

12/18/2006

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

RIGHT NUMBER: 67-8004

NAME AND ADDRESS: SEWARD PROSSER MELLON
THOUSAND SPRINGS RANCH
C/O SCOTT CAMPBELL
PO BOX 829
BOISE ID 83701

SOURCE: GROUND WATER SPRINGS THOUSAND SPRINGS CREEK
TRIBUTARY: THOUSAND SPRINGS CREEK
TRIBUTARY: WEISER RIVER

QUANTITY: 4.610 CFS
1,060.000 AFY

The rights listed below are limited to a total combined diversion rate of 4.61 cfs and to a total combined annual diversion volume of 1038 AF. Combined Right Nos.: 67-2372 & 67-8004

Storage of water under the rights listed below are limited to a combine total of 19.0 acre feet per year. Combined Right No(s): 67-8004, & 67-14110

PRIORITY DATE: 09/19/1996

POINT OF DIVERSION:

T12N R04W S4 NWNE Lot 2 Within WASHINGTON County
T12N R04W S4 SWNE Within WASHINGTON County
T12N R04W S4 NWSE Within WASHINGTON County
T12N R04W S4 SNNWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	4.610 CFS
FIRE PROTECTION STORAGE	01/01 12/31	19.00 AFY
STOCKWATER	01/01 12/31	0.030 CFS 1.30 AFY
IRRIGATION FROM STORAGE	03/01 11/15	19.00 AFY
IRRIGATION	03/01 11/15	4.610 CFS 1,038.00 AFY
WILDLIFE STORAGE	01/01 12/31	19.00 AFY
STOCKWATER STORAGE	01/01 12/31	19.00 AFY
WILDLIFE	01/01 12/31	0.030 CFS 1.30 AFY
DOMESTIC	01/01 12/31	0.060 CFS 1.20 AFY
IRRIGATION STORAGE	01/01 12/31	19.00 AFY
Domestic use is for 2 homes.		

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R04W S04	SWNE	2.10	T12N R04W S04	NWSE	1.80
T12N R04W S09	NENE	1.80	T12N R04W S09	NWNE	13.00
T12N R04W S09	SWNE	9.20	T12N R04W S09	SENE	21.00
T12N R04W S09	NESE	31.00	T12N R04W S09	NWSE	4.90
T12N R04W S09	SESE	33.00	T12N R04W S10	SNNW	0.30
T12N R04W S10	NWSW	10.00	T12N R04W S10	SWSW	4.10

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

T12N R04W S15	NWNW	17.00	T12N R04W S15	SWNW	19.00
T12N R04W S15	NWSW	19.00	T12N R04W S16	NENE	24.00
T12N R04W S16	SENE	16.00	T12N R04W S16	NESE	3.40

IRRIGATION STORAGE in WASHINGTON County

T12N R04W S04 NWSE

STOCKWATER STORAGE in WASHINGTON County

T12N R04W S04 NWSE

WILDLIFE STORAGE in WASHINGTON County

T12N R04W S04 NWSE

DOMESTIC in WASHINGTON County

T12N R04W S04 NWSE

FIRE PROTECTION STORAGE in WASHINGTON County

T12N R04W S04 NWSE

STOCKWATER same as IRRIGATION

IRRIGATION FROM STORAGE same as IRRIGATION

WILDLIFE same as IRRIGATION

230.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 230.6 acres in a single irrigation season. Combined Right Nos.: 67-8004 & 67-2372

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

Parcel #(s): RP12N04W040000A

12/08/2006

NOTICE OF ERROR

REPLY

RECEIVED
DEC 08 2006
DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006.

Water right number: 67-8004

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER, PA 15658-0780
Telephone Number: (724) 238-6731

- Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity; Purpose and Period of Use; Place of Use

- Describe the changes you wish to make in the proposed recommendation:

Quantity: Add the following Water Right No. to the paragraph: "The rights listed below . . . Combined Right Nos.: 67-2372, & 67-8004 and 67-2373. *No - Not Claimed in SRBA C. Snyder 12-18-06*

Quantity: Delete the following language from the remark: "Storage of water under the rights listed below are limited to a combine total of 19.0 acres feet per year. Combined Right No (s) 67-8004 & 67-2373." *No. Pond Capacity is 19.0 AF. Max C. Snyder 12-18-06*

Purpose and Period of Use: Change the Period of Use and Quantity of the following Purposes of Use:

<u>Purpose of Use</u>	<u>Period of Use</u>	<u>Quantity</u>
Irrigation From Storage	3/1 11/15	19.0 AFY <i>OK C. Snyder</i>
Stockwater Storage	1/1 12/31	19.0 AFY <i>OK C. Snyder</i>

Place of Use: Irrigation Quantities in Washington County should be as follows:

TWP	RNG	SEC	1/4 of	1/4	Quantity	County
12N	4W	4	SW	NE	2.10	Washington
12N	4W	9	NE	NE	1.8	Washington
12N	4W	9	SW	NE	9.2	Washington

SCANNED
DEC 14 2006

12N	4W	9	NE	SE	31	Washington
12N	4W	9	SE	SE	33	Washington
12N	4W	10	NW	SW	~~80~~	Washington
12N	4W	15	NW	NW	17	Washington
12N	4W	15	NW	SW	19	Washington
12N	4W	16	SE	NE	16	Washington
12N	4W	4	NW	SE	1.80	Washington
12N	4W	9	NW	NE	13	Washington
12N	4W	9	SE	NE	21	Washington
12N	4W	9	NW	SE	4.9	Washington
12N	4W	10	SW	NW	0.30	Washington
12N	4W	10	SW	SW	4.1	Washington
12N	4W	15	SW	NW	19	Washington
12N	4W	16	NE	NE	24	Washington
12N	4W	16	NE	SE	3.4	Washington

*I think this is a
Type and should
be 10.4 ac as the
is what it was
licensed for. Changing
it to 10 would appear
to follow the pattern
of the requested
POU change.*

*C. Smith
12-18-06*

Place of Use: Add the following Water Right Nos. to the paragraph: "The rights listed below are limited to the irrigation of a combined total of 230.6 acres in a single irrigation season. Combined Right Nos. 67-8004, & 67-14110 67-2372 and 67-2373."

*NO - Not claimed in SRPA C. Smith
12-18-06*

- Give a brief explanation as to why you disagree with these portions:

Quantity: There is no basis for exclusion of the added text as it is contained in the license.

Purpose and Period of Use: The Purpose and Period of Use are incorrect in the Preliminary Recommendation.

Place of Use: The Place of Use are incorrect in the Preliminary Recommendation.

Place of Use: There is no basis for exclusion of the added text as it is contained in the license.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/8/06 SIGNATURE: 

Please print your name:

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of record for Seward Prosser Mellon

SCANNED
DEC 11 2006



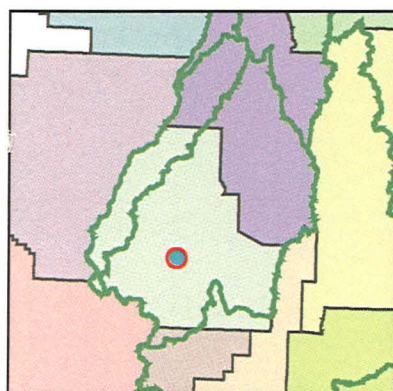
Idaho Department of Water Resources

SRBA Recommendation:

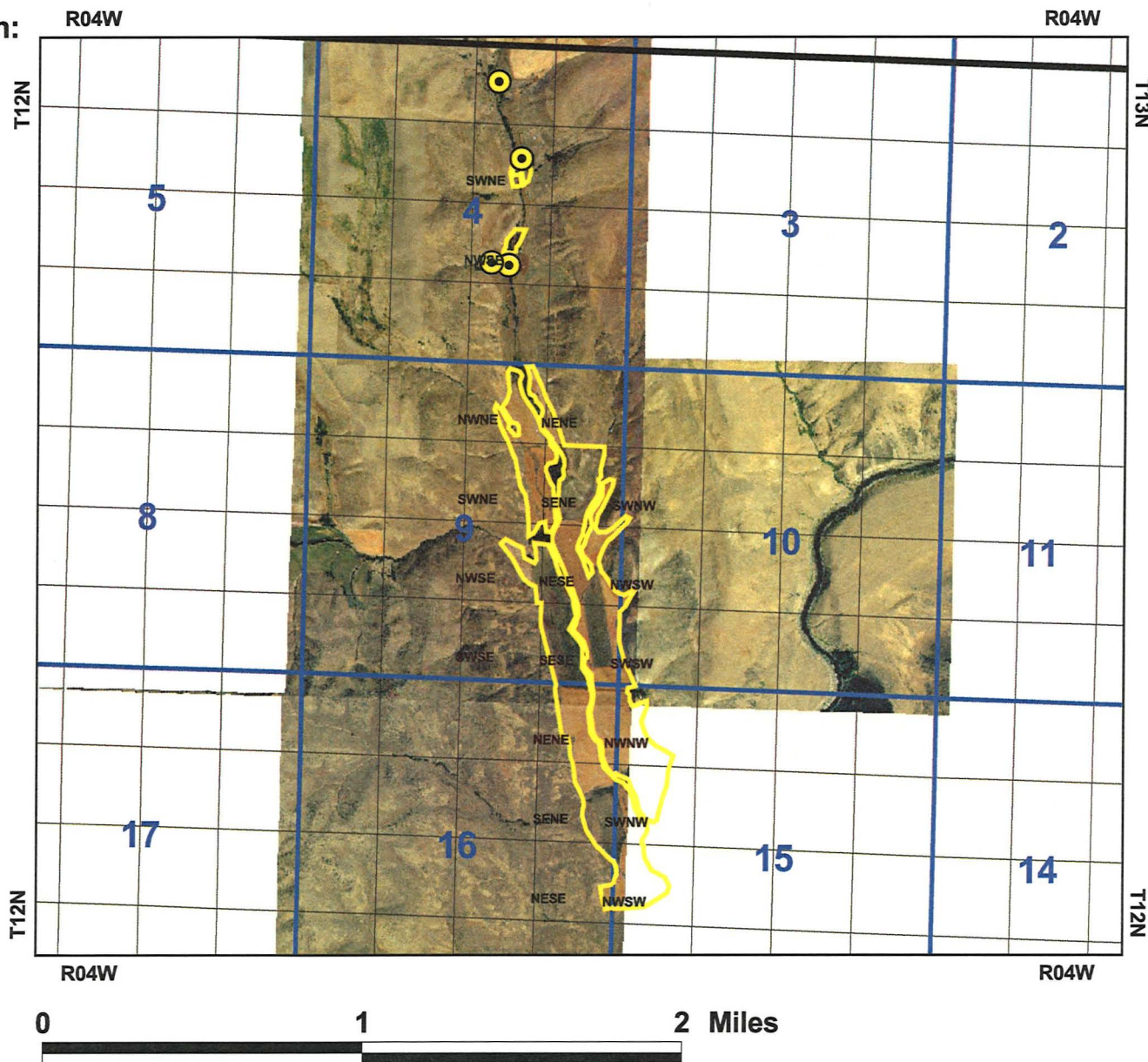
67-8004

Legend

-  **Point of Diversion**
-  **Place of Use**
-  **Townships**
-  **PLS Sections**
-  **Quarter Quarters**



Washington County
IDWR Basin 67



Prepared by C. Saxton
On Thursday, July 6, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-8004 V1

WATER RIGHT NUMBER: 67-8004 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SEWARD PROSSER MELLON THOUSAND SPRINGS RANCH C/O SCOTT CAMPBELL PO BOX 829 BOISE, ID 83701 (208) 345-2000
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 09/19/1996

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER SPRINGS THOUSAND SPRINGS CREEK	THOUSAND SPRINGS CREEK WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	4.610 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		19.00 AF
STOCKWATER	01/01 to 12/31	0.030 CFS	1.30 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		19.00 AF
IRRIGATION	03/01 to 11/15	4.610 CFS	1,038.00 AF
WILDLIFE STORAGE	01/01 to 12/31		19.00 AF
STOCKWATER STORAGE	01/01 to 12/31		19.00 AF
WILDLIFE	01/01 to 12/31	0.030 CFS	1.30 AF
DOMESTIC	01/01 to 12/31	0.060 CFS	1.20 AF
IRRIGATION STORAGE	01/01 to 12/31		19.00 AF
	<u>Total Diversion:</u>	4.610 CFS	1,060.00 AF

Location of Point(s) of Diversion

THOUSAND SPRINGS CREEK WASHINGTON County	NW1/4SE1/4	Sec. 4, Twp 12N, Rge 04W, B.M.
GROUND WATER WASHINGTON County	SW1/4NE1/4	Sec. 4, Twp 12N, Rge 04W, B.M.
GROUND WATER WASHINGTON County	L2 (NW1/4NE1/4)	Sec. 4, Twp 12N, Rge 04W, B.M.
SPRINGS WASHINGTON County	SW1/4NW1/4SE1/4	Sec. 4, Twp 12N, Rge 04W, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-8004 V1

Place of Use

FIRE PROTECTION 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	
12N	04W	4														X			

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	
12N	04W	4			2.1											1.8			3.9
12N	04W	9	1.8	13.0	9.2	21.0									31.0	4.9		33.0	113.9
12N	04W	10						.3			10.0	4.1							14.4
12N	04W	15						17.0	19.0		19.0								55.0
12N	04W	16	24.0			16.0									3.4				43.4

Total Acres: 230.6

WILDLIFE 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	
12N	04W	4														X			

STOCKWATER 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	
12N	04W	4														X			

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-8004 V1

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12N 04W	4														X			

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	04W	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																X			

Total Acres: 245

STOCKWATER same as FIRE PROTECTION STORAGEIRRIGATION FROM STORAGE same as FIREPROTECTION STORAGEWILDLIFE same as FIRE PROTECTION STORAGEConditions of Approval:

1. Parcel #(s): RP12N04W040000A
2. C18 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 230.6 acres in a single irrigation season. Combined Right Nos.: 67-8004 & 67-2372
4. E61 The rights listed below are limited to a total combined diversion rate of 4.61 cfs and to a total combined annual diversion volume of 1038 AF. Combined Right Nos.: 67-2372 & 67-8004
5. Storage of water under the rights listed below are limited to a combine total of 19.0 acre feet per year. Combined Right No(s): 67-8004, & 67-14110
6. X01 Domestic use is for 2 homes.

Remarks:Comments:

1. mcase 5/13/2004 Period of Use
Comment: Licensed Period of Use for irrigation is shorter than standard. Recommend Shoulder Remark.
2. csaxton 7/6/2006 Number of Stock
Comment: Notes in licensing back file say that stockwater is for 100 cattle and Wildlife.
3. csaxton 12/18/2006 NOE
Comment: Changes made to purpose of use and comments per NOE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-8004 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		230.6

Combined Water Rights: 67-2372 , 67-8004

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>
Priority Date	4/5/2004 3:23:36 PM	segbert			Active
POD	4/5/2004 3:26:31 PM	segbert			Active
POD	4/7/2004 8:48:22 AM	segbert			Active
Source	4/7/2004 8:49:26 AM	segbert			Active
Priority Date	4/7/2004 8:50:16 AM	segbert			Active
POU	4/7/2004 10:22:31 AM	segbert			Active
Use	4/7/2004 10:24:17 AM	segbert			Active
Season	4/7/2004 10:27:32 AM	segbert			Active
Quantity	4/7/2004 10:29:25 AM	segbert			Active
POD	4/7/2004 10:40:31 AM	segbert			Active
Source	4/7/2004 10:40:32 AM	segbert			Active
Season	5/13/2004 9:59:38 AM	mcase			Active
Contacts	7/6/2006 1:24:36 PM	csaxton			Active
Priority Date	7/6/2006 1:25:20 PM	csaxton			Active
POD	7/6/2006 1:25:29 PM	csaxton			Active
Source	7/6/2006 1:29:04 PM	csaxton			Active
POU	7/6/2006 1:29:18 PM	csaxton			Active
Use	7/6/2006 1:45:53 PM	csaxton			Active
Season	7/6/2006 1:47:44 PM	csaxton			Active
Quantity	7/6/2006 1:48:19 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-8004 V1

Summary

07/06/2006

csaxton

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	7/6/2006 2:54:37 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	5/13/2004 9:59:38 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
POD	7/6/2006 1:27:45 PM	csaxton	Updated shape
POD	7/6/2006 1:28:23 PM	csaxton	Updated shape
POD	4/5/2004 3:26:31 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Priority Date	4/5/2004 3:23:37 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

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Contacts	7/6/2006 1:24:44 PM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Recommend as Licensed.
General	7/6/2006 1:25:28 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	7/6/2006 1:25:37 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	7/6/2006 1:26:52 PM	csaxton	Updated shape
POD	7/6/2006 1:27:02 PM	csaxton	Updated PLS
POD	7/6/2006 1:27:57 PM	csaxton	Updated PLS
POD	7/6/2006 1:28:31 PM	csaxton	Updated PLS
POD	7/6/2006 1:28:52 PM	csaxton	Updated shape
POD	7/6/2006 1:29:01 PM	csaxton	Updated PLS
POU	7/6/2006 1:37:45 PM	csaxton	Updated shape for Active POU
Source	7/6/2006 1:29:12 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	7/6/2006 1:29:26 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?

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Use	7/6/2006 1:46:02 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	7/6/2006 1:57:32 PM	csaxton	Updated shape for Active POU
POU	7/6/2006 1:41:01 PM	csaxton	Updated shape for Active POU
Season	7/6/2006 1:47:53 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	7/6/2006 1:48:28 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - As licensed.
POU	7/6/2006 1:57:21 PM	csaxton	Updated shape for Active POU
POU	7/6/2006 1:57:45 PM	csaxton	Updated shape for Active POU
POU	7/6/2006 1:59:23 PM	csaxton	Updated shape for Active POU
POU	7/6/2006 2:00:30 PM	csaxton	Updated PLS for Active POU
POD	4/7/2004 8:34:50 AM	segbert	Edited point location
POD	4/7/2004 8:39:45 AM	segbert	Edited point location
POD	4/7/2004 8:42:58 AM	segbert	Edited point location
POD	4/7/2004 8:44:59 AM	segbert	Edited point location
POD	4/7/2004 8:46:57 AM	segbert	Edited point location
POD	4/7/2004 8:48:21 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

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Source	4/7/2004 8:49:25 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
Use	4/7/2004 10:24:17 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
POU	4/7/2004 10:22:31 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU?
Priority Date	4/7/2004 8:50:16 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	4/7/2004 10:20:18 AM	segbert	Created polygon from PLS
POU	4/7/2004 10:21:48 AM	segbert	Edited shape boundary
Season	4/7/2004 10:27:32 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
Quantity	4/7/2004 10:29:25 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-8004 V1

POD	4/7/2004 10:40:32 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD?
Source	4/7/2004 10:40:33 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source?

Water Supply Bank:

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-08004

Priority: September 19, 1996

Maximum Diversion Rate: 4.61 CFS
Maximum Diversion Volume: 1,060.0 AF

It is hereby certified that S P MELLON
THOUSAND SPRINGS RANCH
C/O SCOTT CAMPBELL
PO BOX 1539

BOISE ID 83701 has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated September 19, 1996; and has submitted Proof of Beneficial Use on July 31, 2000. An examination indicates that the works have a diversion capacity of 5.01 cfs of water from:

SOURCE

THOUSAND SPRINGS CREEK
SPRINGS
GROUND WATER

Tributary: WEISER RIVER
THOUSAND SPRINGS CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.06 CFS	1.2 AF
WILDLIFE	01/01 to 12/31	0.03 CFS	1.3 AF
WILDLIFE STORAGE	01/01 to 12/31		19.0 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	1.3 AF
STOCKWATER STORAGE	01/01 to 12/31		19.0 AF
IRRIGATION	03/01 to 11/15	4.61 CFS	1,038.0 AF
IRRIGATION STORAGE	01/01 to 12/31		19.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		19.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	4.61 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		19.0 AF

LOCATION OF POINTS OF DIVERSION:

THOUSAND SPRINGS CREEK NW¼SE¼ Sec. 4, Twp 12N, Rge 04W, B.M., WASHINGTON County
SPRINGS SW¼NW¼SE¼ Sec. 4, Twp 12N, Rge 04W, B.M., WASHINGTON County
GROUND WATER L2 NW¼NE¼ Sec. 4, Twp 12N, Rge 04W, B.M., WASHINGTON County
GROUND WATER SW¼NE¼ Sec. 4, Twp 12N, Rge 04W, B.M., WASHINGTON County

MICROFILMED

AUG 26 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-08004

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04W 4														X			

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04W 4			X											X			
12N 04W 9	X	X	X	X									X	X		X	
12N 04W 10							X			X	X						
12N 04W 15						X	X			X							
12N 04W 16	X			X									X				

PLACE OF USE: WILDLIFE – Same as Stockwater**PLACE OF USE: WILDLIFE 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	
12N 04W 4														X			

PLACE OF USE: STOCKWATER STORAGE – Same as Wildlife Storage**PLACE OF USE: IRRIGATION STORAGE – Same as Wildlife Storage****PLACE OF USE: FIRE PROTECTION STORAGE – Same as Wildlife Storage****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	
12N 04W 4			2.1											1.8			3.9
12N 04W 9	1.8	13.0	9.2	21.0									31.0	4.9	33.0		113.9
12N 04W 10							3			10.0	4.1						14.4
12N 04W 15						17.0	19.0			19.0							55.0
12N 04W 16	24.0			16.0									3.4				43.4

Total Acres: 230.6

PLACE OF USE: IRRIGATION FROM STORAGE – Same as Irrigation

MICROFILMED

AUG 26 2002

State of Idaho
Department of Water Resources
Water Right License

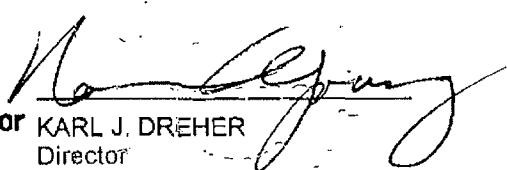
WATER RIGHT NO. 67-08004

CONDITIONS OF APPROVAL

1. Storage of water under this right shall not exceed 19.0 acre feet per year.
2. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined. The quantity of water required to be released for this purpose will not exceed 735 acre feet per year. The permit holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this right pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code.
3. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. Rights 67-02372, 67-02373, and 67-08004 when combined shall not exceed a total diversion rate of 4.61 cfs, a total annual maximum diversion volume of 1038 af at the field headgate, and the irrigation of 230.6 acres.
8. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

Signed and sealed this 4TH day of MARCH, 2002.


Acting for **KARL J. DREHER**
Director

MICROFILMED
AUG 26 2002

only govt lot
is C.2 NWNE S.4
-SL 5/15/97

POINTS OF DIVERSION

Reservoir as proposed
& wells #1, #2, & #3
upstream of reservoir.
One or more springs at
reservoir site.

Upper Williams
Dam
(67-04042)

Lower Williams
Dam, Breached
(67-04041)

Replace And
Expand Lower
W. Dam

WEISER River

PLN

SEE 5/19/97 O'BASE
COMMENTS THAT
CLARIFY DAM SITE
& POINTS OF DIVERSION.

-SL

MICROFILM

JUN 08 1998

67-08004

3041T

3476T

3581T

3285T

2881T

245
Total
AC

2962T

2399T

2822T

3264T

3215T

BM
3234

BM
3197

3385T

3400T

48

24T

T13N

T12N

154T

2917T

3418T

314

315

316

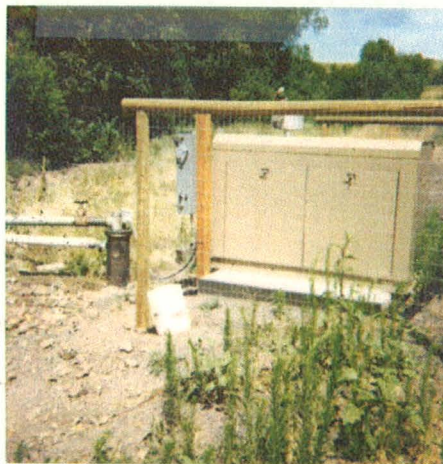
47' 30"

317

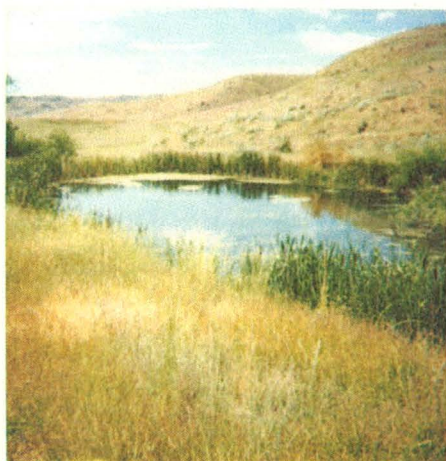
230000 FEET



Well #1 NWSE 4 12N 4W
7/18/00



Northwell SWSE Sec 4 12N 4W
7/18/00 Well #2



Storage pond #1: Between
Well #1 & 2
7/18/00



Thousand Springs Ranch Res.
SWSE Sec 4 T12N R4W
7/18/00

67-08004

MICRO
JUG 25 2002



Irrigation Diversion from
Reservoir



2. ex engine A Cornell pump
from pipe at Res.
7/18/00



Booster pump from Thousand
Springs Cree & portable
7/18/00



irrigated grain
7/18/00

AUG 26 2002 67-08004

LLOYD'S AGENCY
REAL ESTATE : INSURANCE : RENTALS : APPRAISALS
ESTABLISHED 1908 WEISER, IDAHO

February 23, 1968

RECEIVED

FEB 26 1968

State of Idaho
Dept. of Reclamation
107 State House
Boise, Idaho 83701

Department of Reclamation

Re: Permit No. 33356 - Howard Lacey

Attention: Mr. Donald W. McEldowney

Dear Mr. McEldowney:

Mr. Howard Lacey received a letter from you dated February 14, 1968 which asked for an answer to your letter of December 29, 1967 and asked if I would write you and try to answer and explain the situation.

You mention in your letter that Permit No. 33356 was for 5.0 c.f.s from the waters of Thousand Springs Valley Creek and does not refer to a well. It is possible that this is true, but I believe you must have another permit for the well that was drilled. To begin with, Mr. Lacey drilled one well and it turned out to be a dry hole. He then drilled another and I'm sure he filed on this because I think I took the Affidavits on it. Since this well is at the upper end of the Thousand Springs Valley Creek and the water from the well runs into the creek. Mr. Lacey then took out a permit on the water in the creek so that he could use the water on some of his other land and also to keep someone else from filing on the waters which had originated from the well. *diversion of water from the creek was less expensive than piping from the well*

As my previous letter to you stated that Mr. Lacey and his wife split up and she burned all the papers she could find to make things rough for him to straighten out and this permit was among those papers. It is hard for me to remember exactly what was filed on and when so if there is a possibility that you have copies of these permits and can send me a verifax of them it would be much easier to remember. In any event, from my explanation above you know what Mr. Lacey's intent is and if the present permit will not allow what he wants, can there be an amendment made to allow it? If not, Can a new permit be made to take care of his needs.

I will appreciate hearing from you in regards to this situation as to what procedure Mr. Lacey should follow and he will immediately try to get it all cleared up.

Yours very truly,

LLOYDS AGENCY

John B. Lloyd
John B. Lloyd

33355

Ident. No. 67-08004

Comments: Date: 3/24/1997 User-ID: STAYLOR

Subject: Uses

Stockwater use is for 100 cows plus wildlife.
Domestic_use is for two houses and fire protection.

Comments: Date: 5/15/1997 User-ID: SLESTER

Subject: APPLICATION REVISIONS

Per original application and telephone conversations with Joe Jordan (consultant), 3 wells already drilled will be used to pipe water to replacement reservoir originally covered by 67-04041 (Lower Williamson Dam). That reservoir was breached and will be rebuilt and enlarged. Multiple springs will be captured at pond site. Dam will be P/D for creek source. It is not clear what P/Ds are to be in NWNE S4 or SWSE S33. Use of wells will require that each drilling permit be upgraded to \$200 category. Pond will be used for fire protection, also. It is not clear if stored water will be released for "stockwater/wildlife from storage". Some of the acres are already covered by springs (67-04041 & 4042), other groundwater (67-02372) and same creek (67-02373). Note that the 2 statutory claims are combined in SRBA as A67-14110. The older groundwater right is claimed as A67-02372 but the older creek right is not found in SRBA records (expect to find A67-02373). The revised version currently shown is primarily a direct flow irrigation right with a proposed pond to be used in the irrig. system plus for non-irrigation uses. It appears that the filing might be processable if water is stored outside of the irrigation season and if irrigation is deleted. Otherwise, mitigation is suggested to allow IDWR to process the entire filing as it now exists.

S.O. information indicates that an old water dispute is related to the former Williamson property now owned by the applicant.

MEMORANDUM

TO: FILE

FROM: STEVE LESTER 

DATE: MAY 12, 1997

RE: PROCESSING APPLICATION 67-08004

Consultant Joe Jordan called today to inquire about the status of this filing held due to irrigation concerns. We discussed the overall scenario preventing the filing from moving forward and some alternatives available to the applicant.

He agreed that the irrigation can be deleted to allow the other uses to proceed in this application. The only unclear item is the rate for diversion to storage - the creek flow can include up to 4.90 cfs at high water and/or flood stage, he stated, but it is not clear if the application should include that rate if irrigation is deleted. The applicant can refile for the irrigation use under another filing if so desired.

Mr. Jordan had a concern about the pending "construction permit" to begin work on the proposed dam. It has been confirmed through the dam safety program that the new reservoir cannot be built until a dam safety permit and a water right have been approved - one or the other is insufficient. This is standard procedure in IDWR. I provided this information via a telephone message to Mr. Jordan.

Apparently, a previous smaller reservoir occupied this (or nearby) site under right 67-04041 and associated dam safety permit D67-4041 ("Lower Williamson Dam"). The owner now wants to replace the breached dam with a somewhat larger one covering about three surface acres for uses beyond the scope of the older right.

The new dam will be located onstream in a site that can be considered a "wetted area" or a riparian zone. Consumptive losses should be minimal due to the location and fairly small size of the reservoir. The non-irrigation uses are essentially non-consumptive and will include fire protection (the latter not stated nor required in the water right application). The three wells found upstream will include piping to route water to the reservoir, thus adding ground water to the application under the "one system" concept.

Once the proposed "diversion to storage" rate is clarified, the application can be revised to be processed.

CONTACT PERSON IS:

JOE JORDAN
BOX 102
FRUITVALE ID 83620 (TEL. 208-253-1103)

c: IDWR State Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 33355/67-2372 Priority Sept. 19, 1966 Amount 0.75 cfs

THIS IS TO CERTIFY, that HOWARD LACEY
of Weiser, Idaho, has complied with the terms and conditions of Permit
No. 33355/67-2372 issued pursuant to Application for Permit dated September 19, 1966,
and has submitted proof to the Department of Water Resources on May 3, 1968,
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 0.79 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>March 15</u> to <u>Nov. 15</u>	at <u>0.75</u> cfs and	<u>150</u> acre feet or
	from _____ to _____	at _____ cfs and	<u>4.0</u> af per acre
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.75 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
150 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 5,
Twp. 12 N, Rge. 4-W, B.M. in the County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12N	4W	9													4.5	1.0	7	16	37.5

Total number of acres irrigated 37.5

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 27 day of
November, 19 76.

Director



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 6, 2000

S P MELLON
THOUSAND SPRINGS RANCH
1860 U S HWY 95
WEISER ID 83672

Dear Mr. Mellon:

Enclosed, for your records, is a copy of your Snake River Basin Adjudication Claim for Permit A67-08004.

If you have any questions regarding this claim, please feel free to contact our office.

Sincerely,

Adjudication Section
Western Region

LH:l
Enclosure

cc: Scott Campbell

SCANNED
APR 19 2004

RECEIVED

MAR 06 1998

WATER RESOURCES
WESTERN REGION

ELAM & BURKE

A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

Jan (Western)
Plz process.
Thanks.

TELEPHONE
208-343-5454

FACSIMILE

SCOTT L. CAMPBELL

208-384-5844

March 4, 1998

David R. Tuthill, Jr. 
Adjudication Bureau Chief
Idaho Dept. of Water Resources
1301 North Orchard
Boise, ID 83706

RECEIVED

MAR 05 1998

Department of Water Resources

Re: Permit No. 67-08004; Notice of Claim to a Water Right
Acquired Under State Law in the Snake River Basin Adjudication

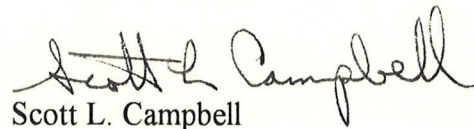
Dear Dave:

I represent the Thousand Springs Ranch, which recently obtained Permit No. 67-08004 from the Idaho Department of Water Resources. Enclosed please find an SRBA Notice of Claim to a Water Right Acquired Under State Law for that permit. In addition to the Idaho Department of Water Resources forms and a map, the Notice of Claim consists of Exhibits A, B, C, and D. I am also enclosing a check in the amount of \$295.00 to cover the filing fee for this notice of claim.

If you need any further information, please do not hesitate to contact me. Thank you very much for your prompt attention and consideration of this matter.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:tmh G:\TMH\WPDATA\6681\00025.LTR
encl.

cc: Mr. Seward Prosser Mellon
Mr. Gerald Ellermeyer
Mr. Ross Kane

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 67-8004
Date Received: 3/5/1998
Receipt No: C041637
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SEWARD PROSSER MELLON Phone: (208) 345-2000

THOUSAND SPRINGS RANCH
C/O SCOTT CAMPBELL
PO BOX 829
BOISE ID USA 83701

2. Date of Priority: 09/19/1996

3. Source: THOUSAND SPRINGS CREEK , GROUND WATER , GROUND WATER , SPRINGS Trib.
to: WEISER RIVER , , , THOUSAND SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	04W	4	NW SE	WASHINGTON	
12N	04W	4	SW NE	WASHINGTON	
12N	04W	4	NW NE 2	WASHINGTON	
12N	04W	4	SW NW SE	WASHINGTON	

5. Description of diverting works:

LOW DAM TO STORE RUNOFF AND GROUNDWATER FROM WELLS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	4.61	1038
IRRIGATION STORAGE	01/01	12/31		19
IRRIGATION FROM STORAGE	03/01	11/15		19
STOCKWATER	01/01	12/31	0.03	1.3

STOCKWATER STORAGE	01/01 12/31	19
WILDLIFE	01/01 12/31 0.03	1.3
WILDLIFE STORAGE	01/01 12/31	19
DOMESTIC	01/01 12/31 0.06	1.2
FIRE PROTECTION STORAGE	01/01 12/31	19
DIVERSION TO STORAGE	01/01 12/31 4.61	

7. Total Quantity Appropriated is:
4.61 C.F.S. and/or 1060 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
12N	04W	4	SW	NE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	NE		IRRIGATION	2.1
			NW	SE		IRRIGATION	1.8
			NW	SE		WILDLIFE STORAGE	
			NW	SE		DOMESTIC	
					Section Acres	3.9	
12N	04W	9	NE	NE		IRRIGATION	1.8
			NW	NE		IRRIGATION	13
			SW	NE		IRRIGATION	9.2
			SE	NE		IRRIGATION	21
			NE	SE		IRRIGATION	31
			NW	SE		IRRIGATION	4.9
			SE	SE		IRRIGATION	33
			NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
			Section Acres	113.9			
12N	04W	10	SW	NW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SW	NW		IRRIGATION	0.3
			NW	SW		IRRIGATION	10
			SW	SW		IRRIGATION	4.1
			Section Acres	14.4			

12N	04W	15	NW	NW	IRRIGATION	17
			SW	NW	IRRIGATION	19
			NW	SW	IRRIGATION	19
			NW	NW	STOCKWATER	
			SW	NW	STOCKWATER	
			NW	SW	STOCKWATER	
Section Acres						55
12N	04W	16	NE	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			NE	SE	STOCKWATER	
			NE	NE	IRRIGATION	24
			SE	NE	IRRIGATION	16
			NE	SE	IRRIGATION	3.4
Section Acres						43.4
Total Acres						230.6

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED PER APPROVED LICENSE ISSUED 3/4/2002.

RIGHTS 67-2372, 67-2373 AND 67-8004 WHEN COMBINED SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 4.61 CFS, A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 1038 AF AT THE FIELD HEADGATE, AND THE IRRIGATION OF 230.6 ACRES.

Domestic use is for 2 homes internal use only.

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.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Hush
Scott L. Campbell
Robert B. Burns

James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaer Kaufmann
Michael W. McGreaham
Kimberly D. Evans Ross

Jon A. Stenquist
Eric M. Barzee
Valerie N. Charles
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Russell G. Metcalf

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

AUG 15 2005

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

August 10, 2005

Craig L. Saxton
Sr. Water Resource Agent
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

Re: SRBA Claim No. 67-14110
MTBR&F File No. 18-977.4

Dear Mr. Saxton:

We are in receipt of your August 5, 2005, correspondence to Mr. Mellon in care of our office. Please note that Scott Campbell and I are at PO Box 829, not 1539.

Thank you for your attention to this matter.

Very truly yours,



Angela Schaer Kaufmann
ask@moffatt.com

ASK/mdr

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 67-8004
Date Received: 3/5/1998
Receipt No: C041637
Received By:

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

1. Name of Claimant(s)

SEWARD PROSSER MELLON Phone: (208)343-5454

THOUSAND SPRINGS RANCH
C/O SCOTT CAMPBELL
PO BOX 1539
BOISE ID USA 83701

2. Date of Priority: 09/19/1996

3. Source: THOUSAND SPRINGS CREEK
GROUND WATER
SPRINGS

Trib. To: WEISER RIVER

THOUSAND SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	04W	4	NW SE	WASHINGTON	
12N	04W	4	SW NE	WASHINGTON	
12N	04W	4	NW NE 2	WASHINGTON	
12N	04W	4	SW NW SE	WASHINGTON	

5. Description of diverting works:

LOW DAM TO STORE RUNOFF AND GROUNDWATER FROM WELLS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	4.61	1038
IRRIGATION STORAGE	01/01	12/31		19
STOCKWATER	01/01	12/31	0.03	1.3
WILDLIFE	01/01	12/31	0.03	1.3
WILDLIFE STORAGE	01/01	12/31		19
DOMESTIC	01/01	12/31	0.06	1.2
FIRE PROTECTION STORAGE	01/01	12/31		19
DIVERSION TO STORAGE	01/01	12/31	4.61	

7. Total Quantity Appropriated is:
4.61 C.F.S. and/or 1060 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
12N	04W	4	SW	NE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	NE		IRRIGATION	2.1
			NW	SE		IRRIGATION	1.8
			NW	SE		WILDLIFE STORAGE	
			NW	SE		DOMESTIC	
						Section Acres	3.9
12N	04W	9	NE	NE		IRRIGATION	1.8
			NW	NE		IRRIGATION	13
			SW	NE		IRRIGATION	9.2
			SE	NE		IRRIGATION	21
			NE	SE		IRRIGATION	31
			NW	SE		IRRIGATION	4.9
			SE	SE		IRRIGATION	33
			NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
						Section Acres	113.9
12N	04W	10	SW	NW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SW	NW		IRRIGATION	0.3
			NW	SW		IRRIGATION	10
			SW	SW		IRRIGATION	4.1
						Section Acres	14.4
12N	04W	15	NW	NW		IRRIGATION	17
			SW	NW		IRRIGATION	19
			NW	SW		IRRIGATION	19
			NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
			NW	SW		STOCKWATER	
						Section Acres	55
12N	04W	16	NE	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NE	SE		STOCKWATER	
			NE	NE		IRRIGATION	24
			SE	NE		IRRIGATION	16
			NE	SE		IRRIGATION	3.4

Section Acres	43.4
Total Acres	230.6

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED PER APPROVED LICENSE ISSUED 3/4/2002.

RIGHTS 67-2372, 67-2373 AND 67-8004 WHEN COMBINED SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 4.61 CFS, A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 1038 AF AT THE FIELD HEADGATE, AND THE IRRIGATION OF 230.6 ACRES.

Domestic use is for 2 homes internal use only.

15. Basis of Claim: License

16. Signature(s)

TRAVEL AUTHORIZATION

STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES

TRAVELER: CARTER FRITSCHLE
REQUEST DATE: 08/03/2005
DEPARTURE DATE: 08/08/2005
RETURN DATE: 08/09/2005
DESTINATION: SALMON ID

APPROVAL*

IDWR: _____ DATE: _____

IDWR: _____ DATE: _____

PURPOSE OF TRAVEL:

Field Exams

BENEFIT TO STATE:

MODE OF TRAVEL:

Comments:

☐ Commercial Air

☒ State Vehicle

☐ Personal Vehicle

☐ Other (Specify)

OTHER EMPLOYEES ON SAME TRAVEL:

Jennifer Dean, Carter Fritschle

TOTAL ESTIMATED COST		ROTARY
Transportation.....		
Lodging.....	\$85.00	db
Meals.....	\$45.00	
Other.....		
TOTAL.....	\$130.00	\$0.00

COST ALLOCATION (PCA)	%
46003	
TOTAL	0%

FISCAL USE ONLY: Rotary Number _____ Amount: _____

COMMENTS:

Best Western in Mc Call (634-6300) Confirmation #76800

* DELEGATION OF TRAVEL APPROVAL:

Out of State:

In-State:

Regional Office Employees:

Director

Bureau Chief

Regional Managers

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: **A67-08004**
Date Received: 3/ 5/1998
Receipt No: C041637
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: S P MELLON
Address: THOUSAND SPRINGS RANCH
1860 U S HWY 95
WEISER ID 83672
208-549-3645
2. Date of Priority: SEP 19, 1996
3. Source: THOUSAND SPRINGS CREEK Trib. to: WEISER RIVER
SPRINGS THOUSAND SPRINGS CREEK
GROUNDWATER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 12N | 04W | 4 | NW | NE | | 2 | WASHINGTON |
| | | | SW | NE | | | WASHINGTON |
| | | | NW | SE | | | WASHINGTON |
5. Description of diverting works:
LOW DAM TO STORE RUNOFF AND GROUNDWATER FROM WELLS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		
WILDLIFE	01/01	12/31	0.030		
WILDLIFE STORAGE	01/01	12/31			30.00
WILDLIFE FROM STORAGE	01/01	12/31			30.00
STOCKWATER	01/01	12/31	0.030		
STOCKWATER STORAGE	01/01	12/31			30.00
STOCKWATER FROM STORAGE	01/01	12/31			30.00
IRRIGATION	03/15	11/15	4.900		
IRRIGATION STORAGE	01/01	12/31			30.00
IRRIGATION FROM STORAGE	03/15	11/15			30.00
DIVERSION TO STORAGE	01/01	12/31	4.900		
FIRE PROTECTION STORAGE	01/01	12/31			30.00

7. Total Quantity Appropriated is:
4.900 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 735.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	4	NW	SE		IRR	15.0
			SW	SE		IRR	20.0
						Section Acres	35.0
		9	NE	NE		IRR	5.0
			NW	NE		IRR	20.0
			SW	NE		IRR	5.0
			SE	NE		IRR	20.0
			NE	SE		IRR	25.0
			NW	SE		IRR	5.0
			SE	SE		IRR	30.0
						Section Acres	110.0
		15	NW	NW		IRR	15.0
			SW	NW		IRR	20.0
			NW	SW		IRR	15.0
						Section Acres	50.0
		16	NE	NE		IRR	30.0
			SE	NE		IRR	15.0
			NE	SE		IRR	5.0
						Section Acres	50.0
						Total Acres	245.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

The director retains jurisdiction to require by written order the release of purchased or leased natural flow or stored water to

14. Remarks: Continued

offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of the water required to be released into the Snake River or a tributary 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. The quantity of water required to be released for this purpose will not exceed 735 acre feet per year. The permit holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this permit condition pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code.

Three wells are proposed to within the SWNE and NWNE, S04 T12N, R04W.

Stockwater use is for 100 range cattle.

Domestic use is for 2 homes and does not include lawn, garden landscape, or other types of irrigation.

All areas below the mean level disturbed by construction but not inundated by the reservoir shall be re-vegetated and/or reseeded as recommended by Idaho Department of Game and/or the local office of the Natural Resources Conservation Service. No structure shall be constructed, temporary or permanent stream channel which would restrict the migration of indigenous fish.

15. Basis of Claim: PERMIT

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

Date Received

Receipt Number

3/5/98

CO411637

RECEIVED

MAR 05 1998

Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) S. P. Mellon Phone (208) 549-3645
Mailing Address Thousand Springs Ranch
1860 U.S. Highway 95, Weiser, ID Zip 83672

2. Date of Priority (Only one (1) per claim) September 19, 1996

3. Source of water supply (a) Please see Exhibit "A"
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 12N Range 04W Section 4,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, 2 B.M., County of Washington

Additional points of diversion if any: Please see Exhibit "B"

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. Low dam to store runoff and groundwater
from wells.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 4.90 or _____

For Irrigation storage purposes from 1/1 to 12/31 amount _____ or 30.0

For Irrigation from ~~stock~~ storage purposes from 3/15 to 11/15 amount _____ or 30.0

For Stockwater purposes from 1/1 to 12/31 amount .03 or _____

Continued on Exhibit "C"

7. Total quantity claimed (a) 4.90 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 735 acre feet per annum.

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

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	
12N	4W	4														SWD 15	SWD 20		35
12N	4W	9	SWD 5	SWD 20	SWD 5	SWD 20									SWD 25	SWD 5		SWD 30	110
12N	4W	15						SWD 15	SWD 20			SWD 15							50
12N	4W	16	SWD 30			SWD 15									SWD 5				50

Total number of acres irrigated 245

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

12. Do you own the property listed above as place of use? Yes XX 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.
67-02372 or None ()

14. Remarks:

Last Name Mellon Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit XX
Decree _____
If applicable provide IDWR Water Right Number 67-08004
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 XX
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 4 (Exhibits A - D)

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

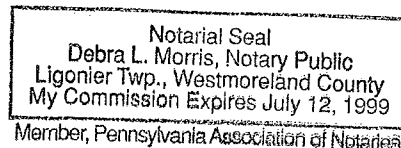
Signature of Claimant (s) Seward Prosser Mellon Date 2/17/98

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 _____

Commonwealth of Pennsylvania
~~State of Idaho~~ or _____)
County of Westmoreland) SS.



Subscribed and sworn (or affirmed) before me this 17th day of February 19 98

SEAL

Notary Public Debra L. Morris

Residing at Westmoreland County, PA

My Commission Expires 7-12-1999

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell
Elam & Burke, P.A.
Address PO Box 1539, Boise, ID 83701

Date 2/25/98

Last Name Mellon Ident. Number _____

Copies White-State, Yellow-Claimant

EXHIBIT A

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

PERMIT NUMBER 67-08004

3. Source of water supply (a) Thousand Springs Creek
which is tributary to (b) Weiser River

Source of water supply (a) Springs
which is tributary to (b) Thousand Springs Creek

Groundwater

EXHIBIT B

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

PERMIT NUMBER 67-08004

4. Township 12N, Range 04W, Section 4, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, B.M., County of Washington.
Township 12N, Range 04W, Section 4, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, B.M., County of Washington.

EXHIBIT C

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

PERMIT NUMBER 67-08004

6. For Stockwater Storage purposes from 1/1 to 12/31, amount 30.0 acre feet
For Stockwater from Storage purposes from 1/1 to 12/31, amount 30.0 acre feet
For Wildlife purposes from 1/1 to 12/31, amount .03 cubic feet per second
For Wildlife Storage purposes from 1/1 to 12/31, amount 30.0 acre feet
For Wildlife from Storage purposes from 1/1 to 12/31, amount 30.0 acre feet.
For Domestic purposes from 1/1 to 12/31, amount .06 cubic feet per second
For Fire Protection Storage purposes from 1/1 to 12/31, amount 30.0 acre feet
For Diversion to Storage purposes from 1/1 to 12/31, amount 4.90 cubic feet per second.

EXHIBIT D

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

PERMIT NUMBER 67-08004

9. Stockwater use is for 100 range cattle.
Domestic use is for 2 homes and does not include lawn, garden landscape, and other types of irrigation.
Also includes wildlife use.

POINTS OF DIVERSION

WEISER River

215

67-08004

WR5809NP
No. 67-08004

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/04/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	S P MELLON THOUSAND SPRINGS RANCH CO SCOTT CAMPBELL PO BOX 1539 BOISE ID 83701 (208) 343-5454	09/19/1996	IRRIGATION	03/15 11/15	4.900 CFS	
			IRRIGATION STORAGE	01/01 12/31		30.00 AFA
			IRRIGATION FROM STORAGE	03/15 11/15		30.00 AFA
			STOCKWATER	01/01 12/31	0.030 CFS	
			STOCKWATER STORAGE	01/01 12/31		30.00 AFA
			STOCKWATER FROM STORAGE	01/01 12/31		30.00 AFA
			WILDLIFE	01/01 12/31	0.030 CFS	
			WILDLIFE STORAGE	01/01 12/31		30.00 AFA
			WILDLIFE FROM STORAGE	01/01 12/31		30.00 AFA
			DOMESTIC	01/01 12/31	0.060 CFS	
			FIRE PROTECTION STORAGE	01/01 12/31		30.00 AFA
			DIVERSION TO STORAGE	01/01 12/31	4.900 CFS	
TOTAL DIVERSION:					4.900 CFS	

Water Source: THOUSAND SPRINGS CREEK
SPRINGS
GROUNDWATER

Tributary to: WEISER RIVER
THOUSAND SPRINGS CREEK

Stage: PERMIT

Point(s) of Diversion: T12N R04W S04 Lot 02(NWNE) SWNE NWSE WASHINGTON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
12N	04W	4	:														15	20		35.0
12N	04W	9	:	05		20		05		20						25	05		30	110.0
12N	04W	15	:							15		20								50.0
12N	04W	16	:	30						15							05			50.0
TOTAL ACRES																				245.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for STOCKWATER FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for WILDLIFE is the same location as described for: IRRIGATION

Place of use location for WILDLIFE FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: WASHINGTON

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 67.
- 46B - The right holder shall comply with Idaho well construction
- standards when constructing a well pursuant to this right.
- 18A - The right holder shall install/maintain permanent measuring
- devices in such a manner that the amount of water entering the
- reservoir and the amount of water released from the reservoir can
- be measured.
- 18B - The storage of water under this right is contingent upon the
- certification of the dam and authorization of storage per the dam
- safety provisions of the Idaho Code.
- 01J - Prior to diversion of water under this right, the right holder
- shall install and maintain a measuring device and lockable
- controlling works of a type acceptable to the Department as part
- of the diverting works.

Remarks: GEN The director retains jurisdiction to require by written order the release of purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of the water required to be released into the Snake River or a tributary 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. The quantity of water required to be released for this purpose will not exceed 735 acre feet per year. The permit holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this permit condition pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code. Three wells are proposed to within the SWNE and NWNE, S04 T12N, R04W. Stockwater use is for 100 range cattle. Domestic use is for 2 homes and does not include lawn, garden landscape, or other types of irrigation. All areas below the mean level disturbed by construction but not inundated by the reservoir shall be re-vegetated and/or reseeded as recommended by Idaho Department of Game and/or the local office of the Natural Resources Conservation Service. No structure shall be constructed, temporary or permanent stream channel which would restrict the migration of indigenous fish.

Dates: App. Received: 09/19/1996 Priority Date: 09/19/1996
Proof Due Date: 08/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 67 Field Exam Fee:

Comments: Date: 05/15/1997 User-ID: SLESTER Subject: APPLICATION REVISIONS

Per original application and telephone conversations with Joe Jordan (consultant), 3 wells already drilled will be used to pipe water to replacement reservoir originally covered by 67-04041 (Lower Williamson Dam). That reservoir was breached and will be rebuilt and enlarged. Multiple springs will be captured at pond site. Dam will be P/D for creek source. It is not clear what P/Ds are to be in NWNE S4 or SWSE S33. Use of wells will require that each drilling permit be upgraded to \$200 category. Pond will be used for fire protection, also. It is not clear if stored water will be released for "stockwater/wildlife from storage". Some of the acres are already covered by springs (67-04041 & 4042), other groundwater (67-02372) and same creek (67-02373). Note that the 2 statutory claims are combined in SRBA as A67-14110. The older groundwater right is claimed as A67-02372 but the older creek right is not found in SRBA records (expect to find A67-02373). The revised version currently shown is primarily a direct flow irrigation right with a proposed pond to be used in the irrig. system plus for non-irrigation uses. It appears that the filing might be processable if water is stored outside of the irrigation season and if irrigation is deleted. Otherwise, mitigation is suggested to allow IDWR to process the entire filing as it now exists.

S.O. information indicates that an old water dispute is related to the former Williamson property now owned by the applicant.

Date: 05/19/1997 User-ID: SLESTER Subject: SYSTEM & PROCESSING CLARIFICATIONS

Per telecon with consultant today, the dam will be next to creek, not onstream as originally thought. There will be a P/D from the creek in NWSE S4 and one or more (number unknown) springs will be captured by the reservoir; springs are in W 1/2 of that QQ. Two of 3 wells are in SWNE and other well appears on/near line between NWNE & SWNE S4. There will not be a P/D in SWSE S33 (the map & original appl. reference to that site probably refer to springs naturally feeding creek vs actual diversion works to put in place there per consultant).

Water will be released from storage for stock/wildlife uses so retain those uses from storage on the filing. Add fire protection storage per earlier conversation with consultant.

Mitigation may be required for consumptive uses to remain consistent with current IDWR processes.

Date: 07/15/1998 User-ID: VAULT Subject: Extension of Time Received
Extension of Time Received

Audit: 03/24/97 STAYLOR 05/21/97 SLESTER 07/28/97 CZIMMERM 10/14/97 JJOHNSON
10/16/97 JJOHNSON 10/24/97 JJOHNSON 11/12/97 JJOHNSON 07/15/98 COMMENTS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-8004

WATER RIGHT NUMBER: 67-8004

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	S P MELLON THOUSAND SPRINGS RANCH C/O SCOTT CAMPBELL PO BOX 1539 BOISE, ID 83701 (208)343-5454
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 09/19/1996

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER SPRINGS THOUSAND SPRINGS CREEK	THOUSAND SPRINGS CREEK WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	4.610 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		19.00 AF
STOCKWATER	01/01 to 12/31	0.030 CFS	1.30 AF
IRRIGATION	03/01 to 11/15	4.610 CFS	1,038.00 AF
WILDLIFE STORAGE	01/01 to 12/31		19.00 AF
WILDLIFE	01/01 to 12/31	0.030 CFS	1.30 AF
DOMESTIC	01/01 to 12/31	0.060 CFS	1.20 AF
IRRIGATION STORAGE	01/01 to 12/31		19.00 AF
	<u>Total Diversion:</u>	4.610 CFS	1,060.00 AF

Location of Point(s) of Diversion

THOUSAND SPRINGS CREEK WASHINGTON County	NW1/4SE1/4	Sec. 4, Twp 12N, Rge 04W, B.M.
GROUND WATER WASHINGTON County	SW1/4NE1/4	Sec. 4, Twp 12N, Rge 04W, B.M.
GROUND WATER WASHINGTON County	L2 NW1/4NE1/4	Sec. 4, Twp 12N, Rge 04W, B.M.
SPRINGS WASHINGTON County	SW1/4NW1/4SE1/4	Sec. 4, Twp 12N, Rge 04W, B.M.

Place of Use

STOCKWATER Within WASHINGTON County

T12N R04W S04	SWNE	T12N R04W S04	NWSE
T12N R04W S09	NENE	T12N R04W S09	NWNE
T12N R04W S09	SWNE	T12N R04W S09	SENE
T12N R04W S09	NESE	T12N R04W S09	NWSE
T12N R04W S09	SESE	T12N R04W S10	SWNW
T12N R04W S10	NWSW	T12N R04W S10	SWSW
T12N R04W S15	NWNW	T12N R04W S15	SWNW
T12N R04W S15	NWSW	T12N R04W S16	NENE
T12N R04W S16	SENE	T12N R04W S16	NESE

IRRIGATION Within WASHINGTON County

T12N R04W S04	SWNE	2.1	T12N R04W S04	NWSE	1.8
T12N R04W S09	NENE	1.8	T12N R04W S09	NWNE	13.0
T12N R04W S09	SWNE	9.2	T12N R04W S09	SENE	21.0
T12N R04W S09	NESE	31.0	T12N R04W S09	NWSE	4.9
T12N R04W S09	SESE	33.0	T12N R04W S10	SWNW	0.3
T12N R04W S10	NWSW	10.0	T12N R04W S10	SWSW	4.1
T12N R04W S15	NWNW	17.0	T12N R04W S15	SWNW	19.0
T12N R04W S15	NWSW	19.0	T12N R04W S16	NENE	24.0
T12N R04W S16	SENE	16.0	T12N R04W S16	NESE	3.4

Total Acres: 230.6

WILDLIFE STORAGE Within WASHINGTON County

T12N R04W S04 NWSE

DOMESTIC Within WASHINGTON County

T12N R04W S04 NWSE

FIRE PROTECTION STORAGE same as WILDLIFE STORAGE

IRRIGATION FROM STORAGE same as IRRIGATION

STOCKWATER STORAGE same as WILDLIFE STORAGE

WILDLIFE same as STOCKWATER

IRRIGATION STORAGE same as WILDLIFE STORAGE

Conditions of Approval:

Remarks:

1. Place of Use RIGHTS 67-2372, 67-2373 AND 67-8004 WHEN COMBINED SHALL NOT EXCEED A TOTAL
- Irrigation DIVERSION RATE OF 4.61 CFS, A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF
1038 AF AT THE FIELD HEADGATE, AND THE IRRIGATION OF 230.6 ACRES.
2. Explanatory Domestic use is for 2 homes internal use only.
3. General CLAIM AMENDED PER APPROVED LICENSE ISSUED 3/4/2002.

Western

State of Idaho
Department of Water Resources
Water Right License

RECEIVED

MAR 07 2002

WATER RESOURCES
WESTERN REGION

WATER RIGHT NO. 67-08004

Priority: September 19, 1996

Maximum Diversion Rate: 4.61 CFS
Maximum Diversion Volume: 1,060.0 AF

It is hereby certified that S P MELLON
THOUSAND SPRINGS RANCH
C/O SCOTT CAMPBELL
PO BOX 1539
BOISE ID 83701 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 19, 1996; and has
submitted Proof of Beneficial Use on July 31, 2000. An examination indicates that the works have a
diversion capacity of 5.01 cfs of water from:

SOURCE

THOUSAND SPRINGS CREEK
SPRINGS
GROUND WATER

Tributary: WEISER RIVER
THOUSAND SPRINGS CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC ✓	01/01 to 12/31	0.06 CFS	1.2 AF
WILDLIFE ✓	01/01 to 12/31	0.03 CFS	1.3 AF
WILDLIFE STORAGE ✓	01/01 to 12/31		19.0 AF
STOCKWATER ✓	01/01 to 12/31	0.03 CFS	1.3 AF
STOCKWATER STORAGE	01/01 to 12/31		19.0 AF
IRRIGATION ✓	03/01 to 11/15	4.61 CFS	1,038.0 AF
IRRIGATION STORAGE ✓	01/01 to 12/31		19.0 AF
IRRIGATION FROM STORAGE ✓	03/01 to 11/15		19.0 AF
DIVERSION TO STORAGE ✓	01/01 to 12/31	4.61 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		19.0 AF

LOCATION OF POINTS OF DIVERSION:

THOUSAND SPRINGS CREEK NW¼SE¼ Sec. 4, Twp 12N, Rge 04W, B.M., WASHINGTON County
SPRINGS SW¼NW¼SE¼ Sec. 4, Twp 12N, Rge 04W, B.M., WASHINGTON County
GROUND WATER L2 NW¼NE¼ Sec. 4, Twp 12N, Rge 04W, B.M., WASHINGTON County
GROUND WATER SW¼NE¼ Sec. 4, Twp 12N, Rge 04W, B.M., WASHINGTON County

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-08004

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04W 4														X			

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04W 4			X											X			
12N 04W 9	X	X	X	X									X	X		X	
12N 04W 10							X			X	X						
12N 04W 15						X	X			X							
12N 04W 16	X			X									X				

PLACE OF USE: WILDLIFE – Same as Stockwater**PLACE OF USE: WILDLIFE 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	
12N 04W 4														X			

PLACE OF USE: STOCKWATER STORAGE – Same as Wildlife Storage**PLACE OF USE: IRRIGATION STORAGE – Same as Wildlife Storage****PLACE OF USE: FIRE PROTECTION STORAGE – Same as Wildlife Storage****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	
12N 04W 4			2.1											1.8			3.9
12N 04W 9	1.8	13.0	9.2	21.0									31.0	4.9		33.0	113.9
12N 04W 10							.3			10.0	4.1						14.4
12N 04W 15						17.0	19.0			19.0							55.0
12N 04W 16	24.0			16.0									3.4				43.4

Total Acres: 230.6

PLACE OF USE: IRRIGATION FROM STORAGE – Same as Irrigation

State of Idaho
Department of Water Resources
Water Right License

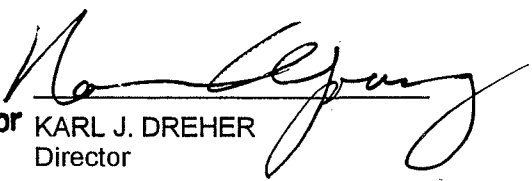
WATER RIGHT NO. 67-08004

CONDITIONS OF APPROVAL

1. Storage of water under this right shall not exceed 19.0 acre feet per year.
2. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined. The quantity of water required to be released for this purpose will not exceed 735 acre feet per year. The permit holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this right pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code.
3. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. Rights 67-02372, 67-02373, and 67-08004 when combined shall not exceed a total diversion rate of 4.61 cfs, a total annual maximum diversion volume of 1038 af at the field headgate, and the irrigation of 230.6 acres.
8. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

Signed and sealed this 4TH day of MARCH, 2002.

Acting for 
KARL J. DREHER
Director