



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 3, 2013

MELLEN SUBDIVISION WATER DISTRICT
PO BOX 1086
MOUNTAIN HOME ID 83647

RE: License No. 61-7673

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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.

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 208-287-4916.

Sincerely,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 61-7673

**MELLEN SUBDIVISION WATER DISTRICT
PO BOX 1086
MOUNTAIN HOME ID 83647**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706**



**Darla Block
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.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 61-07673

Priority: August 15, 1992

Maximum Diversion Rate: 0.71 CFS

It is hereby certified that MELLEN SUBDIVISION WATER DISTRICT
PO BOX 1086
MOUNTAIN HOME ID 83647 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 28, 1992; and has
submitted Proof of Beneficial Use on November 21, 1997. An examination confirms water is diverted from:

SOURCE

GROUND WATER

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>
FIRE PROTECTION	01/01 to 12/31	0.71 CFS	
DOMESTIC	01/01 to 12/31	0.71 CFS	132.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, Twp 03S, Rge 06E, B.M. ELMORE County

PLACE OF USE: DOMSTIC AND FIRE PROTECTION

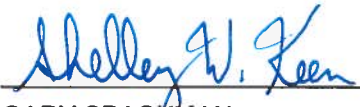
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
03S	06E	26										X							
03S	06E	27													X				

CONDITIONS OF APPROVAL

1. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.
4. Place of use is located within Lots 1-48 of Blk 1, Lots 1-48 of Blk 2, Lots 1-48 Blk 3, Lots 1-48 of Blk 4, Lots 1-24 of Blk 5, Lots 1-42 of Blk 6, Lots 1-43 of Blk 7, Lots 1-44 of Blk 8, Lots 1-44 of Blk 9, Lots 1-12 of Blk 10; Mellen Subdivision and a storage unit located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 3S, Range 6E.
5. This right when combined with the following water rights is limited to 110 homes: 61-7345, 61-7533, 61-10072, 61-10078, 61-10081, 61-10100, 61-10122, 61-10139, 61-10140, 61-10206, 61-10224, 61-10227, 61-10257, 61-10399, 61-10532, 61-10568, 61-10606, 61-10646, 61-10686, 61-10694, 61-10755, 61-10766, 61-10771, 61-10811, 61-10844, 61-11748, 61-11809, and 61-11810.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

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 this 30th day of September, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07673

RECEIVED

SEP 25 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: August 15, 1992

Maximum Diversion Rate: 0.71 CFS

Maximum Diversion Volume:

Comes now MELLEN SUBDIVISION WATER DISTRICT

PO BOX 1086

MOUNTAIN HOME ID 83647

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 61-07673, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FIRE PROTECTION	01/01 to 12/31	0.71 CFS	
DOMESTIC	01/01 to 12/31	0.71 CFS	132.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

SE1/4SE1/4

Sec. 27, Twp 03S, Rge 06E, B.M.

ELMORE County

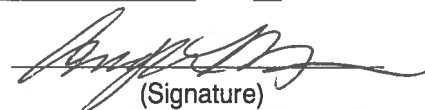
PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 06E 26										X							
03S 06E 27															X		

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	
03S 06E 26										X							
03S 06E 27															X		

Permit holder asserts that no one will be injured by such change and that such change will be made at

permit holder's own risk. Signed this 19 day of September, 2013

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07673

FOR DEPARTMENT USE ONLY

Preliminary check by CP Fee = 100⁰⁰ Received by HP # 0097791 Date 9-25-13

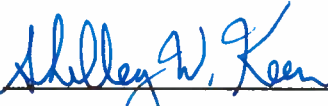
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 61-07673 with the following:

CONDITIONS OF APPROVAL

1. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.
4. Place of use is located within Lots 1-48 of Blk 1, Lots 1-48 of Blk 2, Lots 1-48 Blk 3, Lots 1-48 of Blk 4, Lots 1-24 of Blk 5, Lots 1-42 of Blk 6, Lots 1-43 of Blk 7, Lots 1-44 of Blk 8, Lots 1-44 of Blk 9, Lots 1-12 of Blk 10; Mellen Subdivision and a storage unit located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 3S, Range 6E.
5. This right when combined with the following water rights is limited to 110 homes: 61-7345, 61-7533, 61-10072, 61-10078, 61-10081, 61-10100, 61-10122, 61-10139, 61-10140, 61-10206, 61-10224, 61-10227, 61-10257, 61-10399, 61-10532, 61-10568, 61-10606, 61-10646, 61-10686, 61-10694, 61-10755, 61-10766, 61-10771, 61-10811, 61-10844, 61-11748, 61-11809, and 61-11810.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

Witness my hand this 30th day of September, 2013.


for GARY SPACKMAN
Director