

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32397
Date Received: 7/24/1989
Receipt No: x7777777
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TUSCANY DEVELOPMENT INC Phone: (208)888-9946

C/O GREG JOHNSON
PO BOX 344
MERIDIAN ID USA 83680

2. Date of Priority: 02/07/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	01W	21	SW NE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.05	12.6

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 12.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	01W	21	SE NE	IRRIGATION	2.8
				Section Acres	2.8

Total Acres 2.8

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-7194.

This right is a split from former right 63-32093.

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

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 JUL 01 2005
 WATER RESOURCES
 WESTERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>63-7194</u>	<u>63-7194</u>	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) MELLIN PROPERTIES LIMITED PARTNERSHIP
4500 N TUMBLEWEED, BOISE, ID 83713
4. New Owner/Claimant(s) TUSCANY DEVELOPMENT, INC.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address C/O GREG JOHNSON, P.O. BOX 344
- City, State and ZIP Code MERIDIAN ID 83680
- New Telephone Number (208) 888-9946
5. Date you acquired the property JUNE 27, 2005

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-7194</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.05 cfs / 12.6 afa</u>	<u>2.8 acres</u>
Stock		
Domestic		
Other		
Total	<u>0.05 cfs / 12.6 afa</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Shay Bunkle
(include title if applicable) Project Manager

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by ag Date 7-1-06 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by ag AJ Date 8-24-06 WR _____ Date _____
 reviewed by KB

GRANT DEED

THIS INDENTURE, made this 27 day of June, 2005, between Mellin Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"), and Tuscany Development, Inc., whose address is P.O. Box 344, Meridian, Idaho 83680 ("Grantee").

WITNESSETH:

The Grantor for and in consideration of _____ other good and valuable consideration, the receipt of which is hereby acknowledge, has granted, bargained, and sold by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of Water Right #63-7194:

Quantity: 0.05 cubic feet per second / 12.6 acre feet per year

Acres: 2.8 acres (SENE Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of Water Right #63-7194, together with appurtenances unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

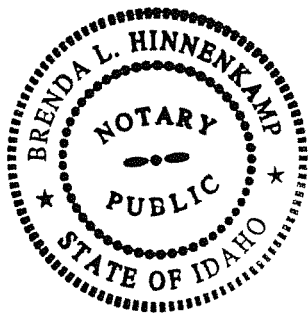
MELLIN PROPERTIES L.P.

By: Ralph Mellin
Its: General Partner

STATE OF IDAHO)
) ss.
County of Ada)

On this 27 day of June, 2005, before me, a Notary Public for said County and State, personally appeared _____, known or identified to me a general partner of Mellin Properties L.P. and the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Brenda L Hinnenkamp
NOTARY PUBLIC FOR IDAHO
Residing at: Borco, Idaho
My commission expires: 9/2008

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32052

Priority: November 12, 2004

Maximum Diversion Rate: 0.20 CFS

This is to certify, that TUSCANY DEVELOPMENT INC
PO BOX 344
MERIDIAN ID 83680

has applied for a permit to appropriate water from:

Source: GROUND WATER
GROUND WATER

Tributary: BOISE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
AESTHETIC STORAGE	01/01 to 12/31		16.8 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County

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	
03N 01E 29					X	X	X	X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2010**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Water bearing zone to be appropriated is from 0 to 250 feet.
6. The well to be developed under this right shall be cased to a depth of at least 150 feet.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32052

7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below.

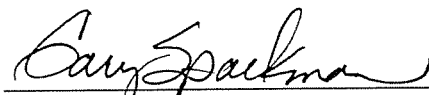
Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Volume	Mitigation Acres
63-7194	Irrigation	0.05 cfs	12.6 af	2.8

The land that will no longer be irrigated under this right is located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, S21, Twp. 01N, Rge. 01W.

Prior to the diversion and use of water under this right, the right holder shall demonstrate ownership of the mitigation right to the Department pursuant to Idaho Code Section 42-248. When the ownership change is complete, the official record for the mitigation water right will be changed to show that diversion and use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation purposes. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right shall be reduced by the same proportion as the reduction to the mitigation right.

8. V *#7 c mitigation* nds under this right shall be provided through the rental of 16.8
a *Water Supply Bank or from some other source of water authorized*
b
9. U *change of use in* e regulated by a watermaster with responsibility for the distribution
o *mitigation right...* in a water district. At the time of this approval, this water right is
w
10. A *who transfer* epartment, the right holder shall install a suitable measuring
d ment with the Department to determine the amount of water
d shall annually report the information to the Department.
11. Place of use under this right is also known as Tuscany Subdivision.
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of June, 2005.



KARL J DREHER, Director



SPF Water Engineering, LLC
water resource consultants

63-32397

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WATER RESOURCES
WESTERN REGION

June 29, 2005

Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705-5082

Attn: Steve Lester

Subject: Ownership change on mitigation portion of 63-7194

Dear Steve,

On behalf of Tuscany Development Corporation, I have enclosed a water right change of ownership form and grant deed as required by condition 7 of permit 63-32052.

Also included is a map identifying the 2.8 acres split from 63-7194. If you would like a digital shapefile of this property, just let me know.

Please contact me with any questions.

Sincerely,

Scott N. King, P.E.

File: 329.0020

63-32093
MELLIN
140.9acres
2.35cfs
634.8afa

$2.35 \div 140.9 = .017 \times 123.6 = 2.06cfs$
 $.017 \times 2.8 = .05$
 $.017 \times 2.0 = .03$
 $.017 \times 3.0 = .05$
 $.017 \times 8.0 = .13$
 $.017 \times 1.5 = .03$

$634.8 \div 140.9 = 4.5 \times 123.6 = 556.9afa$
 $4.5 \times 2.8 = 12.6$
 $4.5 \times 2.0 = 9.0$
 $4.5 \times 3.0 = 13.5$
 $4.5 \times 8.0 = 36$
 $4.5 \times 1.5 = 6.75$

<u>63-32396</u> MELLIN 123.6 acres 2.06 cfs 556.2 afa	<u>63-32397</u> TUSCANY 2.8 acres .05 cfs 12.6 afa	<u>63-32398</u> COHEN-MUELLER 2.0 acres .03 cfs 9 afa	<u>63-32399</u> DUESMAN 3 acres .05 cfs 13.5 afa	<u>63-32400</u> LYNN 8 acres .13 cfs 36 afa	<u>63-32401</u> EAGLE PRECAST 1.5 acres .03 cfs 6.75 afa
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32093
Date Received: 7/24/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MELLIN PROPERTIES LIMITED PARTNERSHIP Phone: (208)322-7500
4500 N TUMBLWEED
BOISE ID USA 83713

2. Date of Priority: 02/07/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
01N	01W	21	SW	NE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.35	634.8

7. Total Quantity Appropriated is:
2.35 C.F.S. and/or 634.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	01W	21	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	31.5
			SE	NE	IRRIGATION	40
			SW	NE	IRRIGATION	31.4
					Section Acres	140.9
					Total Acres	140.9

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-7194.

15. Basis of Claim: License

Page 1 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1PN: 572-8428Name of Applicant Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah corporation sole Phone 801-240-4657Post Office address 50 East North Temple, Salt Lake City, UT 84150-6321

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant proposes moving the water rights to applicant's land for irrigation of 4.0 acres.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------------------------|------------------|------------------------------|-------------------|----------------------------------|
| <u>TBD</u>
(portion of 63-9972) | <u>12/9/1983</u> | <u>0.024 cfs/ 5.4 ac-ft</u> | <u>irrigation</u> | <u>Mar. 15</u> to <u>Nov. 15</u> |
| <u>TBD</u>
(portion of 63-4949) | <u>1/1/1954</u> | <u>0.036 cfs</u> | <u>irrigation</u> | <u>Mar. 15</u> to <u>Nov. 15</u> |
| <u>TBD</u>
(portion of 63-7194) | <u>2/07/1969</u> | <u>0.027 cfs / 7.2 ac-ft</u> | <u>irrigation</u> | <u>Apr. 1</u> to <u>Nov. 1</u> |

2. Total amount of water being transferred 0.087 cubic feet per second and/or _____ acre-feet per annum.3. Source of water groundwater tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	16	3N	3W	Canyon	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3W	16						4.0											4.0

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MAR 29 2005

Total Acres 4.0

PART 1

6. General Information:

- a. Description of diversion system Well with electric pump, pipe to sprinklers.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. NA – See attached water right purchase agreements.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land formerly irrigated by 63-4949 is now irrigated from a municipal source. Land formerly irrigated by 63-9972 will no longer be irrigated from a groundwater source. Land formerly irrigated by 63-7194 will no longer be irrigated.
- d. Remarks:
See attached site map for depiction of landscape area within 6.69 acre parcel. Proposed place of use currently receives water from Wilder Irrigation District. The proposed place of use will be excluded from the irrigation district following approval of this transfer and prior to diverting water under this transfer. Applicant proposes to provide proof of exclusion as a condition of transfer.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4949 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership
Label document as attachment A. Check appropriate box below:☐ Tax Notice ☐ Warranty Deed ☐ Other _____3. Source of water groundwater tributary to NA4. Date or priority 1/1/1954

5. Water is used for the following purposes:

amount 0.090 cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.090 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SE	SW	NE	21	3N	2W	Canyon	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2W	21			3.0														3.0

Total Acres 3.09. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes If yes, describe Well was capped after a fire in September 1995, but claim has been pending in SRBA since that time

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.036 cfs for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SE	SW	NE	21	3N	2W	Canyon	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2W	21			1.2														1.2

Total Acres 1.2

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.054 cfs for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SE	SW	NE	21	3N	2W	Canyon	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2W	21			1.8														1.8

Total Acres 3.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. 63-9972 on file with the Idaho Department of Water Resources.
- h. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other See attached affidavits, etc.3. Source of water groundwater tributary to NA4. Date or priority 12/9/1983

5. Water is used for the following purposes:

amount 0.60 cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.60 cubic feet per second and/or 135.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			30														30

Total Acres 309. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.024 cfs/5.4 ac-ft for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			1.2														1.2

Total Acres 1.2

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.576 cfs/129.6 ac-ft for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			28.8														28.8

Total Acres 28.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-7194 issued by the Idaho Department of Water Resources.
- c. Claim No. 63-7194 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership
Label document as attachment A. Check appropriate box below:☐ Tax Notice☒ Warranty Deed☒ OtherPurchase agreement3. Source of water Ground Water tributary to NA4. Date or priority 2/7/1969

5. Water is used for the following purposes:

amount 2.38 cfs / 642 ac-ft for irrigation purposes from Apr. 1 to Nov. 1
(cfs/ac-ft)6. Total amount of water under right 2.38 cubic feet per second and/or 642 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	21	1N	1W	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1W	21	38	31.5	33	40													142.5

Total Acres 142.59. Describe any other water rights used for the same purpose as described above none

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.027 cfs / 7.2 ac-ft for irrigation purposes from Apr. 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	21	1N	1W	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1W	21				1.6													1.6

Total Acres 1.6

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.353 cfs / 634.8 ac-ft for irrigation purposes from Apr. 1 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	21	1N	1W	Ada	

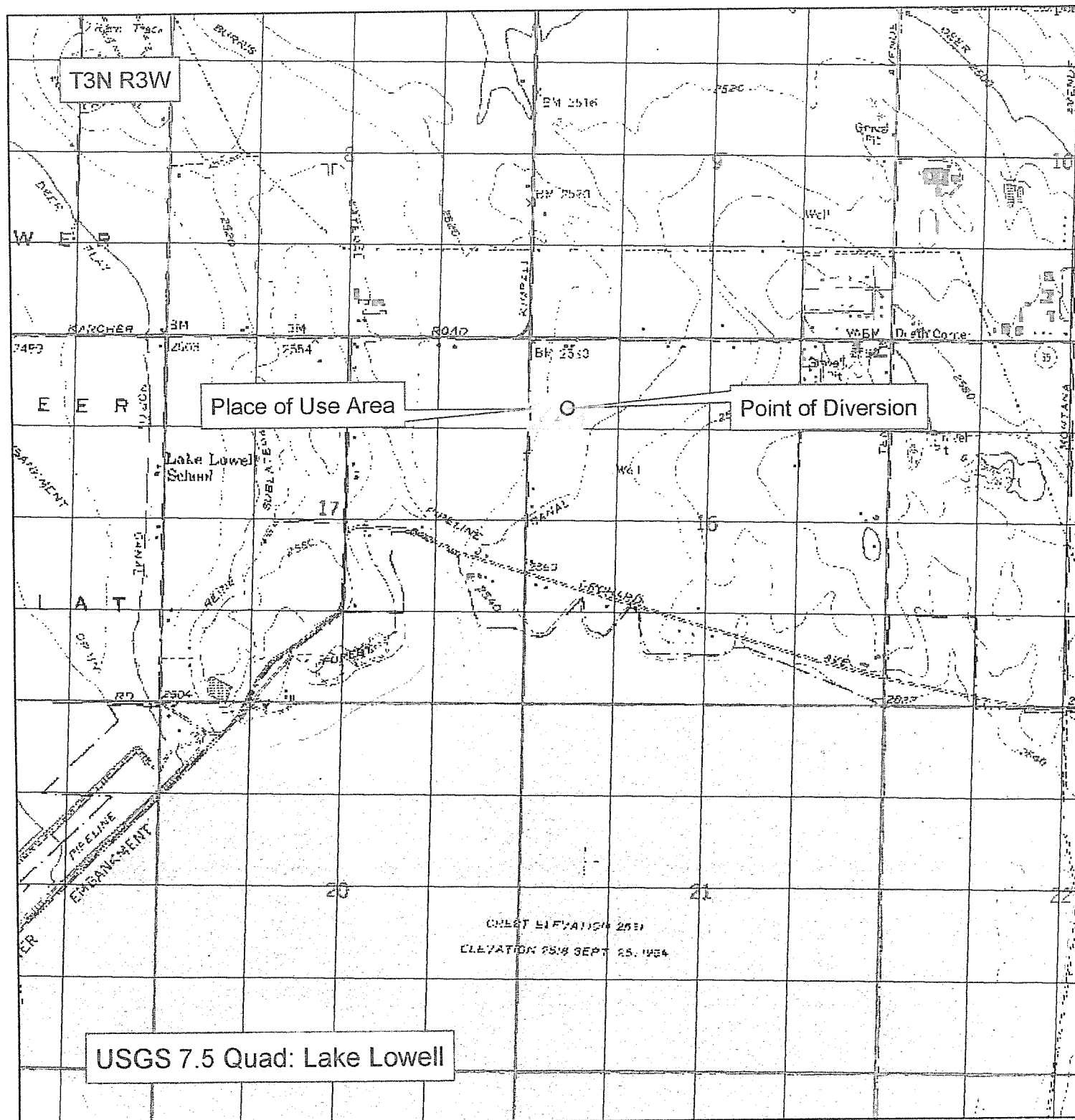
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1W	21	38	31.5	33	38.4													140.9

Total Acres 140.9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

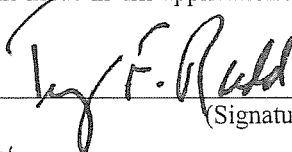
1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
_____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

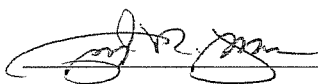
I understand that any willful misrepresentations made in this application may result in voiding its approval.

GSC



(Signature of Applicant)

Subscribed and sworn to before me this 18th day of March, 20 05



(Notary Public)

My commission expires 9.25.08



GORDON R. JESSEE
NOTARY PUBLIC - STATE OF UTAH
50 E. North Temple, 12th Floor
Salt Lake City, UT 84150
My Comm. Exp. 09/25/2008

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments
Received by _____ Date _____ Protest filed by _____
Prelim. Check by _____ Fee _____
Receipted by _____ Date _____
Published in _____ Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
_____ received _____ by _____

Copy of transfer sent to lien holder _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-7194
Date Received: 7/24/1989
Receipt No: C008459
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MELLIN PROPERTIES LIMITED PARTNERSHIP Phone: (208)322-7500

4500 N TUMBLEWEED
BOISE ID USA 83713

2. Date of Priority: 02/07/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	01W	21	SW NE	ADA	

5. Description of diverting works:

12" WELL WITH 8" PUMP & 125 HP ELECTRIC MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.38	642

7. Total Quantity Appropriated is:
2.38 C.F.S. and/or 642 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
01N	01W	21	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	31.5
			SW	NE	IRRIGATION	33
			SE	NE	IRRIGATION	40
					Section Acres	142.5
					Total Acres	142.5

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CHANGE OF OWNERSHIP 12/6/04

ADDRESS CHANGE RECD 04/21/95 SS.

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-7194				

2. The following **REQUIRED** information must be submitted with this form:

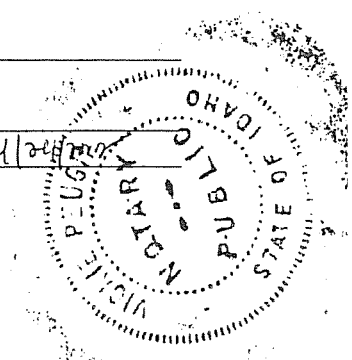
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

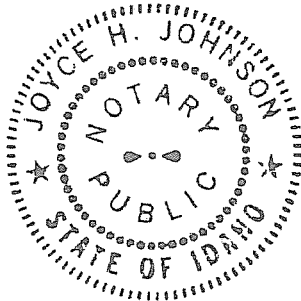
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) RALPH MELLIN
4500 N TWIMBLEWEED, BOISE 83713
4. New Owner/Claimant(s) * MELLIN PROPERTIES LIMITED PARTNERSH
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address N/C
- City, State and ZIP Code N/C
- New Telephone Number (208) 322-7500 + 208 250 2963
5. Date you acquired the property November 30, 2001 *RM*

* RALPH MELLIN, GENERAL PARTNER



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Joyce H. Johnson
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 1/27/2005

QUITCLAIM DEED - 2

G:\Clients\MMellin Family Limited Partnership\Misc\4Quitclaim deed.wpd

STATE OF IDAHO, COUNTY OF ADA, ss.

I, J. David Navarro, Recorder for Ada County, do hereby certify that the Annexed is a full, true and correct copy of Inst. No. 1005870911 as it appears on record in Book _____ of _____

_____ at Page _____ Records of Ada County, State of Idaho.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal this 23 day of August, 2004

J. DAVID NAVARRO, Recorder

By [Signature] Deputy

302 E. Avalon, Kuna, ID 83634

QUIT CLAIM DEED

3858523

QCD

To All People To Whom These Presents Shall Come, Greetings;

KNOW YE, THAT I,

(Name) Ralph J. Mellin, in conformity with the terms of a certain

Declaration of Trust executed by me under date of _____, do by these presents release and forever Quit-Claim to myself as Trustee under the terms of such Declaration of Trust, and to my successors as Trustee under the terms of such Declaration of Trust, all right, title, interest, claim and demand whatsoever which I as Releasor have or ought to have in or to the property located at: NE1/4 of section 21, township 1 North, Range 1 West, of the Boise Meridian, Ada County, Idaho. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; including all water and water rights, ditches and ditch rights owned and used in connection therewith; subject to all easements and rights of way of record or appearing on the land.

1090060013

The consideration for this transfer is less than One Dollar.

Ada County, Idaho
Request of Ralph Mellin
TIME 9:15 AM
DATE 11-30-88
JOHN CASTIDA
RECORDER
By Castida
Deputy 6.00

Being the same premises earlier conveyed to the Releasor by an instrument dated October 26, 1970 and recorded as #852045, Page _____ of the Ada County Land Records.

To Have and to Hold the premises, with all the appurtenances, as such Trustee forever; and I declare and agree that neither I as an individual nor my heirs or assigns shall have or make any claim or demand upon such property.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this Twenty-fifth day of January, 1988.

Ralph J. Mellin L.S.
Releasor (Owner)

I, the undersigned legal spouse of the above Releasor, hereby waive all community property, dower or curtesy rights which I may have in or to the hereinabove-described property.

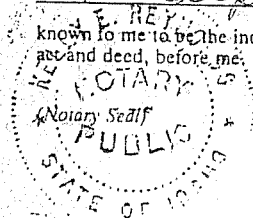
(Spouse) _____ L.S.

Witness: (1) _____ Witness: (2) _____

1080000014

STATE OF Idaho City or Town Boise
COUNTY OF Ada
On the 25th day of January, 1988 personally appeared

Ralph J. Mellin
known to me to be the individual(s) who executed the foregoing instrument, and acknowledged the same to be his free act and deed, before me.



George E. Reed
Notary Public

Quit Claim Deed

From

Ralph J. Mellin

To

Ralph J. Mellin, Trustee

Received for record _____, 19____

at _____ and recorded in
Time

Vol. _____ on Page _____

of the _____ Land Records

by _____

Authorized Official

The property affected by this instrument is situated in the City/Town of _____

County of _____

State of _____

After recording, please return this instrument to: _____

RECEIVED

APR 24 1995

WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-07194
Date Received: 7/24/1989
Receipt No: C008459
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RALPH MELLIN
Address: 4500 N TUMBLEWEED
BOISE ID

208-322-7500

83713-2500

2. Date of Priority: FEB 7, 1969

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	21	SW	NE			ADA

5. Description of diverting works:
12" WELL WITH 8" PUMP & 125 HP ELECTRIC MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.380		642.00

7. Total Quantity Appropriated is:
2.380 C.F.S. (and/or) 642.00 A.F.A.

8. Total consumptive use is 642.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	21	NE	NE		IRR	38.0
			NW	NE		IRR	31.5
			SW	NE		IRR	33.0
			SE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	142.5
					Total Acres	142.5

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
ADDRESS CHANGE REC'D 04/21/95 SS.

15. Basis of Claim: LICENSE

RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

APR 21 1995

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____.
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

Ralph Mellin

A60 A63-07194

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

address change only

☐ New Owner/Claimant
(Purchaser): _____

Ralph Mellin

☐ New Mailing Address: _____

4500 N Tumbleweed

Boise, ID 83713-2500

☐ New Telephone Number: _____

(208) 322-7500

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ____yes____no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s) _____

Ralph Mellin

Date 4/21/95

Date _____

☐ Signature of Former
Owner/Claimant(s): _____

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4-21-95 By: S. Sherman

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-07194
Date Received: 7/24/1989
Receipt No: C008459
Received By: RA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALPH MELLIN 208-922-4367
Address: 302 E. AVALON
KUNA, ID 83634

2. Date of Priority: FEB 07, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	21	SW	NE			ADA

5. Description of diverting works:
12" WELL WITH 3" PUMP & 125 HP ELECTRIC MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.380		642.00

7. Total Quantity Appropriated is:
2.380 C.F.S. (and/or) 642.00 A.F.A.

8. Total consumptive use is 642.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	21	NE	NE		IRR	38.0
			NW	NE		IRR	31.5
			SW	NE		IRR	33.0
			SE	NE		IRR	40.0

Section Acres 142.5

A63-07194

Page 1

Date: 07/24/89

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Total Acres 142.5

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: ³⁹⁵⁷⁶
Ident. Number Al3-07194
Date Received 7-24-89 QAT
Receipt Number CO08459

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ralph Mellin Phone (208) 922-4367 evs
Mailing Address 302 E. Avalon, Kuna, ID Zip 83634

2. Date of Priority (Only one (1) per claim) February 7, 1969

3. Source of water supply (a) underground
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 1 N. Range 1 W Section 21,
SW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Twelve inch well with

eight inch pump & 125 Hp electric motor

MICROFILMED

AUG 21 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to November 1 amount 2.38 or 642

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.38 (cfs) and/or (b) 642 (acre feet)

8. Total consumptive use claimed is 642 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	1W	21	38	31.5	33	40													142.5

Total number of acres irrigated 142.5

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

MICROFILMED

AUG 21 1992

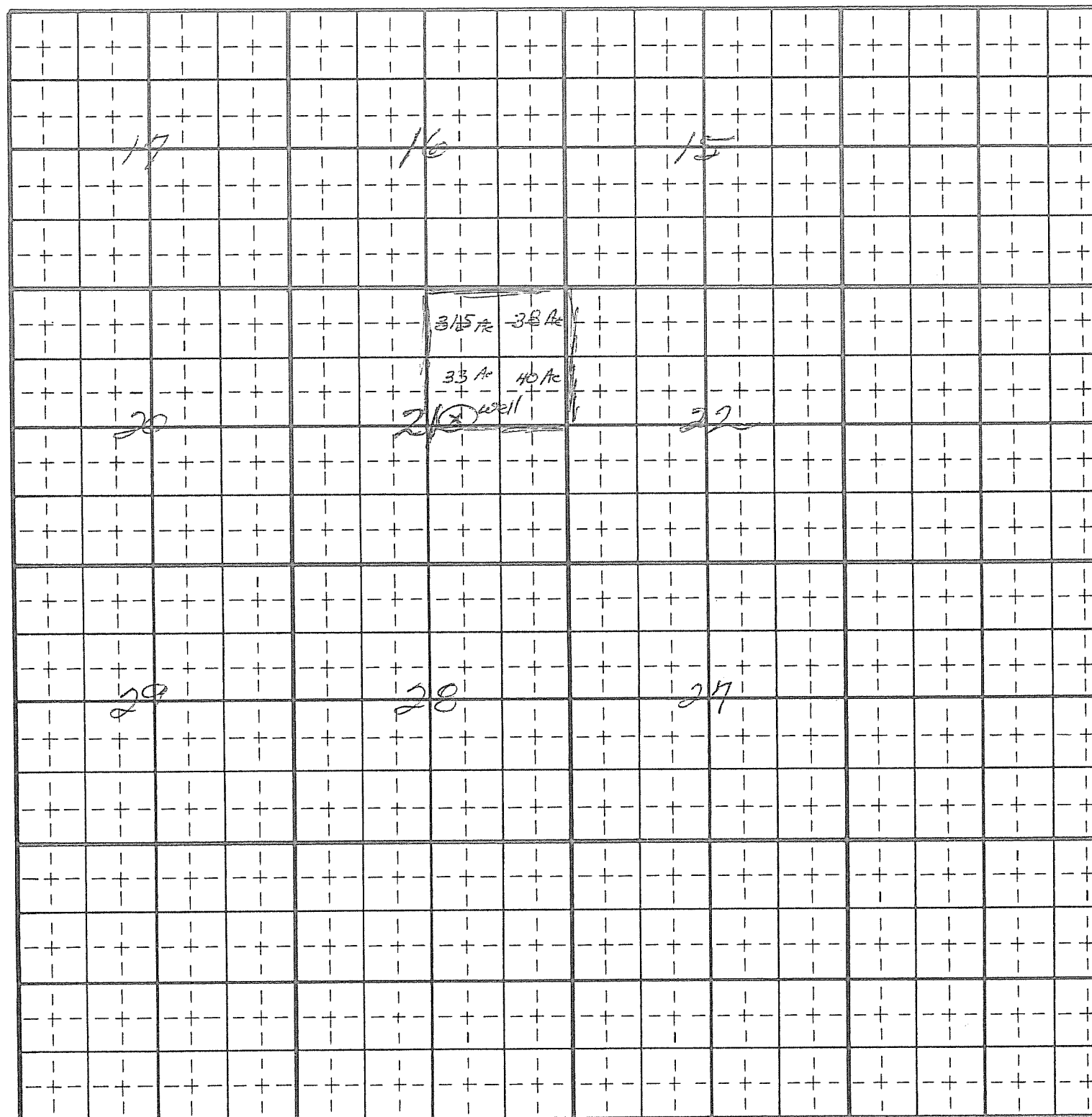
Last Name Mellin Ident No. 63-7194

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

T. 1 N., R. 1 W. B. M.



MICROFILMED

AUG 21 1992

Last Name Mellin Ident No. 63-7194

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-7194
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Ralph Mellin Date July 24, 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24 day of July 19 89

SEAL

Notary Public Helen Harrington
Helen Harrington, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

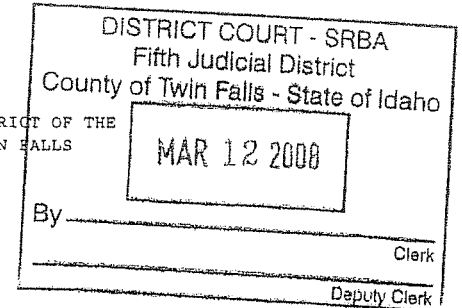
MICROFILMED
AUG 21 1992

Last Name Mellin Ident. Number 63-7194

Copies White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-32397



NAME AND ADDRESS: TUSCANY DEVELOPMENT INC
C/O GREG JOHNSON
PO BOX 344
MERIDIAN, ID 83680

SOURCE: GROUND WATER

QUANTITY: 0.05 CFS
12.60 AFY

PRIORITY DATE: 02/07/1969

POINT OF DIVERSION: T01N R01W S21 SWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.05 CFS 12.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Ada County
T01N R01W S21 SENE 2.8
2.8 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is heraby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

MAR 12 2008

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-32397 File Number: 01746

PAGE 1
Mar-07-2008

RECEIVED

MAR 13 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 2008	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-32094,
) ~~63-32397~~, 63-32398, 63-32399, 63-32400,
) 63-32401, 63-32654, 63-32655, 63-32656,
) 63-32677, 63-32893, and 63-32894
)
) DISALLOWED NOS. 63-32396, 63-32653,
) and 63-32676

I. FINDINGS OF FACT

A notice of claim was filed for water right 63-07194 by Ralph Mellin. Subsequent to the filing of the claim, the right was split into water rights 63-32093 and 63-32094. Water right 63-32093 was then split into rights 63-32396, 63-32397, 63-32398, 63-32399, 63-32400, and 63-32401. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of water rights 63-32396, 63-32397, 63-32398, 63-32399, 63-32400, and 63-32401.

On June 14, 2007, Mellin Properties Limited Partnership filed an objection to the *Director's Report* for water right 63-32396. Water right 63-32396 was split into water rights 63-32653, 63-32654, 63-32655, and 63-32656. Water right 63-32653 was split into water rights 63-32676 and 32677. Water right 63-32676 was split into water rights 63-32893 and 63-32894. On March 6, 2008, Mellin Properties Limited Partnership filed a *Notice of Withdrawal of Objection* in subcase 63-32893.

II. CONCLUSIONS OF LAW

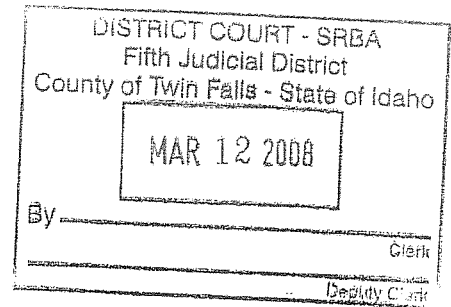
Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 63-32094, 63-32397, 63-32398, 63-32399, 63-32400, 63-

32401, 63-32654, 63-32655, 63-32656, 63-32677, 63-32893, and 63-32894 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right numbers 63-32396, 63-32653, and 63-32676.

Dated March 12 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-32094
(SEE ATTACHED EXHIBIT A)

On March 12, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 12, 2008.

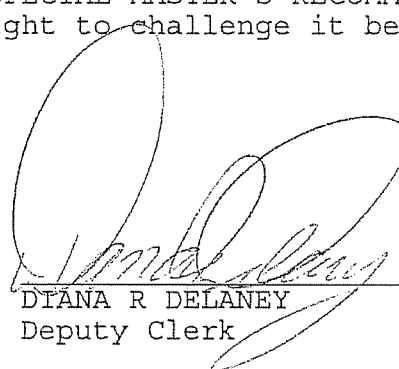
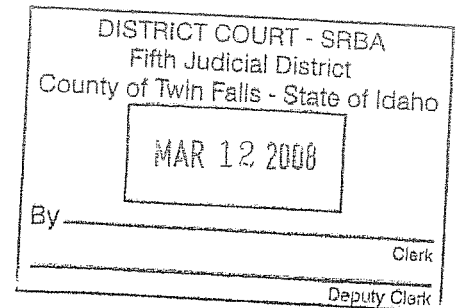

DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-32094
63-32396
63-32397
63-32398
63-32399
63-32400
63-32401
63-32653
63-32654
63-32655
63-32656
63-32676
63-32677
63-32893
63-32894



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-32094
(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 12, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MELLIN PROPERTIES LIMITED
PARTNERSHIP
RALPH MELLIN, GENERAL PARTNER
4500 N TUMBLEWEED LN
BOISE, ID 83713-2500
Phone: 208-322-7500

PEREGRINE SPRINGS LTD CO
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

CERTIFICATE OF MAILING

PAGE 1
03/10/08

MELLIN PROPERTIES LP

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

TUSCANY DEVELOPMENT INC
C/O GREG JOHNSON
PO BOX 344
MERIDIAN, ID 83680
Phone: 208-888-9946

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY, UT 84150
Phone: 801-240-4074

PARAMOUNT LLC
12601 W EXPLORER DR STE 200
BOISE, ID 83713

EAGLE PRECAST COMPANY
20059 SIMPLOT BLVD
CALDWELL, ID 83607
Phone: 208-454-8116

SHAWN MIKELSON
20755 RODEO LN
WILDER, ID 83676

CYNTHIA MUELLER
MICHAEL COHEN
24431 HAWK LN
MIDDLETON, ID 83644
Phone: 208-286-0725

JASON BLANDFORD
MARCI BLANDFORD
25513 WAGNER RD
CALDWELL, ID 83607

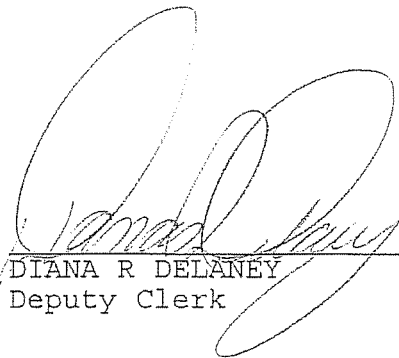
CERTIFICATE OF MAILING

PAGE 2
03/10/08

6020 SE 10TH AVE
CALDWELL, ID 83605

PEREGRINE SPRINGS LTD CO
726 S VISTA AVE
BOISE, ID 83705

DELMY LYNN
SEAN LYNN
7756 LOMA LINDA RIDGE RD
NAMPA, ID 83686-5885
Phone: 208-461-0038



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 3
03/10/08

ELIZABETH DUESMAN
KEVIN G DUESMAN
3555 E BARBER DR
BOISE, ID 83716
Phone: 208-343-3714

BERNARD CHOUTCHOURROU
TONI CHOUTCHOURROU

Exhibit A

Subcase Nos:

63-32094
63-32396
63-32397
63-32398
63-32399
63-32400
63-32401
63-32653
63-32654
63-32655
63-32656
63-32676
63-32677
63-32893
63-32894

08/31/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32397

NAME AND ADDRESS: TUSCANY DEVELOPMENT INC
C/O GREG JOHNSON
PO BOX 344
MERIDIAN ID 83680

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
12.600 AFY

PRIORITY DATE: 02/07/1969

POINT OF DIVERSION:

T01N R01W S21 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.050 CFS

12.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T01N R01W S21 SENE 2.80

2.8 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-32093.

Idaho Department of Water Resources

T01N, R01W,
S21

Claim No: 63-32397
Prepared By: Kimberly Brown
Date: August 31, 2006



Place of Use



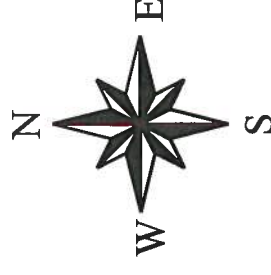
Section Lines



1/4 1/4

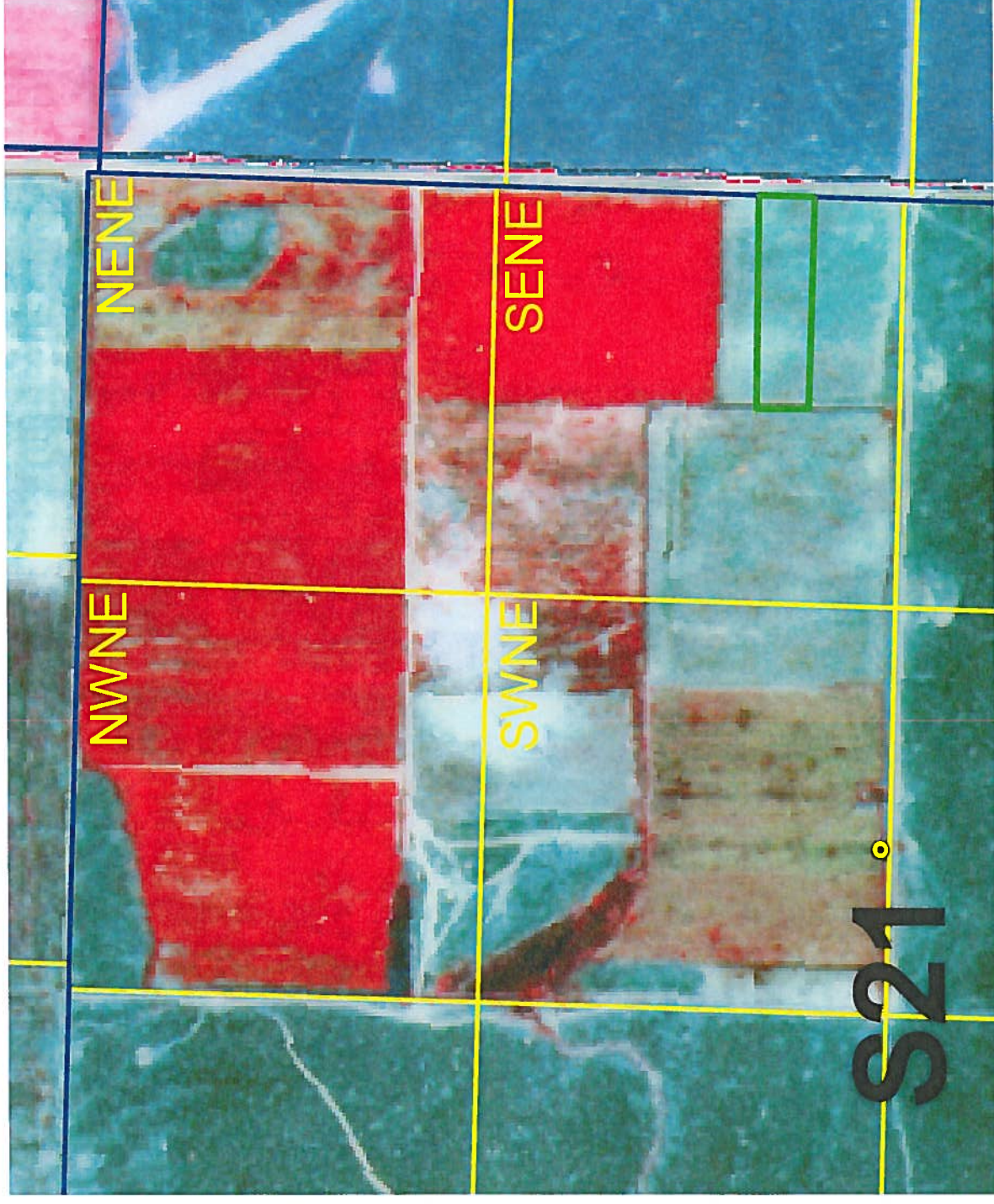
● Point of Diversion

Acres Irrigated = 2.8



300 0 300 600 Feet

1987 NAPP



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32397

WATER RIGHT NUMBER: 63-32397

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RALPH J MELLIN 4500 N TUMBLEWEED LN #63-7194 BOISE, ID 83713-2500 (208)322-7500
Original Owner	MARION SCHMELZEL RT 1 NEW PLYMOUTH, ID 83655
Original Owner	MELLIN PROPERTIES LIMITED PARTNERSHIP RALPH MELLIN, GENERAL PARTNER #63-32093 4500 N TUMBLEWEED LN BOISE, ID 83713-2500 (208)322-7500
Current Owner	TUSCANY DEVELOPMENT INC ✓ C/O GREG JOHNSON PO BOX 344 #63-32397 MERIDIAN, ID 83680 (208)888-9946

Priority Date: 02/07/1969 ✓

Basis: License

Status: Active

$$\begin{aligned} \text{CFS FACTOR} &= 0.016678495 \\ &\times 2.8 \text{ AC} \\ \hline &0.0467 \Rightarrow 0.05 \text{ (round-up)} \\ &\text{cfs} \end{aligned}$$

Source

GROUND WATER ✓

TributaryBeneficial Use

IRRIGATION ✓

From To

04/01 to 11/01 ✓

Diversion Rate

0.050 CFS ✓

Annual Volume

12.60 AF ✓

Total Diversion:

0.050 CFS ✓

12.60 AF ✓

Location of Point(s) of DiversionGROUND WATER
ADA County ✓

SW1/4NE1/4 ✓

Sec. 21, Twp 01N, Rge 01W, B.M. ✓

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 01N	01W	21				2.8													2.8 ✓

Total Acres: 2.8 ✓

Conditions of Approval:

1.

This right is a split from former right 63-32093

ADD P21 - remove space

ADD S39 - Season of use is 3/1 to 11/15.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32397

~~2 P21 This right is a split from former right 63-7194.~~

REMOVE (too confusing to have
the "grand"-parent
right listed also)
-KB

Remarks:

Comments:

Water Supply Bank:

Parent

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32093

WATER RIGHT NUMBER: 63-32093

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RALPH J MELLIN 4500 N TUMBLEWEED LN BOISE, ID 83713-2500 (208)322-7500
Original Owner	MARION SCHMELZEL RT 1 NEW PLYMOUTH, ID 83655
Current Owner	MELLIN PROPERTIES LIMITED PARTNERSHIP RALPH MELLIN, GENERAL PARTNER 4500 N TUMBLEWEED LN BOISE, ID 83713-2500 (208)322-7500

Priority Date: 02/07/1969

Basis: License

Status: Parent

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	2.350 CFS	634.80 AF
	<u>Total Diversion:</u>	2.350 CFS	634.80 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 21, Twp 01N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	21	38.0	31.5	31.4	40.0													140.9

Total Acres: 140.9

Conditions of Approval:

1. P21 This right is a split from former right 63-7194.
2. SPLIT RIGHT: SEE RIGHT NOS. 63-32396 and 63-32397 and 63-32398 and 63-32399 and 63-32400 and 63-32401.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-32093

Comments:Dates and Other Information:

Claim Received Date: 7/24/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-32396 thru -32401
Shapefiles**

August 31, 2006

Since Scott King did not include a project map depicting the Cynthia Mueller/Michael Cohen acquired portion of 63-32093, I requested an electronic version of the shapefile. Since all of the shapefiles for the other 4 splits were a paper version attached to their appropriate *Notice of Change in Water Right Ownership* form, I used Scott King's 63-32398 Mueller/Cohen electronic shape as the beginning basis on which to then create the 63-32397, 63-32401, then 63-32400 shapefiles.

Kimberly Brown
Senior Water Resource Agent
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

August 24, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Tuscany Development Company
C/o Greg Johnson
PO Box 344
Meridian ID 83680

Re: Original Notice of Claim to a Water Right No. 63-7194
Renumbered Notice of Claim to a Water Right No. 63-32397

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosure

08/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32093

NAME AND ADDRESS: MELLIN PROPERTIES LIMITED PARTNERSHIP
RALPH MELLIN, GENERAL PARTNER
4500 N TUMBLEWEED LN
BOISE ID 83713-2500

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.350 CFS
634.800 AFY

PRIORITY DATE: 02/07/1969

POINT OF DIVERSION:

T01N R01W S21 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

2.350 CFS
634.80 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T01N R01W S21 NENE 38.00

T01N R01W S21 NWNE 31.50

T01N R01W S21 SWNE 31.40

T01N R01W S21 SENE 40.00

140.9 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-7194.

Idaho Department of Water Resources

T01N, R01W,
S21

Claim No: 63-32093
Prepared By: Kimberly Brown
Date: August 21, 2006

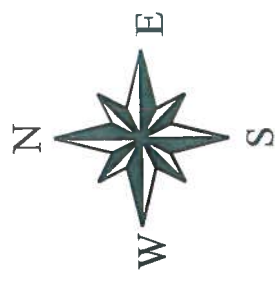
 Place of Use

 Section Lines

 1/4 1/4

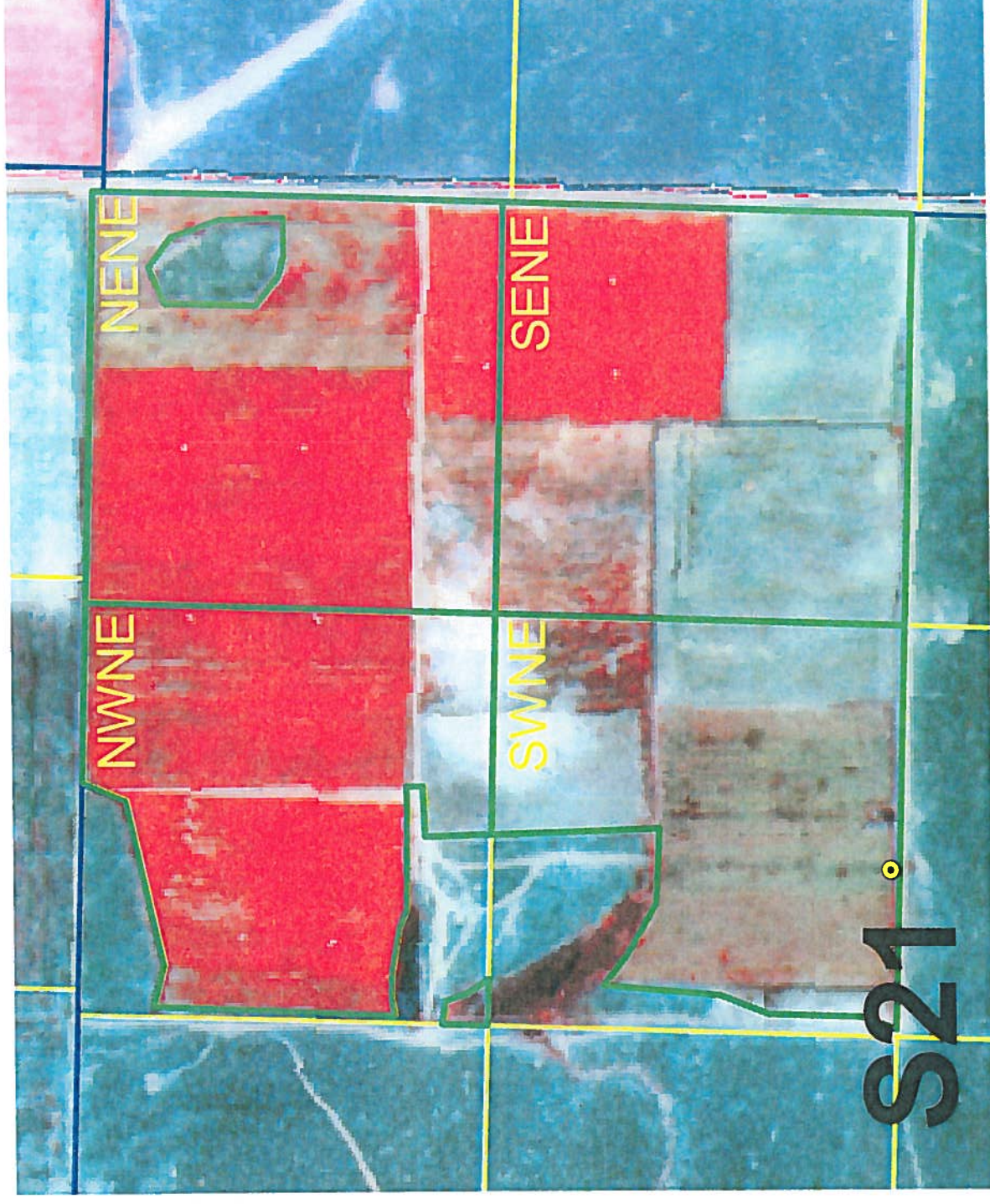
 Point of Diversion

Acres Irrigated = 140.9



300 0 300 600 Feet

1987 NAPP



63-7194 (split)

63-32093

63-32094

(Transfer No. 72071:
→ 1.6 AC in SWNE

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32093

WATER RIGHT NUMBER: 63-32093 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RALPH J MELLIN 4500 N TUMBLEWEED LN BOISE, ID 83713-2500 (208)322-7500
Original Owner	MARION SCHMELZEL RT 1 NEW PLYMOUTH, ID 83655
Current Owner	MELLIN PROPERTIES LIMITED PARTNERSHIP ✓ RALPH MELLIN, GENERAL PARTNER 4500 N TUMBLEWEED LN BOISE, ID 83713-2500 (208)322-7500

Priority Date: 02/07/1969 ✓

Basis: License ✓

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	04/01 to 11/01 ✓	2.350 CFS ✓	634.80 AF ✓
	<u>Total Diversion:</u>	2.350 CFS ✓	634.80 AF ✓

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4 ✓	Sec. 21, Twp 01N, Rge 01W, B.M. ✓
ADA County ✓		

Place of Use ✓
IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
✓ 01N	01W	21	38.0	31.5	31.4	40.0												140.9	

Total Acres: 140.9

+1.6
34.0

Transfer No. 72071 (LDS)

Conditions of Approval:

1. P21 This right is a split from former right 63-7194.

Remarks:

ADD 339 - Season of use is 3/1 to 11/15.

ADD -

Page 1 of 6

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 1000

MAY 31 2005

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

WATER RESOURCES
WESTERN REGION
Name of Applicant

BERNARD and/or TONI CHOUTCHOUROU

Phone (208) 459-1898

Post Office address 6020 SE 10th AVE, CALDWELL, ID 83605

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant has acquired a 30-acre portion of water right 63-7194 and proposes moving right to applicant's operation and changing the nature of use from irrigation to stockwater.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- TBD* Feb 7, 1969 0.50 cfs/135.2 ac-ft stockwater 1/1 to 12/31
- *portion of 63-7194 _____ to _____
- _____ to _____
2. Total amount of water being transferred 0.50 cubic feet per second and/or 135.2 acre-feet per annum.
3. Source of water GROUNDWATER tributary to N/A
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres

SPLITS FROM WATER RIGHT 63-7194 MELLIN PROPERTIES

NAME OF SPLIT	AGENT	DATE FILED	RIGHT NUMBER MITIGATED OR TRANSFER NUMBER	TRANSFER OR MITIGATION	DIVERSION RATE REMOVED(cfs)	DIVERSION VOLUME REMOVED(afa)	ACRES REMOVED
ORIGINAL RIGHT	N/A	5/9/1977	N/A	N/A	2.38	642	142.5
TUSCANY DEVELOPMENT CORP	SL	11/12/2004	63-32052	MITIGATION	0.06	12.6	2.8
EAGLE PRECAST	LG	2/25/2005	63-32084	MITIGATION	0.03	6.75	1.5
LDS CHURCH	DAN	4/20/2004	UNKNOWN	TRANSFER	0.03	7.2	1.6
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
REMAINING RATES AND ACRES					2.26	615.45	136.6

PLEASE NOTE: In order to calculate diversion rate and volume simply add in the amount of acres being retired.

Found in
AWOO common
AS TRANSFER SHAPES

63-32093

REMAINING SHAPE AFTER TRANSFER
FOR WATER RIGHT 63-32093
CREATED BY DAN NELSON



Parent -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7194

WATER RIGHT NUMBER: 63-7194

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARION SCHMELZEL RT 1 NEW PLYMOUTH, ID 83655
Original Owner	RALPH MELLIN 4500 N TUMBLEWEED BOISE, ID 83713-2500 (208)322-7500
Current Owner	MELLIN PROPERTIES LIMITED PARTNERSHIP 4500 N TUMBLEWEED BOISE, ID 83713 (208)322-7500

Priority Date: 02/07/1969

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.380 CFS	642.00 AF
	<u>Total Diversion:</u>	2.380 CFS	642.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 21, Twp 01N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	21	38.0	31.5	33.0	40.0													142.5

Total Acres: 142.5

Conditions of Approval:

1. ADDRESS CHANGE RECD 04/21/95 SS.
2. CHANGE OF OWNERSHIP 12/6/04

Remarks:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7194 Priority Feb. 7, 1969 Amount 2.38 cfs

THIS IS TO CERTIFY, that RALPH MELLIN
of Kuna, Idaho, has complied with the terms and conditions of Permit
No. 63-7194 issued pursuant to Application for Permit dated February 7, 1969,
and has submitted proof to the Department of Water Resources on July 30, 1975,
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 2.38 cfs of water from a ground water 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>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.38</u> cfs and	<u>642 acre feet or</u>
	from _____ to _____	_____ cfs and	<u>4.5 af per acre</u>
	from _____ to _____	_____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 2.38 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 is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
642 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 21,
Twp. 1 N, Rge. 1 W, B.M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 N	1 W	21	38	31.5	33	40													142.5

Total number of acres irrigated 142.5

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

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 15 day of
November, 19 76.

Director

Rge. 1W

T
L
N

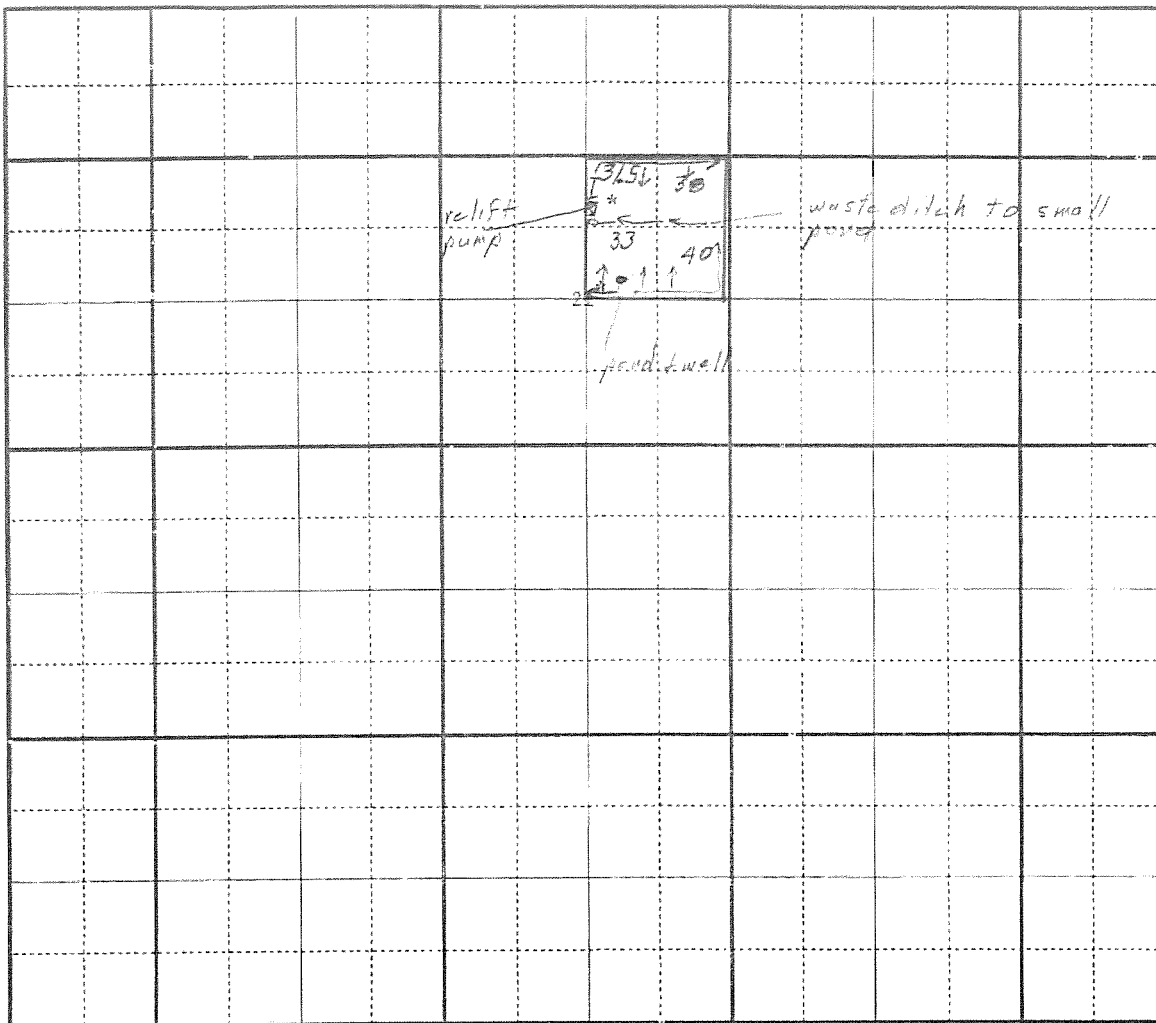


Diagram of System

RECEIVED

JUL 22 2005

WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: JAN SHURTE

FROM: KAY WALKER *kay*

RE: Mitigation Permits – Update to Recommendations Needed

Date: July 21, 2005

*on mellin 63-7194
& 63-0144C(x2)*

.....

As I previously discussed with you, we recently approved some permits that will be mitigated through rights that have been recommended in the SRBA. I tried to update the "Mellin" right and just messed up the data base so decided that I should not touch rights that are in the recommendation stage of SRBA.

You need to have your staff go into the recommendations and change portions of the irrigation use to mitigation (mitigation is now a use in the drop down boxes in workflow) as shown on the attached permit approvals. I have attached copies of the permits and the instructions that I have been using to update water right records when the mitigation right is not involved in the SRBA. If you want to see how the right is suppose to look after updating you can go into Claim 37-21114 for an example (Kelly Christensen just completed). There was one thing in Kelly's update that is missing and that is that he did not include a comment that identifies which permit is being mitigated (which will be very helpful in the future if someone is looking at that right). You could also reference 72-106J in water right side – I did that one last September and have attached a water right report for your convenience.

If you have questions regarding this, please let me know and I'll try to help you out as best as I can.

TL SLE 63-7194

SEE Approval Condition #7
on page 2

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32052

Priority: November 12, 2004

Maximum Diversion Rate: 0.20 CFS

This is to certify, that TUSCANY DEVELOPMENT INC
PO BOX 344
MERIDIAN ID 83680

has applied for a permit to appropriate water from:

Source: GROUND WATER
GROUND WATER

Tributary: BOISE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
AESTHETIC STORAGE	01/01 to 12/31		16.8 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County

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	
03N 01E 29					X	X	X	X									

CONDITIONS OF APPROVAL

- Proof of application of water to beneficial use shall be submitted on or before May 01, 2010.
- Subject to all prior water rights.
- Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- Water bearing zone to be appropriated is from 0 to 250 feet.
- The well to be developed under this right shall be cased to a depth of at least 150 feet.

SCANNED
JUN 13 2004

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32052

7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below.

Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Volume	Mitigation Acres
63-7194	Irrigation	0.05 cfs	12.6 af	2.8

The land that will no longer be irrigated under this right is located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, S21, Twp. 01N, Rge. 01W.

Prior to the diversion and use of water under this right, the right holder shall demonstrate ownership of the mitigation right to the Department pursuant to Idaho Code Section 42-248. When the ownership change is complete, the official record for the mitigation water right will be changed to show that diversion and use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation purposes. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right shall be reduced by the same proportion as the reduction to the mitigation right.

8. Water for the initial filling of the ponds under this right shall be provided through the rental of 16.8 acre feet of water from the State Water Supply Bank or from some other source of water authorized by the Department.
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
11. Place of use under this right is also known as Tuscany Subdivision.
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Note:

there is a shape for mitigation under WR #63-32124 which we plan to delete once you have completed your update - Please let me know.

Code. Witness the signature of _____, 2005.

Spackman
RL J DREHER, Director

SCANNED
JUN 13 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AJ - Kimberly
WR - Lori G.

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant MICHAEL COHEN and CYNTHIA MUELLER Phone (208) 286-0725

Post Office address 7404 LANKTREE LANE MIDDLETON, ID 83644

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant has purchased a portion of water right 63-7194 and proposes moving right to applicant's lands for irrigation purposes.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
TBD* Feb 7, 1969 0.03 cfs / 9.0 ac-ft irrigation April 1 to Nov 1,
*portion of 63-7194 now = 63-32093 from prior action
2. Total amount of water being transferred 0.03 cubic feet per second and/or 9.0 acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NE	NW	SE	35	05N	02W	ADA	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	2W	35														2			2

RECEIVED
JUN 15 2005

Total Acres 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant KEVIN and ELIZABETH DUESMAN Phone (208) 343-3714

Post Office address 3555 E. BARBER DR BOISE, IDAHO 83716

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant has purchased water right and proposes moving right to
applicant's land for irrigation use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
TBD* Feb 7, 1969 0.05 cfs / 13.5 ac-ft irrigation April 1 to Nov 1
*portion of 63-7194 _____ to _____
_____ to _____
2. Total amount of water being transferred 0.05 cubic feet per second and/or 13.5 acre-feet per annum.
3. Source of water GROUND WATER tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SE	NW	SE	19	03N	03E	ADA	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03E	19														3			3

RECEIVED

Total Acres 3

NOV 25 2005

WATER RESOURCES
WESTERN REGION