

RECEIVED

APR 22 2009

FORM 202 10/08

FORM SHOULD BE PRINTED AS A 2 PAGE, SINGLE-SIDED DOCUMENT

WATER RESOURCES
WESTERN REGION

Ident. No.

63-33142

BY Daphne Mellin DATE April 7, 2009AMENDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

DEC 17 2008

To appropriate the public waters of the State of Idaho

10070 Las Ranchitas Dr

WATER RESOURCES
WESTERN REGION
83709-03491. Name of Applicant Mellin Properties Ltd Ptr Phone 250-2963
Mailing address 4500 N Tumbleweed Ln, Boise, ID 83713-2500 Email rmellinla@msn.com2. Source of water supply Groundwater which is a tributary of _____3. Location of point of diversion is Township 1 N Range 1 W Sec. 21, in the SE $\frac{1}{4}$,
SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., Ada County;
additional points of diversion if any: Section 21 NENE, NWNE, SENE, SWNE *Am*

4. Water will be used for the following purposes:

Amount 1.99 cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 1.69 cfs and/or (b) _____
cubic feet per second acre feet per year

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source _____
1200 gpm deep well turbine pumpb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feetc. Proposed well diameter is 12-16 inches; proposed depth of well is 600 feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? 1965; Drilling firm Bill Lukehart;
Well was drilled for (well owner) Jack Schmelzel; Drilling Permit No. ?-284487. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1 N	1 W	21	12	13	33	31													99
			40	40	40	40													160

Total number of acres to be irrigated: 99 ACRES WITHIN A 160-ACRE PPU

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Water Right 63-32893

irrigates adjacent acres. 63-33097, 63-33100

11. a. Who owns the property at the point of diversion? The applicant

b. Who owns the land to be irrigated or place of use? The applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Application is for water to be used by a center pivot

irrigation system expected to be installed on the above tract in the
spring of 2009 and subsequently for water for a "corner" irrigation
with later installed mainlines and handlines if such extension lines
can be found to be cost effective.

One additional well is proposed within the 4 quarter-quarters
listed. Proposed water bearing zone is 300 to 700 feet.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ralph Mellin
Signature of Applicant

Ralph Mellin, General Partner
Print Name (and title, if applicable)

Received by J. G. L. Date Dec 17 08 Time 10:04 am Preliminary check by KW
Fee \$ 290.00 Received by DB Receipt No. W037104 Date 12-17-08

63-33142

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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WATER RESOURCES
WESTERN REGION

1. Name of Applicant Mellin Properties Ltd Ptr Phone 250-2963
Mailing address 4500 N Tumoleweed Ln, Boise, ID 83713-2500 Email rmellinla@msn.com
2. Source of water supply Groundwater which is a tributary of _____
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- Amount 1.99 cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)
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total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 12-16 inches; proposed depth of well is 600 feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? 1965; Drilling firm Bill Lukehart;
Well was drilled for (well owner) Jack Schmelzel; Drilling Permit No. ?-28448
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
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- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

- superseded -

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- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
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TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1 N	1 W	21	12	13	33	31													99

Total number of acres to be irrigated: 99

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Water Right 63-32893

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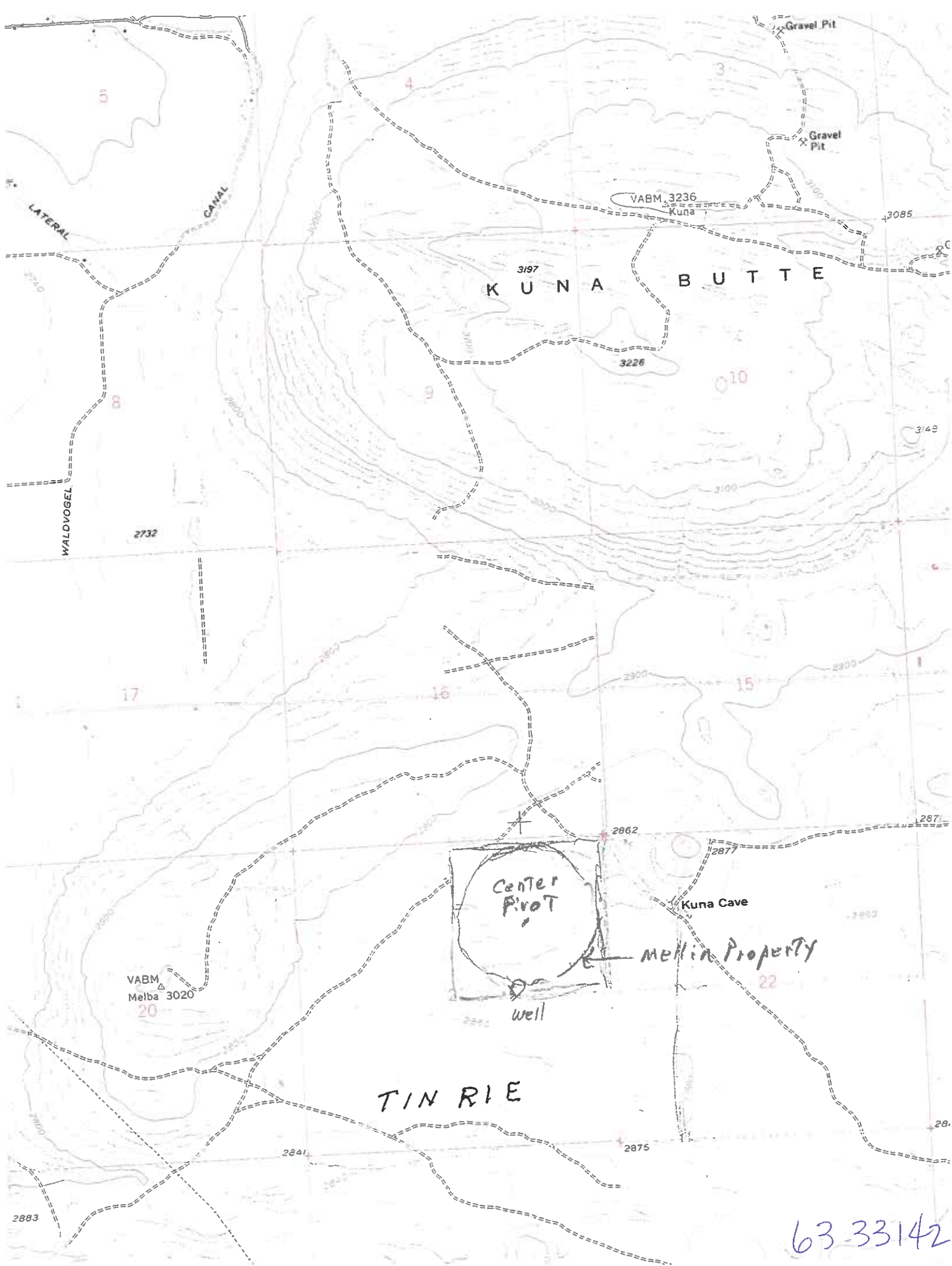
Ralph Mellin
Signature of Applicant

Ralph Mellin, General Partner
Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date Dec 17 08 Time 10:04 am Preliminary check by _____

Fee \$ _____ Received by DB Receipt No. W037104 Date 12-17-08



63 33142

Buffington, Denise

From: Buffington, Denise
Sent: Tuesday, January 26, 2010 3:59 PM
To: 'legals - Boise'
Subject: LEGAL NOTICE
Attachments: Ada County - Cover Letter.Doc; Ada County Ads - COMBINED.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me if you have any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

January 26, 2010

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 75555
Water Right No(s). 63-33097, 63-33100

RE: Application For Permit No(s).: 63-33141, 63-33142, and 63-33330

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/22/2010. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33141

MELLIN PROPERTIES LTD PARTNERSHIP
10070 LOS RANCHITOS DR
BOISE, ID 83709-0349

Point of Diversion NESESE S24 T01N R01E ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 1.6 CFS

Total Diversion: 1.6 CFS

Date Filed: 12/17/2008

Place Of Use: IRRIGATION

T01N R01E S24 SWSE SESE

Total Acres: 80

Water bearing zone to be appropriated is from 250 to 600 feet.

63-33142

MELLIN PROPERTIES LTD PARTNERSHIP
10070 LOS RANCHITOS DR
BOISE, ID 83709-0349

Point of Diversion SWNE S21 T01N R01W ADA County Source GROUND WATER Tributary

Point of Diversion SWNE S21 T01N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NENE S21 T01N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NWNE S21 T01N R01W ADA County Source GROUND WATER Tributary

Point of Diversion SENE S21 T01N R01W ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 1.69 CFS

Total Diversion: 1.69 CFS

Date Filed: 12/17/2008

Place Of Use: IRRIGATION

T01N R01W S21 NE(ALL)

Total Acres: 160

Water bearing zone to be appropriated is from 300 to 700 feet.

Irrigation is limited to 84.4 acres within a 160 acre area.

63-33330

US GENERAL SERVICES ADMINISTRATION
550 W FORT ST
BOISE, ID 83724

Point of Diversion SESESE S3 T03N R02E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: IRRIGATION 03/01 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 5/21/2009

Place Of Use: IRRIGATION

T03N R02E S2 SWSW

T03N R02E S3 NESE SESE

Total Acres: 2.6

Water bearing zone to be appropriated is unknown but is from shallow ground water. This is an existing 100 ft. well in use since the 1960s for landscape irrigation for the Federal Building at Fort & 6th Streets in Boise.

PROPOSED CHANGE OF WATER RIGHTS

Mellin Properties, LP, of 10070 Los Ranchitos Dr., Boise, ID, 83709-0349 filed Application No. 75555 to transfer two water rights with 1969 priority dates from a ground water source totaling 1.25 cfs. The purpose of the transfer is to create a permissible place of use and add a diversion point. Water will be used at the current place of use south of Kuna Butte and east of Melba near the Snake River Birds of Prey Area.

Permits will be subject to all prior water rights. For specific details regarding the application, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with detail provided under "new water right applications." Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before February 22, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on February 4th & 11th, 2010

Memorandum

COPY

To: Debbie Allen

From: Kay Walker *Kay*

Date: January 21, 2010

Re: Request for Refund

.....

Application for Permit No. 63-33142 was submitted for 1.69 cfs – the fee for that amount of water is \$290.00. The application was submitted with a check in the amount of \$770.00. See Receipt No. W037104 dated 12/17/2008. Please make a refund of \$480.00 to the applicant listed below.

If you need more information, please let me know. Thanks!

Mellin Properties LLC
c/o Ralph Mellin
10070 Los Ranchitos Dr.
Boise, ID 83709-0349

MEMORANDUM

TO: Transfer No. 75555

FROM: Kay Walker

DATE: January 20, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes irrigation of lands previously irrigated under License 63-7194 from one existing well and the addition of proposed new wells.

The site is located south of Kuna Butte and east of Melba in Snake River Birds of Prey Area; further described as west of Swan Falls Rd., east of Robinson Rd., south of Kuna Cave Rd. and north of Nicholson Rd.

Contact person for the applicant is Scott King of SPF Water Engineering at 383-4140.

Deviations from Transfer Policy Standards

Rights were decreed with the well located to a 40 acre tract description. Proposed wells are to be developed in one or more of the 40 acre tracts where the water is to be used. Allow descriptions of proposed wells to be listed to 40 acre tract descriptions since it is unknown where they may be developed at this time.

There are two rights, No. 63-32655 in the name of Shawn Mikelson, and No. 63-32677 in the name of Paramount LLC, that still show up as overlaps on the existing point of diversion and place of use under the transfer application. These are portions of Rt. 63-7194 that were sold but have not been officially moved off the property at this time. Rt. 63-32655 has an application pending to include the right into the Water Supply Bank. Rt. 63-32677 was proposed to be used to mitigate Permit No. 63-32603 but the mitigation plan was rejected. Since these rights are not owned by the applicant and may be moved off the property at some time in the near future, they should be considered as paper overlaps only.

Summary of Information Submitted

Authority to File:

The transfer applicant is the holder of decreed rights included in this transfer application.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period on May 16, 2008.

Injury to Other Water Rights:

No injury should occur. The place of use was irrigated under Rt. 63-7194 which was split and sold in small pieces. The remainder of that right along with a 2008 application for permit is proposed to be used to irrigate the property.

Enlargement of Use:

No enlargement should occur under the application for transfer. The property was previously licensed at 2.38 cfs for 142.5 acres (0.0167 cfs/ac) of which 1.25 cfs remains for the irrigation of 75.6 acres (0.0165 cfs/ac). An application for permit has also been submitted to bring the place of use up to 160 acres under a permissible place of use with an additional 1.69 cfs of water proposed.

Local Public Interest:

It is in the public interest to allow a property owner to irrigate their property.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information/Analysis

This place of use was originally irrigated under licensed Right 63-7194 which was split and pieces were sold off to different parties. Portions of the licensed right have been inserted into the Water Supply Bank under numbers 63-32399 and 63-32400. Some of the parts (63-32397 and 63-32401) were used for mitigation purposes so that new permits could be developed. These rights still show up as overlaps at the existing and proposed points of diversion and place of use under this transfer.

There are 70.6 acres remaining under Rt. 63-33097 and 5.0 acres under Rt. 63-33100 (which had been transferred off and then returned to original location). I find that there are a total of 75.6 acres of water rights remaining on this proposed 160 acre permissible place of use (ppu). If the applicant intends to irrigate the 160 acres at an inch per acre he would need to obtain a water right for 3.2 cfs. The existing rights on the property have a combined diversion rate of 1.25 cfs, leaving 1.95 cfs needed. The applicant has also filed an application for a brand new water right in the amount of 1.69 cfs for irrigation of the property.

Existing rights and the application for permit would not exceed the allowable amount necessary to irrigate this property.

Data entry affected the correct records which are the partial decrees issued on May 16, 2008.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 should be applied since one or more new wells are proposed.

A condition regarding the rights that are overlapping, but not under applicants ownership, should be added in case the rights were to revert back to original place of use. This condition would include the rights in the Water Supply Bank along with Rts. 63-32655 and 63-32677.



SPF WATER
ENGINEERING

April 20, 2009

RECEIVED
APR 22 2009

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Attention: Steve Lester

*Subject: Mellin Properties, LP – Amended application for Permit # 63-33142, and
PPU Transfer application*

Dear Steve,

On behalf of our client, Mellin Properties, LP, enclosed are two applications. The first is an amendment to application for permit no. 63-33142 changing the place of use to a 160-acre permissible place of use owned by the applicant and including proposed new points of diversion. The second application is a transfer also seeking a 160-acre permissible place of use for the water rights currently existing on the property. One of the water rights listed, number 63-33100, is the result of Transfer 74580 approved in November 2008, which moved a 5-acre portion of the Mellin Properties existing water right to another property owned by Scot Halladay. This transfer has not been accomplished and a request to rescind the transfer is being sent to John Westra. A check for \$290 is enclosed for the transfer application fee.

Please contact me if you have any questions regarding these applications.

Sincerely,

A handwritten signature in cursive script that reads "Scott King".

Scott N. King, P.E.
Supervising Engineer

cc: Mellin Properties, LP

File: 393.0100

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 06 2009

WATER RESOURCES
WESTERN REGION**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s):

63-7194 - parent
63-33141 } applications
63-33142 }

[] Name(s):

Mellin Properties Limited Partnership

[] Old Mailing Address:

4500 N Tumbleweed Ln
Boise, Idaho 83713-2500

[] New Mailing Address:

10070 Los Ranchitos Dr
Boise, Idaho 83709-0349

Telephone Number:

(208) 250 - 2963

Email:

rmellin1a@msa.com

[] Signature(s) of Owner(s)

Ralph Mellin
General Partner

(Include your title if on behalf of company or organization)

Date:

April 2, 2009

Send a signed original to your closest regional office:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033