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APR 20 2009

DEPARTMENT OF
WATER RESOURCES

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Applicant Action AG, LLC Phone 208-459-0901

Address PO Box 252

City Caldwell State Idaho Zip Code 83606

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water Ground Water
tributary to n/a
2. Maximum volume of water 244.8 AF.
3. Maximum rate of diversion 0.90 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use Irrigation
2. Location of point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21,
Township 1N, Range 1W, B.M. Ada County.
3. Season of use: From 4/1 to 11/1.
4. Description of diverting works:
Pump HP 100-hp Lift Pump type vertical turbine.
Canal name, if appropriate n/a.
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.
A total of 54.4 acres at 1N 1W Section 21 NE $\frac{1}{4}$, approximately situated as
follows: NENE (4.5 acres), NWNE (6 acres), SWNE (20.5 acres), and
SENE (23.4 acres).
 - b. If water is not for irrigation, describe the nature of the intended use and
the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

Water right no. 63-33097 in the name of Mellin Properties, LP providing 1.17 cfs for irrigation of 70.6 acres, and water right no. 63-33100 currently in the name of Scot Halladay providing 0.08 cfs for irrigation of 5 acres.

7. Who owns the property at the point of diversion?

Mellin Properties, LP

8. Who owns the property at the place of use?

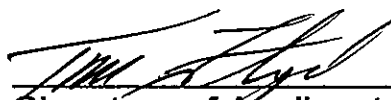
Mellin Properties, LP

9. Are you seeking a rental for more than one (1) year? No (yes or no)

If yes, for how many years? _____

10. Remarks: Applicant rents and farms property owned by Mellin Properties, LP and seeks to rent primary ground water for irrigation of 54.4 acres. Existing water rights appurtenant to Mellin Properties land provide for irrigation of 75.6 acres (see item 6). A total of 130 acres is planned for irrigation in 2009. Water right no. 63-33100 (Halladay) is the result of Transfer 74580 which moved 5 acres of water right previously located at 1N 1W Section 21 SWNE; Transfer 74580 will be rescinded and the water right returned to its original location. Application for Permit No. 63-33142 seeks a new appropriation for this use. An agreement exists between the applicant (Tom Floyd) and DeVries regarding this rental whereby Floyd will rent 54.4 acres of the DeVries water rights (63-7753B and/or 63-3478) for 2009 and will be required to pay to the IWRB the 10% administrative fee of \$1.40 per acre-foot. DeVries has submitted corresponding lease applications for these rights and expects no additional payment from Tom Floyd for the rental of 54.4 acres of water for the 2009 season.

4/14/09
Date


Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/7/2009

WATER RIGHT NO. 63-33097

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MELLIN PROPERTIES LIMITED PARTNERSHIP RALPH MELLIN, GENERAL PARTNER 4500 N TUMBLEWEED LN BOISE, ID 83713-2500 (208)322-7500
Original Owner	RALPH J MELLIN 4500 N TUMBLEWEED LN BOISE, ID 83713-2500 (208)322-7500
Original Owner	MARION SCHMELZEL RT 1 NEW PLYMOUTH, ID 83655

Priority Date: 02/07/1969

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.17 CFS	317.7 AFA
Total Diversion			1.17 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNE|Sec. 21|Township 01N|Range 01W|ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

01N | 01W | 21 | | NENE | 28 | | NWNE | 26.5 | | SWNE | 7 | | SENE | 9.1

Total Acres: 70.6

Conditions of Approval:

1. This right is a split from former right 63-32676 .
2. C18 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. Section 42-1412(6), Idaho Code.
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
3. S39 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.

Dates:

Licensed Date:

Decreed Date: 05/16/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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Water Right Report

4/7/2009

WATER RIGHT NO. 63-33100

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SCOT HALLADAY 9246 W ROCKSTONE CT KUNA, ID 83634 (208)562-8416
Original Owner	RALPH J MELLIN 4500 N TUMBLEWEED LN BOISE, ID 83713-2500 (208)322-7500
Original Owner	MARION SCHMELZEL RT 1 NEW PLYMOUTH, ID 83655

Priority Date: 02/07/1969

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.08 CFS	22.5 AFA
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 26|Township 02N|Range 01E|ADA County

IRRIGATION Use:

Acre Limit: 5

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	01E	26		NENE	6		SENE	4						

Total Acres: 10

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T19 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.
4. X27 This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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.
6. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date:

Decreed Date: 05/16/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.03

Generic Max Volume per Acre: 4.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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