

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 63-34046

Priority: February 25, 2015

Maximum Diversion Rate: 1.60 CFS

This is to certify, that MELLIN PROPERTIES LTD PARTNERSHIP  
10100 W FRANKLIN RD  
BOISE ID 83709-0333

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

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> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/01 to 11/15       | 1.60 CFS                 |

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

GROUND WATER NE1/4SE1/4 Sec. 24, Twp 01N, Rge 01E, B.M. ADA County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE   |      |    |    |        |  |  |  |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|----|----|--------|--|--|--|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW | SE | Totals |  |  |  |
| 01N | 01E | 24  |    |    |    |    |    |    |    |    |    |    |    |    | 40.0 | 40.0 |    |    | 80.0   |  |  |  |

Total Acres: 80

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2020**.
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. 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.
6. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. 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 place of use.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12<sup>th</sup> day of November, 2015.

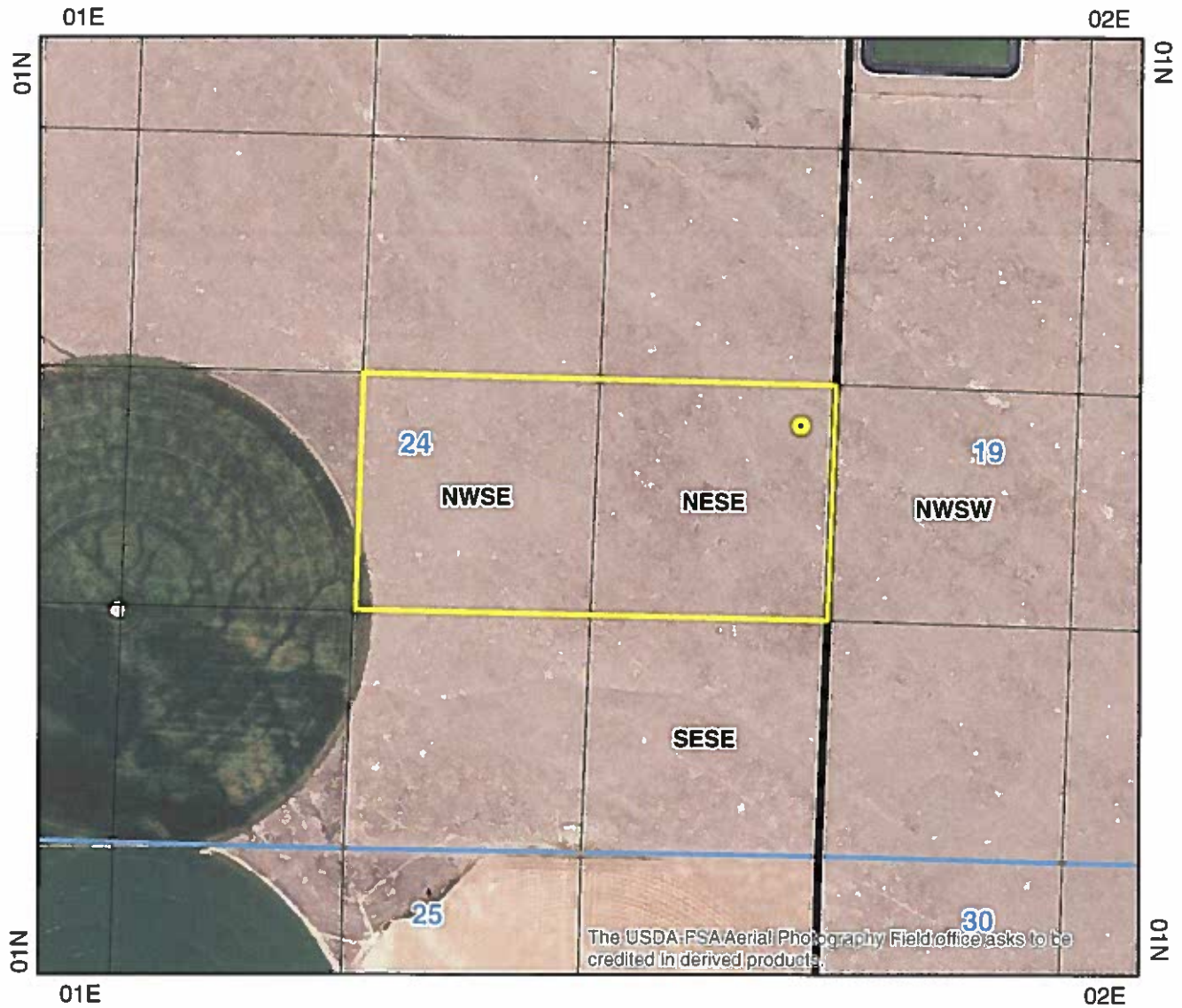
  
GARY SPACKMAN, Director

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

63-34046

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



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

0 0.1 0.2 0.4 Miles





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 13, 2015

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

RE: Permit No.63-34046

**Permit Approval Notice**

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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

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

Sincerely,

 Rachel Neely for:

Nick Miller  
Western Region Manager

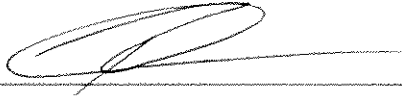
Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.                      63-34046**

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

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely  
Administrative Assistant**

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

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

(Required by Rule of Procedure 730.02)

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

### **REQUEST FOR HEARING**

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

### **ORAL ARGUMENT**

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

## **CERTIFICATE OF SERVICE**

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

## **FINAL ORDER**

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

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

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

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

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

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

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

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

## LEGAL PROOF OF PUBLICATION

| Account # | Ad Number  | Identification                          | PO      | Amount   | Cols | Lines |
|-----------|------------|-----------------------------------------|---------|----------|------|-------|
| 263978    | 0001991257 | LEGAL NOTICE The following applications | Woodard | \$449.53 | 3    | 91    |

Attention: RACHEL NEELY

IDAHO DEPT OF WATER RESOURCES / WEST  
2735 AIRPORT WAY  
BOISE, ID 837055082

RECEIVED

OCT 13 2015

WATER RESOURCES  
WESTERN REGION

### LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

**63-34095**  
**STEVE WOODARD**  
**ELLEN WOODARD**  
4795 N HARTLEY RD  
EAGLE, ID 83616

(2) Points of Diversion NWNE S34 T05N R01W ADA  
County Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 0.18 CFS  
Total Diversion: 0.18 CFS  
Date Filed: 6/4/2015  
Place of Use: IRRIGATION  
T05N R01W S34 NWNE  
Total Acres: 9  
Water bearing zone to be appropriated is from 275  
to 375 feet.

**63-34141**  
**TES FARMS LLC**  
7551 S FLAT LN  
KUNA, ID 83634

Point of Diversion NWSE S16 T01N R01E ADA Coun-  
ty Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 1.6 CFS  
Total Diversion: 1.6 CFS  
Date Filed: 9/17/2015  
Place of Use: IRRIGATION  
T01N R01E S16 NESE NWSE  
Total Acres: 80  
Water bearing zone to be appropriated is from 250  
to 400 feet.

**63-34113**  
**M3 EAGLE LLC**  
4222 E CAMELBACK RD STE H100  
PHOENIX, AZ 85018

Point of Diversion NWNE S34 T05N R01W ADA Coun-  
ty Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Use: IRRIGATION 03/01 to 11/15 0.12 CFS  
Total Diversion: 0.16 CFS  
Date Filed: 7/14/2015  
Places of Use: DOMESTIC, IRRIGATION  
T05N R01W S34 NWNE  
Total Acres: 6  
Water bearing zone to be appropriated is from 200  
to 600 feet.

**63-34112**  
**M3 EAGLE LLC**  
4222 E CAMELBACK RD STE H100  
PHOENIX, AZ 85018

Point of Diversion NWNE S34 T05N R01W ADA Coun-  
ty Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Use: IRRIGATION 03/01 to 11/15 0.1 CFS  
Total Diversion: 0.14 CFS  
Date Filed: 7/14/2015  
Places of Use: DOMESTIC, IRRIGATION  
T05N R01W S34 NWNE  
Total Acres: 5.2  
Water bearing zone to be appropriated is from 200  
to 600 feet.

**63-34111**  
**ROBERT J HANSON**  
**ELSIE V HANSON**  
4151 N HARTLEY RD  
EAGLE, ID 83616

Point of Diversion NWNE S34 T05N R01W ADA  
(Cont. next column)

County Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Use: IRRIGATION 03/01 to 11/15 0.11 CFS  
Total Diversion: 0.15 CFS  
Date Filed: 7/14/2015  
Places of Use: DOMESTIC, IRRIGATION  
T05N R01W S34 NWNE  
Total Acres: 5.4  
Water bearing zone to be appropriated is from 200  
to 600 feet.

**63-34110**  
**ROBERT J HANSON**  
**ELSIE V HANSON**  
4151 N HARTLEY RD  
EAGLE, ID 83616

Point of Diversion NWNE S34 T05N R01W ADA Coun-  
ty Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Use: IRRIGATION 03/01 to 11/15 0.12 CFS  
Total Diversion: 0.16 CFS

Date Filed: 7/14/2015  
Places of Use: DOMESTIC IRRIGATION  
T05N R01W S34 NWNE  
Total Acres: 6  
Water bearing zone to be appropriated is from 200  
to 600 feet.

**63-34046**  
**MELLIN PROPERTIES LTD PARTNERSHIP**  
10100 W FRANKLIN RD  
BOISE, ID 83709-0333

Point of Diversion NESE S24 T01N R01E ADA County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 1.6 CFS  
Total Diversion: 1.6 CFS  
Date Filed: 2/25/2015  
Place of Use: IRRIGATION  
T01N R01E S24 NESE NWSE  
Total Acres: 80  
Water bearing zone to be appropriated is from 225  
to 600 feet.

**63-34115**  
**DAVID SCAGGS**  
9408 W BURNETT DR  
BOISE, ID 83709

Point of Diversion NWNE S26 T03N R01E ADA Coun-  
ty Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 0.05 CFS  
Total Diversion: 0.05 CFS  
Date Filed: 7/16/2015  
Place of Use: IRRIGATION  
T03N R01E S26 NWNE  
Total Acres: 1.5  
Water bearing zone to be appropriated is from 100  
to 150 feet.

**PROPOSED AMENDMENT OF WATER PERMIT**  
City of Boise, Department of Parks and Recreation  
of 1104 Royal Blvd, Boise, ID, 83706 filed Appli-  
cation No. 80390 on August 18, 2015 to amend a  
water permit no. 63-33845 with a 2013 priority from  
groundwater totaling 0.14 cfs for municipal use. The  
permit provides municipal water for property located  
at Boise Hills Park on East Club View Drive in the  
Boise Foothills. The applicant proposes to amend the  
permit to change the water bearing zone from 225-  
250 feet to 200-400 feet.

JANICE HILDRETH, being duly sworn,  
deposes and says: That she is the  
Principal Clerk of The Idaho  
Statesman, a daily newspaper printed  
and published at Boise, Ada County,  
State of Idaho, and having a  
general circulation therein, and which  
said newspaper has been  
continuously and uninterruptedly  
published in said County during a  
period of twelve consecutive months  
prior to the first publication of the  
notice, a copy of which is attached  
hereto: that said notice was published  
in The Idaho Statesman, in conformity  
with Section 60-108, Idaho Code, as  
amended, for:

2 Insertions

Beginning issue of: 10/01/2015

Ending issue of: 10/08/2015

*Janice Hildreth*  
(Legals Clerk)

STATE OF IDAHO )

..SS

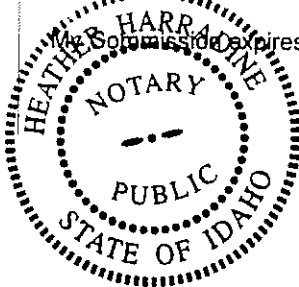
COUNTY OF ADA )

On this 8th day of October in the year  
of 2015 before me, a Notary Public,  
personally appeared before me Janice  
Hildreth known or identified to me to  
be the person whose name subscribed  
to the within instrument, and being by  
first duly sworn, declared that the  
statements therein are true, and  
acknowledged to me that she  
executed the same.

*Heather Harradine*

Notary Public FOR Idaho  
Residing at: Boise, Idaho

My Commission Expires: 2/11/2020



Permits will be subject to all prior water rights. For additional information concerning the property location,  
contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed  
amendment(s), please see [www.idwr.idaho.gov/WaterManagement/WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted  
based on the criteria of Idaho Code §§ 42-203A and 42-211. Any protest against the approval of the  
application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way,  
Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10-19-15. The prot-  
estant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director