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Form 42-1761
01/03

JUN 01 2009

DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____

Water Right No. 63-32399

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Name of Seller/Lessor Kevin and/or Elizabeth Duesman Phone (208) 343-3714

Post office address 3555 E Barber Dr, Boise, ID 83716

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by: **See attached partial decree for 63-32399**

a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water
Resources.

c. Permit No. _____ issued by the Idaho Department of Water
Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)

a. Amount of water under right: all cubic feet per second &/or all acre-feet per
annum

b. Point of diversion: _____ 1/4 of _____ 1/4 of Section _____ Township _____ Range
_____, B.M. in _____ County.

Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Applicant acquired the right from Mellin Properties LP and has previously submitted ownership documents to IDWR.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Right was partially decreed by the SRBA court on May 16, 2008.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

n/a

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

none

- e. If the water right is a permit, describe the work accomplished toward developing the right.

n/a

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

This right is subject of a pending transfer application.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for a period from May 1, 2009 to Indefinite
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Date 28 May 2009


Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-32399

NAME AND ADDRESS: ELIZABETH DUESMAN
KEVIN G DUESMAN
3555 E BARBER DR
BOISE, ID 83716

SOURCE: GROUND WATER

QUANTITY: 0.05 CFS
13.50 AFY

PRIORITY DATE: 02/07/1969

POINT OF DIVERSION: T01N R01W S21 SWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.05 CFS 13.50 AFY

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

PLACE OF USE: Irrigation Within Ada County
T01N R01W S21 SWNE 3.0
3.0 Acres Total

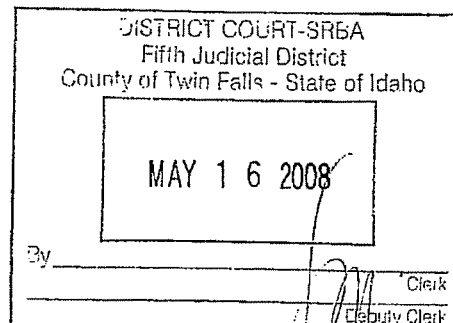
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RULE 54(b) CERTIFICATE

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


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



RECEIVED

MAY 19 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 16 2008	
Clerk	Deputy Clerk

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: See Attached Exhibit A

On March 12, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 16, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

63-32094
63-32397
63-32398
63-32399
63-32400
63-32401
63-32655
63-32656
63-32677
63-32893
63-32894

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 16, 2008, with sufficient first-class postage to the following:

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

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

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

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

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

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

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

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

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

SHAWN MIKELSON
20755 RODEO LN
WILDER, ID 83676

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

JASON BLANDFORD
MARCI BLANDFORD
25513 WAGNER RD
CALDWELL, ID 83607

ORDER

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Deputy Clerk

