

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 75555**

This is to certify that: MELLIN PROPERTIES LTD PARTNERSHIP  
 10070 LOS RANCHITOS DR  
 BOISE ID 83709-0349  
 (208)250-2963

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| Right    | Origin/Basis | Priority   | Rate     | Volume   | Acre Limit | Total Acres | Source       |
|----------|--------------|------------|----------|----------|------------|-------------|--------------|
| 63-33097 | WR/Decreed   | 02/07/1969 | 1.17 cfs | 317.7 af |            | 70.6        | GROUND WATER |
| 63-33100 | WR/Decreed   | 02/07/1969 | 0.08 cfs | 22.5 af  | 5.0        | 5.0         | GROUND WATER |

**Purpose of Transfer (Changes Proposed)**

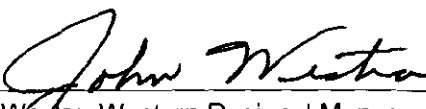
| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 63-33097       | NO    | NO  | YES | YES     | NO            | NO            |
| 63-33100       | NO    | NO  | YES | YES     | NO            | NO            |

**Summary of Water Rights After the Approved Change**

| Existing Right         | New No. (changed portion) | Transfer Rate   | Transfer Volume | Acre Limit  | Total Acres  | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|------------------------|---------------------------|-----------------|-----------------|-------------|--------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-33097               | <b>63-33097</b>           | 1.17 cfs        | 317.7 af        | 70.6        | 160.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-33100               | <b>63-33100</b>           | 0.08 cfs        | 22.5 af         | 5.0         | 160.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED TOTALS</b> |                           | <b>1.25 cfs</b> | <b>340.2 af</b> | <b>75.6</b> | <b>160.0</b> |                             | <b>N/A</b>     | <b>N/A</b>       | <b>N/A</b>           | <b>N/A</b>            |

Detailed Water Right Descriptions attached

Dated this 10<sup>th</sup> day of March, 20 10

  
 John Westra, Western Regional Manager

**SUPPORT DATA**

**IN FILE #** 63-33097

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**WATER RIGHT NO. 63-33097**  
**As Modified by Transfer No. 75555**

In accordance with the approval of Transfer No. 75555, Water Right No. 63-33097 is now described as follows.

**Right Holder:** MELLIN PROPERTIES LTD PARTNERSHIP  
 10070 LOS RANCHITOS DR  
 BOISE ID 83709-0349

**Priority Date:** February 07, 1969

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 1.17 CFS              | 317.7 AF      |
|                       |             |           | 1.17 CFS              | 317.7 AF      |

**LOCATION OF POINTS OF DIVERSION:**

|              |      |                                       |
|--------------|------|---------------------------------------|
| GROUND WATER | NENE | Sec. 21, Twp 01N, Rge 01W, ADA County |
| GROUND WATER | NWNE | Sec. 21, Twp 01N, Rge 01W, ADA County |
| GROUND WATER | SWNE | Sec. 21, Twp 01N, Rge 01W, ADA County |
| GROUND WATER | SWNE | Sec. 21, Twp 01N, Rge 01W, ADA County |
| GROUND WATER | SENE | Sec. 21, Twp 01N, Rge 01W, ADA County |

**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 |        |
| 01N 01W 21  | 40.0 | 40.0 | 40.0 | 40.0 |    |    |    |    |    |    |    |    |    |    |    |    | 160.0  |

Total Acres: 160

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 70.6 acres within the place of use described above in a single irrigation season.
2. Rights 63-33097 and 63-33100 when combined shall not exceed the irrigation of 75.6 acres within the place of use described above in a single irrigation season.
3. Rights 63-32399 and 63-32400 are currently appurtenant to a part of the place of use described above. However, these rights are currently leased to the Water Supply Bank and are not being used at the authorized places of use. If the use of these rights resumes on the currently described places of use, they shall not exceed 1.25 cfs and the irrigation of 75.6 acres when used in combination with Rights 63-33097 and 63-33100. If the purpose of use or place of use for Rights 63-32399 and 63-32400 are changed through a transfer approved by the Department before their currently authorized use is resumed, the combined use limits will be evaluated in the transfer process and may not apply.

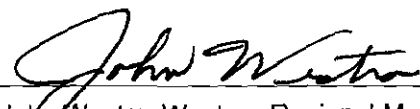
**WATER RIGHT NO. 63-33097**  
**As Modified by Transfer No. 75555**

**CONDITIONS OF APPROVAL**

4. Rights 63-32655 and 63-32677 are currently appurtenant to a part of the place of use described above. However, these rights are currently owned by other parties and are not being used at the authorized places of use. If the use of these rights resumes on the currently described places of use, they shall not exceed 1.25 cfs and the irrigation of 75.6 acres when used in combination with Rights 63-33097 and 63-33100. If the purpose of use or place of use for Rights 63-32655 and 63-32677 are changed through a transfer approved by the Department before their currently authorized use is resumed, the combined use limits will be evaluated in the transfer process and may not apply.
5. 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.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/16/2008.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10<sup>th</sup> day of March, 2010

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-33100**  
**As Modified by Transfer No. 75555**

In accordance with the approval of Transfer No. 75555, Water Right No. 63-33100 is now described as follows.

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

**Priority Date:** February 07, 1969

**Source:** GROUND WATER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.08 CFS              | 22.5 AF       |
|                       |             |           | 0.08 CFS              | 22.5 AF       |

**LOCATION OF POINTS OF DIVERSION:**

|              |      |                                       |
|--------------|------|---------------------------------------|
| GROUND WATER | NENE | Sec. 21, Twp 01N, Rge 01W, ADA County |
| GROUND WATER | NWNE | Sec. 21, Twp 01N, Rge 01W, ADA County |
| GROUND WATER | SWNE | Sec. 21, Twp 01N, Rge 01W, ADA County |
| GROUND WATER | SWNE | Sec. 21, Twp 01N, Rge 01W, ADA County |
| GROUND WATER | SENE | Sec. 21, Twp 01N, Rge 01W, ADA County |

**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 |        |
| 01N 01W 21  | 40.0 | 40.0 | 40.0 | 40.0 |    |    |    |    |    |    |    |    |    |    |    |    | 160.0  |

Total Acres: 160

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 5.6 acres within the place of use described above in a single irrigation season.
2. Rights 63-33097 and 63-33100 when combined shall not exceed the irrigation of 75.6 acres within the place of use described above in a single irrigation season.
3. Rights 63-32399 and 63-32400 are currently appurtenant to a part of the place of use described above. However, these rights are currently leased to the Water Supply Bank and are not being used at the authorized places of use. If the use of these rights resumes on the currently described places of use, they shall not exceed 1.25 cfs and the irrigation of 75.6 acres when used in combination with Rights 63-33097 and 63-33100. If the purpose of use or place of use for Rights 63-32399 and 63-32400 are changed through a transfer approved by the Department before their currently authorized use is resumed, the combined use limits will be evaluated in the transfer process and may not apply.

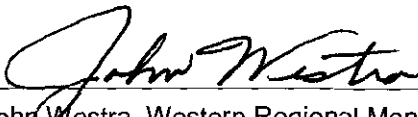
**WATER RIGHT NO. 63-33100**  
**As Modified by Transfer No. 75555**

**CONDITIONS OF APPROVAL**

4. Rights 63-32655 and 63-32677 are currently appurtenant to a part of the place of use described above. However, these rights are currently owned by other parties and are not being used at the authorized places of use. If the use of these rights resumes on the currently described places of use, they shall not exceed 1.25 cfs and the irrigation of 75.6 acres when used in combination with Rights 63-33097 and 63-33100. If the purpose of use or place of use for Rights 63-32655 and 63-32677 are changed through a transfer approved by the Department before their currently authorized use is resumed, the combined use limits will be evaluated in the transfer process and may not apply.
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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. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10<sup>th</sup> day of March, 20 10

  
John Westra, Western Regional Manager