

RECEIVED

APR 06 2020

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

\$50 fee check enclosed

Received by KMRecpt No. C108554Date 4-6-2020

## REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of \$50.00** to be included with this form when filed with IDWR.

Permit no. 63-33141 Date proof is due April 8, 2020  
 Name(s) of permit holder(s) Mellin Properties Limited Partnership  
 Mailing address 10100 W Franklin Rd City Boise State ID Zip 83709-0333  
 Telephone no. 208-250-2963 Email rmellinla@msn.com

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

Purchased the long-side adjoining 80 acres for \$40,000 to make an economic unit with this 80 acre property so as to use a full-circle pivot and a single well. Plus I constructed an 8 inch guide well to 370 feet, the bottom of the rock, for \$32,000.

Costing \$ 72,000 This permit is associated with Permit No. 63-34045.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I am not able to soon economically farm the land because of the delay in getting an electric power line construction started across BLM land until BLM's expected approval decision in about two years from January 21, 2020. See IPC email of December 6, 2019, and IDWR email of January 22, 2020.

Also see enclosed letter of April 2, 2020 to the IDWR relative to this permit for further approval justification.

Permit holder(s) request an extension for five year(s) from March 1, 2020.

Ralph Mellin  
 Signature (If other than permit holder, Power of Attorney must be supplied)

April 3, 2020  
 Date

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ IT IS HEREBY ORDERED that the permit is **REINSTATED** with the priority date advanced to \_\_\_\_\_, 20\_\_\_\_.

☒ IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to May 17, 20 20.

Signed this 5th day of May, 20 20

Shelley W. Keen  
 Shelley W. Keen, Chief  
 Water Allocation Bureau



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

May 8, 2020

MELLIN PROPERTIES LTD PARTNERSHIP  
10100 W FRANKLIN RD  
BOISE ID 83709-0333

### REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 63-33141

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **May 17, 2020**.

The Department has granted this extension because on the actual development time of this permit was delayed by a government agency, according to Idaho Code § 42-204(1). The documented delay caused by the Bureau of Land Management occurred from April 8, 2020 to May 17, 2020 extending the proof due date an equal number of days. The BLM received the application for right-of-way on January 21, 2020, which is 39 days from the previous proof due date of March 1, 2020. The request for extension approval grants 39 additional days to the proof due date, which is now May 17, 2020.

You may be eligible for further extensions based on the same reason noted above if the issue is ongoing. Please submit supporting documentation providing dates for the period of delay with any future requests for an extension for this same reason. It is important that you work diligently toward the completion of the project during the new development period allowed by this extension as soon as the issue is resolved.

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

**Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).**

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

Debbi Judd

Technical Records Specialist

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on **May 8, 2020** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER GRANTING REQUEST FOR EXTENSION OF TIME**) to the person listed below:

RE: Preliminary Order in the Matter of Permit No. **63-33141**

**MELLIN PROPERTIES LTD PARTNERSHIP  
10100 W FRANKLIN RD  
BOISE ID 83709-0333**

  
\_\_\_\_\_  
**Jean Hersley**  
**Technical Records Specialist**

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

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

(Required by Rule of Procedure 730.02)

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

### **REQUEST FOR HEARING**

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

### **ORAL ARGUMENT**

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

### **CERTIFICATE OF SERVICE**

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

### **FINAL ORDER**

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

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

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

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

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

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

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

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

From: Waste, Felisa FWaste@idahopower.com  
Subject: Mellin Properties Limited Partnership Pump WO 27543362  
Date: Dec 6, 2019 at 1:26:06 PM  
To: rmellin1a@msn.com  
Cc: Walker, Zac ZWalker@idahopower.com

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Hello Ralph,

Per our meeting this afternoon, see below for the current status update on your BLM permit as well as estimated timelines:

- Received Zac Walker's design on 11/18/19.
- Submitted Zac Walker's designs to Josh Spurling for development of BLM exhibit map.
- Requested support from Environmental Survey team for study evaluation.
  - IF studies are required, the permitting process through the BLM may take up to two years. The BLM will inform Idaho Power of required studies after application has been submitted. Anticipated submittal date of application is by 12/31/19.
    - Average initial review by BLM – three months
    - Cultural Study – may take eight months to a year to complete depending on weather conditions and approval by SHPO and BLM
    - Threatened and Endangered Species Study – May take a year or more to complete as each species must be studied in the appropriate season and then approved by BLM.
    - Once studies are received and approved by BLM, internal process may take another three to six months to issue permit for signature.
  - Overall processing time based on the above is anticipated to take up to two years.

Please let me know if you have any questions.

Thank you.

Felisa

**Felisa A. Waste**

Permitting Coordinator

Idaho Power | Corporate Real Estate | Land Mgmt. & Permitting

PO Box 70 | Boise, ID | 83707

Ofc: (208) 388-6798 388-5363 - main desk

Fax: (208) 433-2842

Email: [fwaste@idahopower.com](mailto:fwaste@idahopower.com)

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From: Judd, Debbi Debbi.Judd@idwr.idaho.gov  
Subject: RE: Application For Line Extension to Serve Mellin Properties WO  
27543362 T. 1N R 1E, Sections 13 and 24  
Date: Jan 22, 2020 at 2:48:36 PM  
To: Ralph Mellin rmellin1a@msn.com

Ralph,

Thank you for sending this. It looks like it is just what we need.

\* Debbi

From: Sorensen-Pereira, Meghan R [mailto:mpereira@blm.gov]  
Sent: Wednesday, January 22, 2020 12:06 PM  
To: Ralph Mellin <rmellin1a@msn.com>  
Cc: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>; Busse, Courtney L <cbusse@blm.gov>  
Subject: Re: Application For Line Extension to Serve Mellin Properties WO 27543362 T. 1N  
R 1E, Sections 13 and 24

Dear Mr. Mellin,

Idaho Power Company has submitted an application requesting a right-of-way to utilize public lands for a new overhead 34.5 kV distribution line to service your irrigation and well. The application was dated on December 30, 2019; however, **the BLM received this application at close of business on January 21, 2020.**

Attached is a copy of the application and corresponding map for your and IDWR's reference (IDWR copied on this email). As an interested party, we can keep you apprised on the status of this application as it is processed, although our primary communications will be with Idaho Power Company as the applicant. Typically customer-driven projects such as this one have the highest priority to Idaho Power to be processed; however, the BLM has many ongoing projects and it is likely that the project will have to await for staff availability to be processed, as well as complying with regulatory requirements during processing which can take some time. I can update both you and Idaho Power with a better timeframe once I have had time to review the application more thoroughly.

Please let me know if I can be of any further assistance, or if you have questions.

From: Ralph Mellin <rmellin1a@msn.com>  
Sent: Wednesday, January 22, 2020 11:45 AM  
Cc: Sorensen-Pereira, Meghan R <mpereira@blm.gov>; debbi.judd@idwr.idaho.gov  
<debbi.judd@idwr.idaho.gov>  
Subject: [EXTERNAL] Re: Application For Line Extension to Serve Mellin Properties WO  
27543362 T. 1N R 1E, Sections 13 and 24

Good morning Meghan, if I may only use your first name.

## Keen, Shelley

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**From:** Keen, Shelley  
**Sent:** Tuesday, May 5, 2020 5:17 PM  
**To:** 'rmellin1a@msn.com'  
**Subject:** Signed extension  
**Attachments:** 20200505170203

Ralph,

Today I signed the attached request for additional time to submit proof of beneficial use for Permit 63-33141. The extension is granted until May 17, 2020.

Regards,

Shelley Keen  
Water Allocation Bureau Chief  
Idaho Dept. of Water Resources  
208-287-4947  
shelley.keen@idwr.idaho.gov