



SPF WATER
ENGINEERING

April 15, 2009

RECEIVED

APR 16 2009

WATER RESOURCES
WESTERN REGION

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

Attention: John Westra

Subject: Mellin Properties and Scot Halladay Request to Rescind Transfer No. 74580

Dear John,

On behalf of our client, Mellin Properties, enclosed is a request to rescind Transfer No. 74580. The request is signed by both Ralph Mellin for Mellin Properties, and Scot Halladay, the transfer applicant. I believe the documents are self-explanatory, but if you have any questions, please let me know.

Sincerely,

Scott N. King, P.E.
Supervising Engineer

cc: Ralph Mellin / Mellin Properties
Scot Halladay

File: 393.0100

RECEIVED

APR 16 2009

10070 Los Ranchitos Dr

Boise, Idaho 83709-0349

April 2, 2009

WATER RESOURCES
WESTERN REGION

Idaho Dept of Water Resources Western Region

2735 Airport Way

Boise, Idaho 83705-5082

ATTN: John Westra *John Westra*

Dear Madam/Sir

RE: Water Right 63-7194 and Scot Halladay approved five-acre transfer dated November 8, 2008

Please rescind the above five acre water right transfer of Mr. Scot Halladay's since he has not closed the Contract For Sale Of A Water Right dated June 27, 2007, in accordance with Paragraphs 5a, 6d, 10e, and the remainder of the Contract. The Grant Deed shown as a blank in Exhibit C of the contract has not been signed by me since I have not received payment for this water right in a timely manner, and Mr. Halladay does not intend, even at this late date, to close the contract as shown by a copy of his March 25, 2009, letter to me, which is enclosed

I should inform you that I need to use these five acres of water rights this irrigation season at their original location in water right 63-7104; so please do what is reasonable to expedite this rescind request.

ATTEST:

Sincerely,

Scot Halladay
Scot Halladay

Ralph Mellin
Ralph Mellin, General Partner
Mellin Properties General Partnership

Enclosure

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 6th day of April, 2009 before me, a Notary Public, personally appeared Ralph Mellin, to me known to be the person named in and who executed the above signature, who did say that he is a General Partner of Mellin Properties, a Limited Partnership, that the signature was signed on behalf of the General Partnership by authority of its members, and the general partner acknowledged the execution of the signature to be a voluntary act and deed of the general partnership by it and by him voluntarily signed.



My Commission expires 25 June 2014

Larissa Gilleard
Notary Public in and for said County and State

April 2, 2009

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 10th day of April, 2009 before me, a Notary Public, personally appeared Scot Halladay, to me known to be the person named in and who attested to the foregoing letter and acknowledged that he attested to the same as his voluntary act and deed.



Laressa Gilleard
Notary Public in and for said County and State

March 25, 2009

Ralph Mellon

Mellon Properties Limited Partnership

4500 North Tumbleweed Ln.

Boise, ID 83713-2500

Telephone: (208) 322-7500

Contract for Sale of Water Right dated June 27, 2007 for 5 Acres

Ralph,

I received the approval from the Idaho Department of Water Resources several months ago in regards to the successful transfer of the water rights. Actually, I have been expecting a phone call from you; I assumed they would have notified you at the same time the water rights transfer was approved. The past several months I have been attempting to put together the funds needed to close the transaction. Unfortunately, I have not been able to obtain the funds as my business has literally drained all of my available funds and then some. I was hoping the past several months I would be able to work something out so that I could put together the money needed, unfortunately that has not happened. I understand as per the contract if the remaining amount is not paid to you the water rights would need to be transferred back to you. I don't know if it is a possibility for me to retain one of the five acres as I have paid the \$7,500 deposit at the beginning of the contract and the housing value used to track the cost per acre has gone down considerably from the \$7,500 per acre.

I wanted to write this letter as to give you a chance to think about this and then we can discuss in a few days as to what needs to be done to transfer the water rights back to you. I have no intention of trying to make this transition back to you difficult in any way and will cooperate completely in the process. I was just hoping that by focusing on my business the past few months I would have been able to secure funds needed to purchase the water rights. Unfortunately that has not happened.

Sincerely,

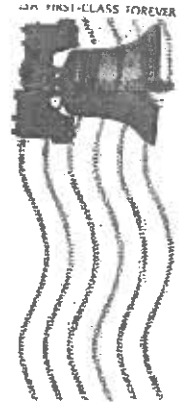


Scot Halladay

870-3884

Halladay
9246 W. Rockstone Ct
Kuna ID 83634

BOISE ID 837
26 MAR 2009 PM 3 T



*March 30 2009
Boise, ID
New York*

Ralph Mellon
4500 North Tumbleweed Ln.
Boise ID 83713-2500

NOTIFY SENDER OF NEW ADDRESS
MELLIN, RALPH

10070 LOS RANCHITOS DR
BOISE ID 83709-0949

BC: 83709094970 *1536-09894-25-30

83713#2500
837090949



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74580

This is to certify that: SCOT HALLADAY
 9246 W ROCKSTONE CT
 KUNA ID 83634
 (208)562-8416

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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-33100	WR/Decreed	02/07/1969	0.08 cfs	22.5 af	N/A	5.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-33100	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-33100	63-33100	0.08 cfs	22.5 af	5.0	10.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.08 cfs	22.5 af	5.0	10.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of November, 20 08


 John Westra, Western Regional Manager

WATER RIGHT NO. 63-33100
As Modified by Transfer No. 74580

In accordance with the approval of Transfer No. 74580, Water Right No. 63-33100 is now described as follows.

Right Holder: SCOT HALLADAY
 9246 W ROCKSTONE CT
 KUNA ID 83634

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	0.08 CFS	22.5 AF
			0.08 CFS	22.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 26 Twp 02N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	01E	26	6.0				4.0												10.0

Total Acres: 10

CONDITIONS OF APPROVAL

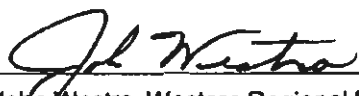
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho 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. This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.
5. 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.

WATER RIGHT NO. 63-33100
As Modified by Transfer No. 74580

6. 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.

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 4th day of November, 20 08


John Westra, Western Regional Manager