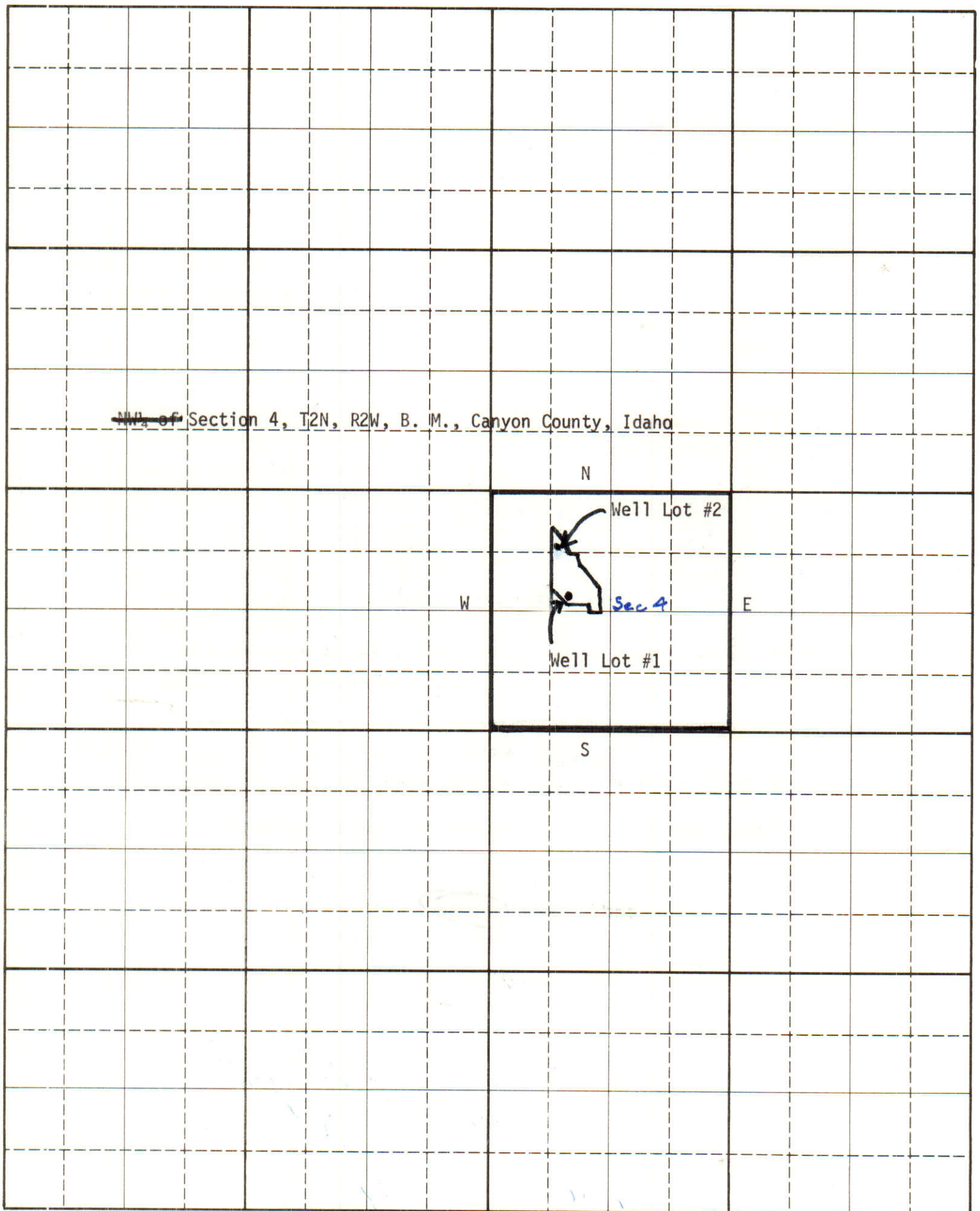


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

SHOCHMAR DEVELOPMENT INC.
(Applicant)
By Lewis & Lewis Sec.

AFFIDAVIT OF PUBLICATION

RECEIVED
MAR 23 1978

STATE OF IDAHO,)
) ss.
County of Canyon.)

Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that SHALIMAR DEVELOPMENT, INC. 681 6th Street, North Ext., Nampa, ID 83651 has on February 22, 1978 submitted Application No. 63-9121 for a permit to appropriate 4.0 cubic feet per second of water from a groundwater source by means of wells and pumps within the NE1/4NW1/4 & SE1/4NW1/4 Sec 4 T2N-R2W B.M., Canyon County to be used from Jan. 1 to Dec. 31 for domestic purposes and from April 1 to Oct. 15 for irrigation of 7.5 acres within the E1/2NW1/4 Sec 4 T2N-R2W B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before March 27, 1978.

C. STEPHEN ALLRED
Director
March 9, 16, 1978

Verla Harker
of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

Idaho Free Press &
2. That I am the Principle Clerk of the News-Tribune, a daily, (except Sunday) newspaper published in the City of Nampa-Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa-Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times
in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

March 9, 16, 1978

OK
3-20-78
JF

Verla Harker

Subscribed and sworn to before me this _____

19 78 16th day of March

Joanne Gubik
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1981

MICROFILMED

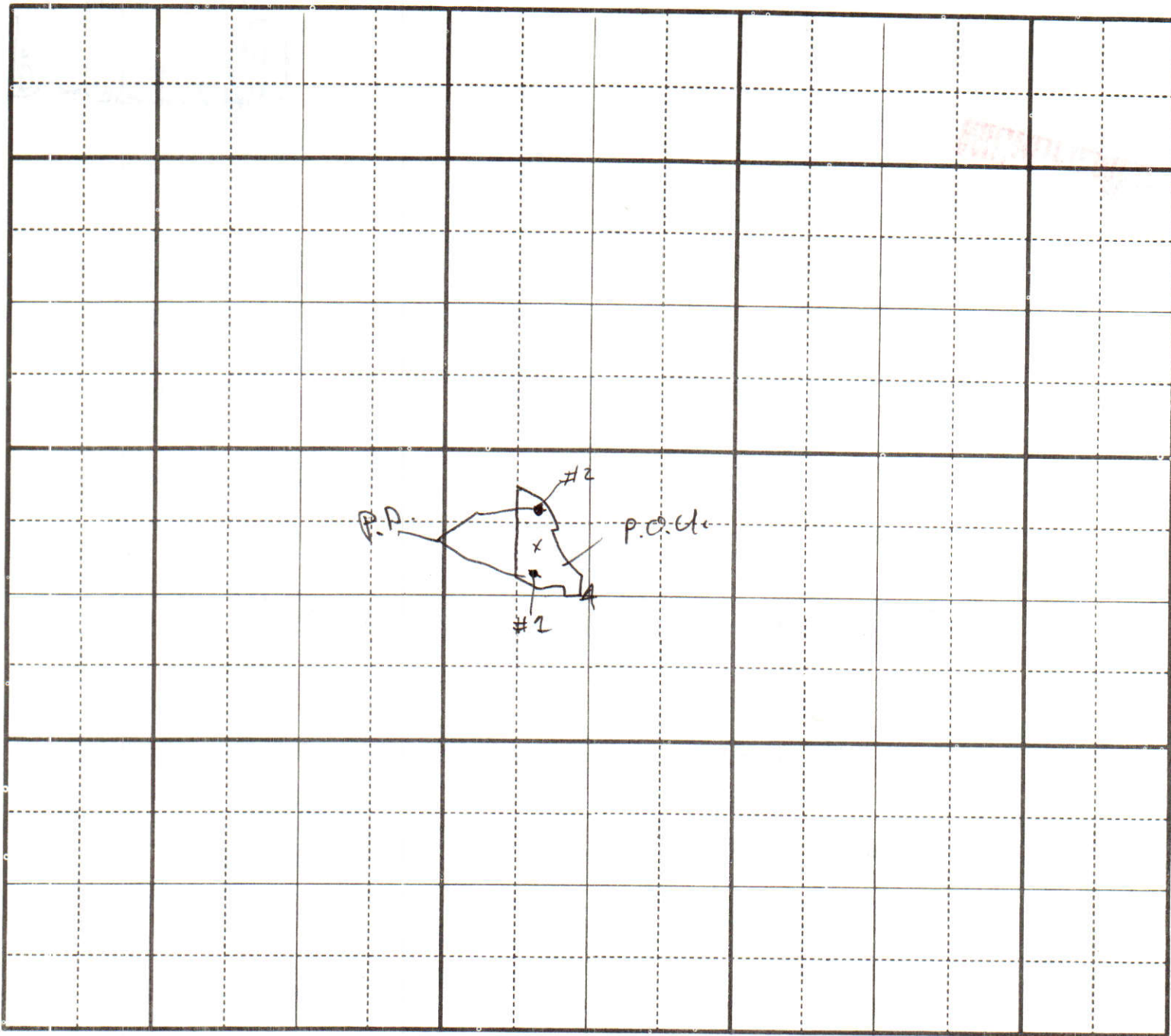


Diagram of System

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-9121 Priority February 22, 1978 Amount 1.60 cfs

THIS IS TO CERTIFY, that SHALIMAR DEVELOPMENT, INC.
of Nampa, Idaho, has complied with the terms and conditions of Permit
No. 63-9121 issued pursuant to Application for Permit dated February 22, 1978,
and has submitted proof to the Department of Water Resources on May 23, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.60 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u> from <u>January 1</u> to <u>December 31</u> at <u>1.60</u> cfs and <u>60</u> acre feet (100 units) from _____ cfs and _____			
<u>Irrigation</u> from <u>March 15</u> to <u>November 15</u> at <u>1.15</u> cfs and <u>33.7</u> acre feet (both dates inclusive)			

Subject, however, to the condition that no more than 1.60 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
93.7 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, & SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4,
Twp. 2N, Rge. 2W, B.M. in the County of Canyon

Description and location of place of use:

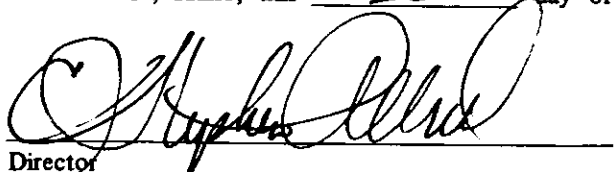
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	
2N	2W	4							X	8					8

Total number of acres irrigated 8

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
January, 19 81.


Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 63-9121

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED

Identification No. _____

Application No. 63-9121

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

APPLICATION FOR PERMIT **APPROVED**

SEP 28 1978

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

Department of Water Resources

1. Name of applicant Shalimar Development, Inc. Phone 208-467-2195
post office address 681 6th St No. Ext., Nampa, Idaho 83651

2. Source of water supply Ground Water which is a tributary of _____

3. a. Location of point of diversion is ^{2 pts} NE 1/4 & SE 1/4 of NW 1/4 of Section 4 Township 2N
Range 2W B.M. Canyon County; ~~add county name here~~
Specifically well Lots # 1 & 2, Shalimar Terrace, Canyon County, Idaho

b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 4.0 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .15 for Irrigation purpose from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 4.0 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. System to consist of 2 pumps (1 ea. 25 HP, 1 ea 30 HP), pumping from separate 12" wells into pressure/storage tanks. Distribution system to be 6" pipe throughout development, with 1" distribution lines to individual lots for domestic residential. System will further supply subdivision fire hydrants & approximately 7.5 acres sprinkler irrigation

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 12 inches; proposed depth of well is 325 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.

b. Estimated construction cost is \$ 67,500.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water NE 1/4 & SE 1/4 of NW 1/4 of Section 4 Township 2N
Range 2W B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 100.

(5) If water is to be used for other purposes describe: _____

APPROVED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	2W	4								7.5									7.5
(7.5 Acres are subdivision Park area to be sprinkler irrigated from Development water system)																			

Total number of acres to be irrigated 7.5

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Shalimar Development, Inc.

b. Who owns the land to be irrigated or place of use Shalimar Development, Inc.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

Well Driller: Kenneth D. Witt

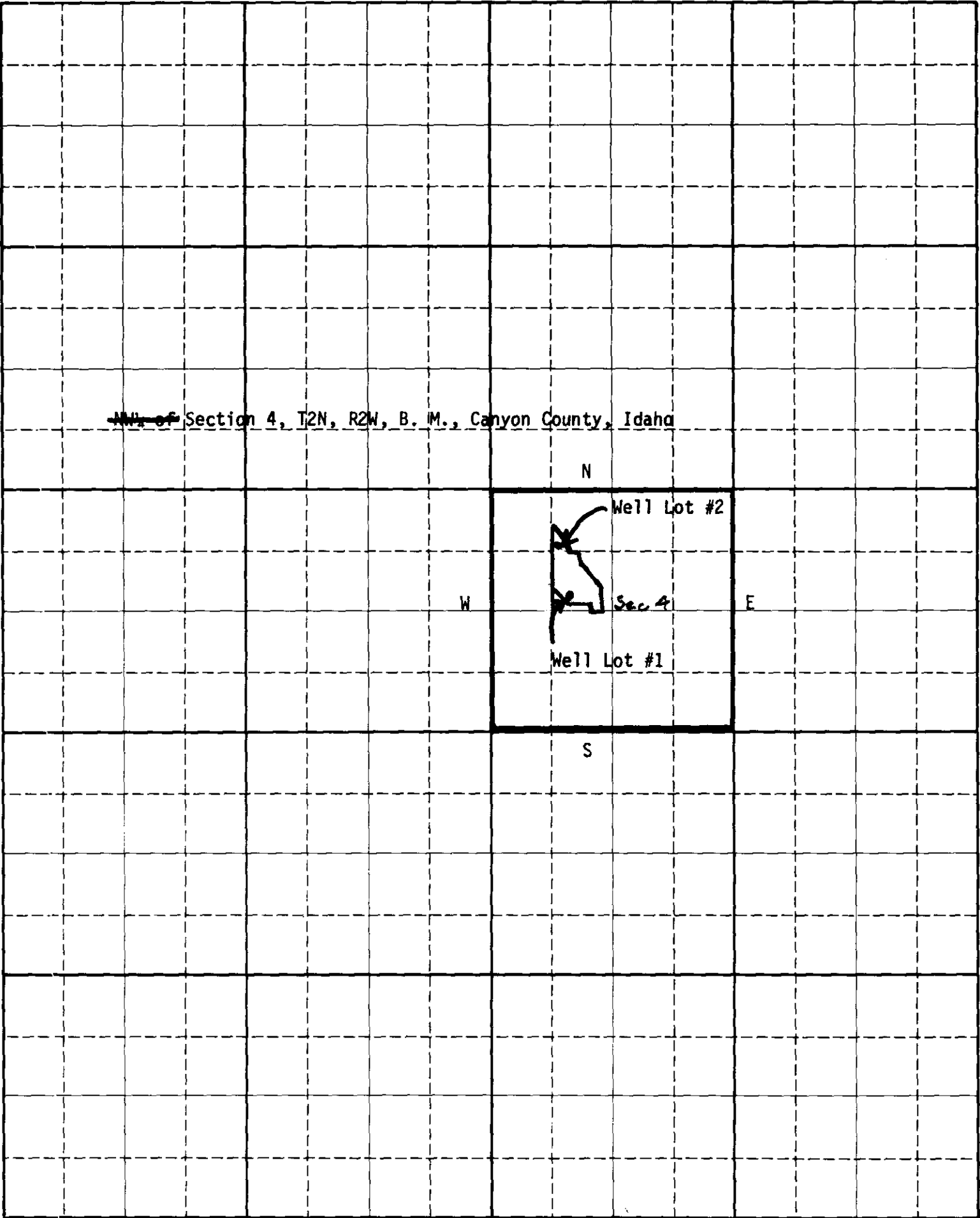
Rt 8, 10th & Karcher

Caldwell, Idaho 83605

Development Description:

Shalimar Development Corporation is developing a 34 acre tract of land south of Nampa into a planned community for approximately 100 families, combining single family units and Town House units. Shalimar Terrace is being established providing complete underground utilities with central water and approved sewer system.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

SHALMAR DEVELOPMENT INC.
(Applicant)
By Jean's Keys Sec.

Proposed Priority 02/22/78

Received by BK Date 2-22-78 Time 4:00 Pm
Preliminary check by CLS Fee \$ 55.00 ;
Receipted by rf Date 2-22-78 # 9787
Publication prepared by y Date 3-2-78
Published in Idaho Free Press
Publication dates March 9 & 16
Publication approved rf Date 3-20-78
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ABS YG

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9121, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1979.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

2. Denial of said application is for the following reasons: _____

Witness my hand this 22ND day of May 1978.

Norman C. Young
Administrator

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
) ss.
County of Canyon.)

Verla Harker
of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all
times hereinafter mentioned was over the age of twenty-one years,
and not a party to the above entitled action.

Idaho Free Press &
2. That I am the Principle Clerk of the News-Tribune,
a daily, (except Sunday) newspaper published in the City of
Nampa-Caldwell, in the County of Canyon, State of Idaho; that
the said newspaper is in general circulation in the said County of
Canyon, and in the vicinity of Nampa-Caldwell, and has
been uninterruptedly published in said County during a period of
seventy-eight consecutive weeks prior to the first publication of the
notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was
published in said newspaper

Two Times
in the regular and entire issue of said paper, and was
printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

March 9, 16, 1978

OK
3-20-78
JY

Verla Harker

Subscribed and sworn to before me this

19 78 16th day of March

Jeane Gusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1981



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 29, 1999

SHALIMAR HOMEOWNERS ASSN
C/O KENT GRIFFITHS
712 PARKSIDE WAY
NAMPA ID 83686

RE: WATER RIGHT NO. 63-11569

Dear Water Right Holder:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a **preliminary order** issued by the Department pursuant to §67-05243, Idaho Code. **A preliminary order issued by the Department pursuant to Section 67-5243, Idaho Code, can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Please note that since our conversation more than three years ago, I have reviewed the Shalimar Homeowners Association water right filings, and I believe this license goes as far as possible to cover the water use at Shalimar Terrace without additional filings. Water Right License 63-09121, issued in 1981, covers indoor domestic use in 100 dwelling units and 8 acres of common area irrigation from your two older wells. Water Right License 63-11569 covers domestic use, including lawn irrigation, for 108 dwelling units from your newer well. Between the two rights you can divert and use water for 108 dwelling units and their lawns and for an additional 8 acres of irrigation.

In order to reflect the actual operation of your water system, you should consider filing an application for transfer to authorize the use of all of your three wells as diversion points for both of your water rights. I have enclosed a transfer application form and instructions for you.

I also understand you are concerned that you may be irrigating more than 8 acres of common area in Shalimar Terrace. Before pursuing an additional water right, which may be difficult to obtain while the issuance of new irrigation applications in the Treasure Valley remains suspended, I recommend carefully measuring your irrigated area to be certain it exceeds 8 acres. Be sure to subtract the square footage covered by any walkways, roads, buildings, tennis courts, etc. You may also want to consider contacting the Boise-Kuna Irrigation District about the possibility of having surface water delivered to your subdivision for irrigation.

MICROFILMED

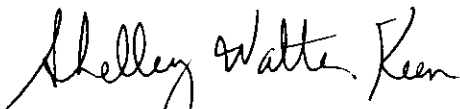
DEC 02 1999

Shalimar Homeowners Association
November 23, 1999
Page 2

After analyzing your situation, if you find you are in need of a water right for additional irrigation, please contact me or someone at our Western Region office to discuss what options may be available to you.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

Enclosures

MICROFILMED
DEC 02 1999

MEMORANDUM

DATE: August 19, 1996

TO: Files 63-09121 and 63-11569

FROM: Shelley W. Keen *(SK)*

RE: Visit from Kent Griffiths

Kent Griffiths of Shalimar Homeowners Association stopped by today to discuss water rights 63-09121 and 63-11569.

63-09121

Mr. Griffiths wants to pursue the idea that irrigation of both the lawns and the common areas is (should have been) covered by licensed right 63-09121. He is going to collect some additional information to determine the facts surrounding the development in 1979. I said I would look to see if we have any aerial photography from the early 1980s. The appropriate forum for pursuing this issue may be the Snake River Basin Adjudication.

63-11569

Mr. Griffiths is not ready to sign the licensing amendment until the acreage issue is settled. He not only believes that all the irrigation should be covered on 63-09121, he also thinks the total area irrigated exceeds the 15 (total) suggested by the field examiner. Mr. Griffiths is going to provide a subdivision plat that we can compare to the 1994 infrared photography to estimate acreage.

Other Use

In a related matter, Mr. Griffiths said that Shalimar has recently begun irrigating about one acre of land not covered under 63-09121 and 63-11569. We discussed the fact that processing of applications for permit have been suspended. We also had a general discussion about surface water, transfers, and other possibilities for getting the acre covered with a water right.

MICROFILMED

DEC 02 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 1, 1996

KENT GRIFFITHS
SHALIMAR HOMEOWNERS ASSN
712 PARKSIDE WAY
NAMPA ID 83686

RE: Water Right Nos. 63-11569 and 63-09121

Dear Mr. Griffiths:

I am writing in response to the letter you sent to Cindy Hodges in March of 1996. In your letter, you requested that licensed water right 63-09121 be amended to cover the irrigation of 17 acres within the Shalimar Terrace Subdivision. In 1994 Cindy conducted an examination to verify the development under water right permit 63-11569. As part of that examination she identified 15 acres of irrigation in the subdivision, including lawns and common area. Eight of the fifteen acres are included on license 63-09121. The remaining seven can be included under right 63-11569. Before right 63-11569 can be licensed, however, it must be amended to depict the water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion as well as the change in the purpose of use. The last page of the Application for Amendment form contains a list of CONDITIONS and REMARKS proposed for the license when it is issued. These conditions and remarks may be modified upon further administrative review. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee within 30 days.

Also, Cindy indicated that an application for transfer should be filed to add your third well as a point of diversion for right 63-09121. I have taken this opportunity to draft a transfer application for you. Please review it carefully. If you agree that the transfer is needed and you find the application to be satisfactory as drafted, please complete the highlighted sections of the form and return it to our Western Region office with the \$100.00 filing fee.

If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

MICROFILMED
DEC 02 1999

RECEIVED

APR 3 - 1996

MEMORANDUM

Department of Water Resources

April 1, 1996

TO: Shelley Keen
FROM: Cindy Hodges *chl*
RE: License 63-09121

Last winter, I conducted a B/U exam for 63-11569, during which I identified licensing discrepancies with the overlapping license 63-09121. You advised that the water user, Shalimar Homeowners Association, be the ones to request that the record be re-examined. Toward that end, I solicited and have received from the Shalimar HOA the attached letter requesting that license file 63-09121 be reopened for examination and possible amendment.

I am requesting that you conduct this examination as soon as time allows. At issue is the total amount of irrigation associated with domestic use which is allowable under the right. As this is the sole right held by Shalimar which authorizes irrigation, they are extremely concerned that the record be correct. Also, Shalimar constructed a third well under permit 63-11569 which is not presently authorized for irrigation diversions, but which is needed to meet demands under 63-09121. The Shalimar HOA has been notified that an application for transfer is required to authorize irrigation from well #3 under license 63-09121. However, the transfer seems premature until the record has been given its day in court.

Following is my analysis of the events surrounding the licensing of 63-09121:

Application for permit was made for 63-09121 in 1978. Domestic use at 4.0 cfs (100 homes @ .04 ea?) and irrigation of 7.5 acres at 0.15 cfs was proposed and rewarded. The language on the application, along with permitting procedure at the time (before App processing memo #22¹) imply that lawn irrigation was included in the domestic component, and that the irrigation component shown was for additional acres of park area.

Proof was filed in May 1979. Beneficial use examination was conducted in 1981. The field report indicates the development of 2 wells with a combined rate of flow of 1.6 cfs. This is not disputed. The examiner also states "100 families in project", but more importantly, had recommended domestic use *with lawns* for 100

¹Application Processing Memo #22, June 4, 1980, specified that, for multiple family domestic uses, lawn irrigation must be separated from the domestic component.

MICROFILMED

DEC 02 1999

homes, as evidenced by a domestic volume of 120 AFA, plus irrigation of 7.5 acres with an additional 33.75 AFA. The examiner's findings are consistent with the implications of the permit - that the domestic component includes lawn irrigation, and the balance of the irrigation shown is additive.

However, the examiner's recommendation was not carried forward in its entirety to the final license. The volume for the domestic component was reduced by 60 AFA, eliminating external uses. This was most likely in accordance with memo #22, in effect at the time. Although correct in theory, this action did not take into account the fact that the permit was issued prior to 1980. The reduction of 60 AFA on the license did not leave adequate volume available for the irrigation which had been developed. The reduced license was not disputed by Shalimar at the time because the discrepancy is reflected in volume only and was not obvious to the water user.

At the time of my field exam for 63-11569 in 1994, I found essentially the same system and developments as found in the 1981 exam. I also had the advantage of an area plat map which was either not available or not used by the examiner in 1981. Based on the plat map and review of the file, I made these additional observations (see map in 63-11569):

- There are 67 platted residential lots within the Shalimar tract. Some lots have multiple hookups due to duplex/fourplex or townhouse construction. There are a total of 108 hookups billed within the tract.
- 108 homes are shown on the 1979 proof filing for 63-09121, though only 100 were permitted. The balance of 8 hookups will be recommended on 63-11569.
- The average amount of irrigation per lot within the Shalimar service area is about 0.1 ac. This was assessed by visual inspection and by rough calculations using the plat map. For 67 lots, this accounts for about 7 ac irrigated area associated with 108 domestic uses.

Mr. Griffiths' letter on behalf of the Homeowners Association asserts that there are 9 acres common area and 8 acres homesite irrigation. There may in fact be; I did not measure actual area because I did not need to. Permit 63-09121 was limited to 7.5 acres for common area and the license may not be expanded. My concern is with the domestic component and the elimination of the irrigation volume. This lost portion of the right cannot be recouped under 63-11569 because no irrigation was permitted there. Under moratorium exemption, a new permit might be obtained for residential irrigation with later priority, but I do not believe Shalimar should be made to suffer that consequence. I believe the facts support the request to amend license 63-09121 to include residential irrigation, to the extent it was present in 1981.

MICROFILMED

DEC 02 1999

RECEIVED

MAR 29 1996

WATER RESOURCES
WESTERN REGION

March 26, 1996

Ms Cindy Hodges
Senior Water Resources Agent
Idaho Dept of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Ms Hodges:

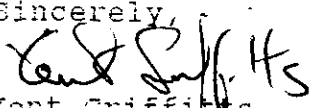
Per our telephone conversation this date and in response to your correspondence dated 3/18/96, the Shalimar Homeowners Association is requesting that record on license # 63-09121 be reopened, amended and reissued permitting irrigation on total of 17 acres. This includes approximately 9 acres of common park area and 8 acres of homesite property. Both common area and homesites were developed in the same time frame and permit # 63-09121 should have been licensed to include both common area and homesite property for irrigation usage.

This discrepancy, as you indicated in our phone conversation, may have resulted at the time of field verification wherein the acreage was inadvertently recorded at only 8 acres which is only sufficient to cover common areas. We have always been under the impression that we have 9 acres in common area, hence the request to increase common to 9 acres and homesites at 8 acres to insure that we have proper licensing coverage.

We trust that you will deal with the other issues related to license # 63-11569, and # 63-09121 to the extent necessary, regarding 108 units hooked up to this system for domestic water use as well as the need for both permits to allow for irrigation usage.
(ie all wells)

Please advise if additional steps are needed to clear up our water permits and record proper usage. Thank you in advance for your efforts to clear up this matter.

Sincerely,


Kent Griffiths
President
Shalimar Homeowners Association
712 Parkside Way
Nampa, Idaho 83686

208-467-5079 (H)
208-334-1707 (W)
208-334-1421 (FAX)

MICROFILMED

DEC 02 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 27, 1981

Shalimar Development Inc.
681 6th St. N. Ext.
Hampa, Idaho 83651

Dear Sirs,

RE: License No. 63-9121

Enclosed is a copy of the Water Right License issued on the above
referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 30, 1980

Shalimar Development Inc.
681 6th St. N. Ext.
Nampa, Idaho 83651

Dear Sirs,

A representative of this Department has made an examination of the works covered by your Permit No. 63-9121, and has found the following:

Amount of water that can be recognized as beneficially used under -
Idaho law: .60 cfs Source: groundwater

The maximum quantity diverted shall not exceed 93.75 acre feet
per year.

Point(s) of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, & SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Twp. 2N, Rge. 2W, B.M.

Beneficial use: Irrigation of 8 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and domestic use within
the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Twp. 2N, Rge. 2W.

Priority date established: February 22, 1978

Conditions (if any):

If you do not concur with these findings please contact us within 10 days,
otherwise a water license will be issued as set forth above.

Sincerely,

JANET ROVERSON
Water Rights Supervisor

RECORDED

5/1200 Wed

2. Source of water supply: Groundwater ☒ Surface water ☐ _____ (name spring, stream, etc.)

First Right After
Lyle Saw

White Tributary to

3. Water will be used for the following purposes:

Amount 4.0 c.f.s. for domestic (108)
 AF/Annum (nature of use)

Period of Use: from 1-1 to 12-31
(mo.-day) inclusive (mo.-day)

Amount 0.15 c.f.s. for irrigation
 AF/Annum (nature of use)

Period of Use: from 4-1 to 10-15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from 11-6-05 to 11-10-05
(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 4.15 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 2N N/S, Range 2W E/W, B.M., Section 4, Subdivision NE 1/4 NW 1/4 Canyon
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision SE $\frac{1}{4}$ NW $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions:

Description of diverting works: #1 12" x 325', 25 HP Pump
#2 12" x 254', 30 HP Pump

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

RECEIVED

JUN 21 1979

**Department of Water Resources
Western Regional Office**

TOTAL ACREAGE

7.5

DECLASSIFIED

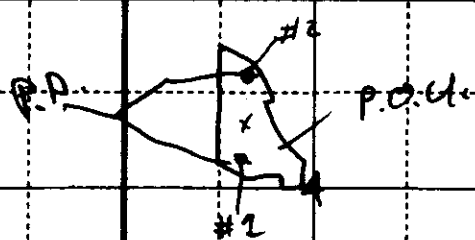


Diagram of System

DATE OF EXAM 3/5/80 1980

ACREAGE

Found 7.5
Recommended 7.5

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 0.25 c.f.s. V = 33.75 AF/Ann. from 3/15 to 22/25
Domestic Q = 15* c.f.s. V = 1060.0 AF/Ann. from 3/17 to 22/31
Livestock Q = c.f.s. V = AF/Ann. from to
93.75

* determined from table attached to Administrative Memorandum dated 6/4/80

Is water co-mingled? yes no X

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

#1 Badger 4" m0646404
#2 " " m0646401

Total Q measured 1.60 Method of measurement Inline Flow meter County

Total Q recommended Meter No. Above Type Badger Condition O.K.

Total V recommended 153.75

Recommended Amendments:

P.D.
Place of Use
Other

IRR - ALLOW AS PER PERMIT
 $V = 7.5 \text{ ac} \times 4.5 \text{ in } 100' = 33.75 | .15 \text{ cfs} \times 245 \text{ days} \times 1.9835 = 72.89$

Dom

$V = 100 \text{ homes} \times .6 \text{ af} / \text{NO IRR} = 60.0$

#1 100 gpm = .89 cfs = 1.60 cfs

#2 320 gpm = .71 cfs

1.60 cfs - capacity

Allowed Capacity for Domestic use

SYSTEM DESCRIPTION:

#1 70 Lp into Two pressure tank 50-60 psi

#2 75 Lp into one pressure tank 50-60 psi

REMARKS:

Wells 300' casing #1 8" casing #2 12" casing
Pumps AT about 250'
75 acres irrigated 38 acres
100 families in project

Examiner's Signature Carl E. Moris Date 3/5/80 1980

Checked by DBS Date 10/15/80

Approved by Robyn Jim Date 12/30/80



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 12, 1979

Shalimar Development, Inc.
681 6th Street N. Ext.
Nampa, ID 83651

Dear Gentlemen:

RE: Permit No. 63-9121

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Boise. (384-2190)

Sincerely,

RITA FLECK
Water Rights

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

RECEIVED

MAY 23 1979

Department of Water Resources

1. a) Name of permit holder SHALIMAR DEVELOPMENT, INC.

b) Post office address 681 6th St. N. Ext., Nampa, ID 83651

2. Permit number 63-9121

3. Date of priority that you are prepared to establish February 22, 1978

4. a) Source from which water was appropriated Groundwater

b) Location of the point of diversion: NE 1/4 2 PTS. SE 1/4 NW 1/4, Section 4

Township 2N, Range 2W Boise Meridian. Other points of diversion: _____

Specifically Well Lots 1 and 2, Shalimar Terrace, Canyon County, Idaho.

5. a) The amount of water and use to which the water has been applied:

Amount 4.0 for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

Amount .15 for Irrigation purposes from Apr. 1 to Oct. 15 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

b) Total amount appropriated 4.15 cfs and/or acre-feet per annum.

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:

Hamilton Pump Co., Pump Installers, Badger MDIM 4" Meter

6. If the means of diversion and conveyance are owned by someone other than the permit holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

N/A

b) Describe the agreement of understanding by which you take water from the works: N/A

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):

Pump Sizes: 1 25-HP Pump 285 G/M 50# Pressure
1 30-HP Pump 285 G/M 50# Pressure

2 - 12" Wells: 1 325' Deep
1 254' Deep

b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)

Installed Measuring Device: Badger MDIM 4" Meter

Exam typed 6/12/79

c) Give well driller's name and address and the date the well was completed: _____

Kenneth E. Witt, Rt. 8, 10th & Karcher, Caldwell, Idaho 83605

Well #1 - 7-11-72 and Well #2 - 4-30-78

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Supplying Domestic Water for 108 Families; NE 1/4 & SE 1/4 of NW 1/4 of

Section 4 Township 2N Range 2W B.M.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	2W	4							7.5										7.5

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 17, 1979
(Date)

Lyle L. Ball
(Signature)
SHALIMAR DEVELOPMENT, INC.
President & General Manager

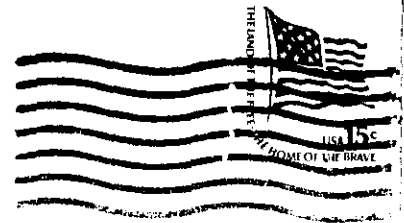
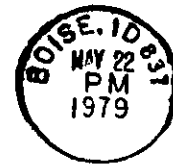
State of Idaho)
County of Blaine) ss.

On this 17 day of May, 1979, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Carolyn Kays
Notary Public
Residing at Yamona Idaho

My commission expires 10-27-82

Shalimar
Development, Inc.
681 6th Street North Extension
Nampa, Idaho 83651



DEPARTMENT OF WATER RESOURCES

Statehouse

Boise, ID 83720



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

CERTIFIED MAIL

March 30, 1979

Re: Permit No. 63-8121

100774

Shalimar Development, Inc.
681 6th St. N. Ext.
Nampa, ID 83651

Gentlemen:

One of the conditions of approval of your water Permit No. 63-8121 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1979. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect.

RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

NOV

1979

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition should be less restrictive and provide more flexibility to you in the development of your water right system. The specifications related to the size and location of the access port will be available upon request from the Department, as soon as the Department's measuring equipment is obtained.

If you have questions regarding this matter, please contact this office or our regional offices.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:JG:kw

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 24, 1978

Re: Permit No. 63-9121

Shalimar Development, Inc.
681 6th St. No. Ext.,
Nampa, ID 83651

Gentlemen:

Your approved copy of Application for Permit No. ~~63-9121~~ is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit.

RECORDED
INDEXED
MAY 25 1978
IDAHO DEPT. OF WATER RESOURCES

However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 03-9121

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

- (1) CLS 2/23/78 In form to receipt
- (2) _____ Send Copies to:
☒ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management
- (3) _____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
- (4) CLS 2/23/78 In form for advertising
- (5) _____ Platted on Map No. _____
- (6) _____ Located within Water District No. _____
- (7) _____ Critical groundwater area: yes _____ no _____
- (8) _____ Groundwater levels:
_____ Declining, _____ Stable, _____ Increasing
(comment) _____
- (9) _____ Other rights on the same place of use
- (10) _____ Comments: None
- (11) sf OK Affidavit of Publication received(date) 3-20-78
- (12) _____ Final date for protests 3-27-78
Protests received: yes _____ no ☒
- (13) _____ All requested information received from agencies or
applicant: yes ☒ no _____
- (14) _____ Action recommended:

☒ Approve _____ Deny

2-22-78 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

Department of Water Resources _____ No special conditions for approval

(15) District W By [Signature] Date 3/27/78

I.P.
Letter

RECEIVED

MAR 29 1978



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE Division of Environment
801 Reserve Street
Boise, Idaho 83702

March 9, 1978

ceb

Memorandum

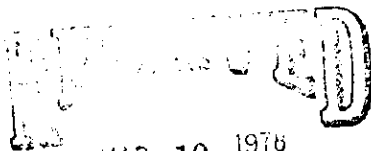
To: David B. Shaw
From: Frank Keller
Subject: 63-9121 - Shalimar Development, Inc.
63-S-269 - Emkay Development & Realty Co., Inc.
77-S-38 - Ervin A. Howie

We are preparing a letter to Shalimar Development, Inc., concerning the fact that plans and specifications must be reviewed by this department.

We have no comment on the two stream alteration permits.

Frank Keller

FK/rb



Department of Water Resources
Western Regional Office

March 2, 1978

Re: Application for Permit No. 63-9121 -- Shalimar Development, Inc.

Mr. Frank Keller
Department of Health & Welfare
Statehouse Mail
Boise, ID 83720

Dear Mr. Keller:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

If you have questions regarding the application, please contact this office.

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:rf



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

March 2, 1978

Shalimar Development Inc.
681 6th Street North Ext.
Nampa, ID 83651

Gentlemen:

Enclosed is your Receipt No. 9787 in the amount of \$ 55.00
for Application for Permit No. 63-9121 which was received in
this office on February 22, 1978.

Sincerely,

RITA FLECK
Secretary

RF

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

March 2, 1978

Re: Notice of Application for Permit No. 63-9121 -- Shalimar Development, Inc.

Idaho Free Press
P. O. Box 88
Nampa, ID 83651

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before March 27, 1978.

Sincerely,

RITA FLECK
Secretary

Bill submitted
3-20-78
y

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that SHALIMAR DEVELOPMENT, INC.
681 6th Street, North Ext., Nampa, ID 83651
has on February 22, 1978 submitted Application No. 63-9121
for a permit to appropriate 4.0 cubic feet per second acre feet
per annum of water from a groundwater source
by means of wells and pumps
within the NE1/4 & SE1/4 Sec 4 T2N-R2W B.M., Canyon County

to be used from Jan 1 to Dec 31
for domestic purposes and from Apr 1 to Oct 15
for irrigation of 7.5 acres
within the E1/4 Sec 4 T2N-R2W B.M.

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Director of
the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho
83705 on or before March 27, 1978.

C. STEPHEN ALLRED

Director

Published in the Idaho Free Press, Nampa, ID
on March 9, 1978 and March 16, 1978.