



SPF Water Engineering, LLC
water resource consultants

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JUN 22 2006

WATER RESOURCES
WESTERN REGION

June 20, 2006

Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise, ID 83720-0098

Attention: Noreen Vaughan

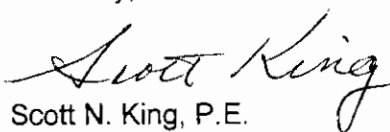
*Subject: Applications to Lease Water Rights to, and Rent Water From the Water
Supply Bank*

Dear Noreen,

Michael Cohen and Cynthia Mueller have purchased a 2-acre portion of water right 63-7194 from Mellin Properties Limited Partnership. The ownership change form was submitted to Western Region; a copy is enclosed. A transfer application proposing to change the point of diversion and place of use to their property was submitted to Western Region in June 2005. Enclosed is an application to lease their portion of the water right to the water supply bank, and a corresponding application to rent the water back for use on their property. The applications are drafted for the 2006 irrigation season; we are anticipating the transfer will be completed prior to the 2007 irrigation season.

Please let me know if you have any questions or need additional information.

Sincerely,



Scott N. King, P.E.
Senior Project Engineer

cc: Michael Cohen and Cynthia Mueller
Steve Lester

File: 430.0010

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>63-7194</u>	<u>63-7194</u>	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

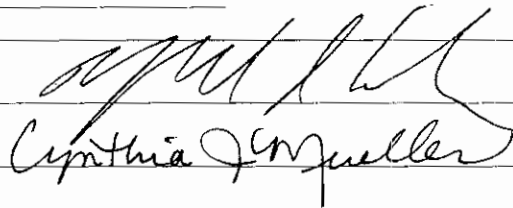
3. Name and Address of Former Owner/Claimant(s) MELLIN PROPERTIES LIMITED PARTNERSHIP
RALPH MELLIN, GENERAL PARTNER
4500 N TUMBLEWEED LN BOISE, ID 83713-2500
4. New Owner/Claimant(s) MICHAEL COHEN and CYNTHIA MUELLER
 Name Connector (Check one): [X] and, [] or, [] and/or
- New Mailing Address 7404 LANKTREE LANE
- City, State and ZIP Code MIDDLETON, ID 83644-5335
- New Telephone Number (208) 286-0725
5. Date you acquired the property May 17, 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-7194</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.03 cfs / 9.0 afa</u>	<u>2.0 acres irrigation</u>
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)


Cynthia J. Mueller

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____



186073237

GRANT DEED

THIS INDENTURE, made this 17 day of May, 2005, between Mellin
Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"),
and ~~Michael & Cynthia Cohen~~, whose address is 7404 Lanktree Lane, Middleton, Idaho 83644-
~~Michael S. Cohen - Cynthia Mueller~~
5335 ("Grantee").

WITNESSETH:

The Grantor for and in consideration of _____ dollars (\$ _____), and other good
and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant,
bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of
Grantee forever, the right, title and interest in and to the following portion of Water Right #63-
7194:

Quantity: 0.03 cubic feet per second / 9.0 acre feet per year

Acres: 2.0 acres (SENE Section 21, Township 1 North, Range 1 West, Ada
County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion
of Water Right #63-7194, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first
above written.

MELLIN PROPERTIES L.P.

By: Ralph Mellin, General Partner
Its: Mellin Properties Ltd. P.

STATE OF IDAHO

County of Ada

) ss.

On this 17th day of May, ^{2006 pm} 2005, before me, a Notary Public for said County and State, personally appeared Ralph Mella, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Pamela McEwan
NOTARY PUBLIC FOR IDAHO

Residing at: Boise, Idaho

My commission expires: 3/30/11



Water Supply Bank No. _____

Water Right No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

Name of Seller/Lessor MICHAEL COHEN and CYNTHIA MUELLER Phone (208) 286-0725

Post office address 7404 LANKTREE LANE MIDDLETON, IDAHO 83644

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 63-7194 (2 acre portion) 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.)

Applicant seeks to lease ALL of their 2-acre portion of 63-7194, which is equivalent to the following:

- a. Amount of water under right: 0.03 cubic feet per second &/or
9.0 acre-feet per annum
- b. Point of diversion: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 1N Range
1W, B.M. in Ada 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	
1N	1W	21				2													2.0

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 2.0

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.

A two-acre portion of right 63-7194 was purchased from Ralph Mellin / Mellin Properties LP on May 17,

2006 as evidenced by the enclosed Grant Deed and Notice of Change in Water Right Ownership.

- 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).

Our understanding is that this right has been used during the last five years. IDWR has made preliminary

Director's Report recommendations on this right. The right has been reviewed during recent transfer

applications. A transfer seeking to move this portion to our property is pending IDWR review. The attached

2003 Landsat Image indicates irrigation of the designated 2-acre portion.

- 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.

We offer only our two-acre portion for lease. We understand that there are no other water rights for the same purpose and place of use. We also understand that the present place of use will be dried and no longer irrigated.

- 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:

See accompanying application to rent water from the water supply bank. We seek to rent the portion that we have purchased and use it during the 2006 irrigation season. A transfer moving this portion to our property was filed in June 2005 and is pending approval.

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 17, 2006 to November 1, 2006
(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".

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.

6/8/2006
Date

[Signature]
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

05/31/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7194

NAME AND ADDRESS: MELLIN PROPERTIES LIMITED PARTNERSHIP
4500 N TUMBLWEED
BOISE ID 83713

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.380 CFS
642.00 AFY

PRIORITY DATE: 02/07/1969

POINT OF DIVERSION:
T01N R01W S21 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	2.380 CFS 642.00 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	NENE	38.0	T01N R01W S21	NWNE	31.5
T01N R01W S21	SWNE	33.0	T01N R01W S21	SENE	40.0

142.5 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

Claim Number: 63-07194

Legal: T01N, R01W, S21

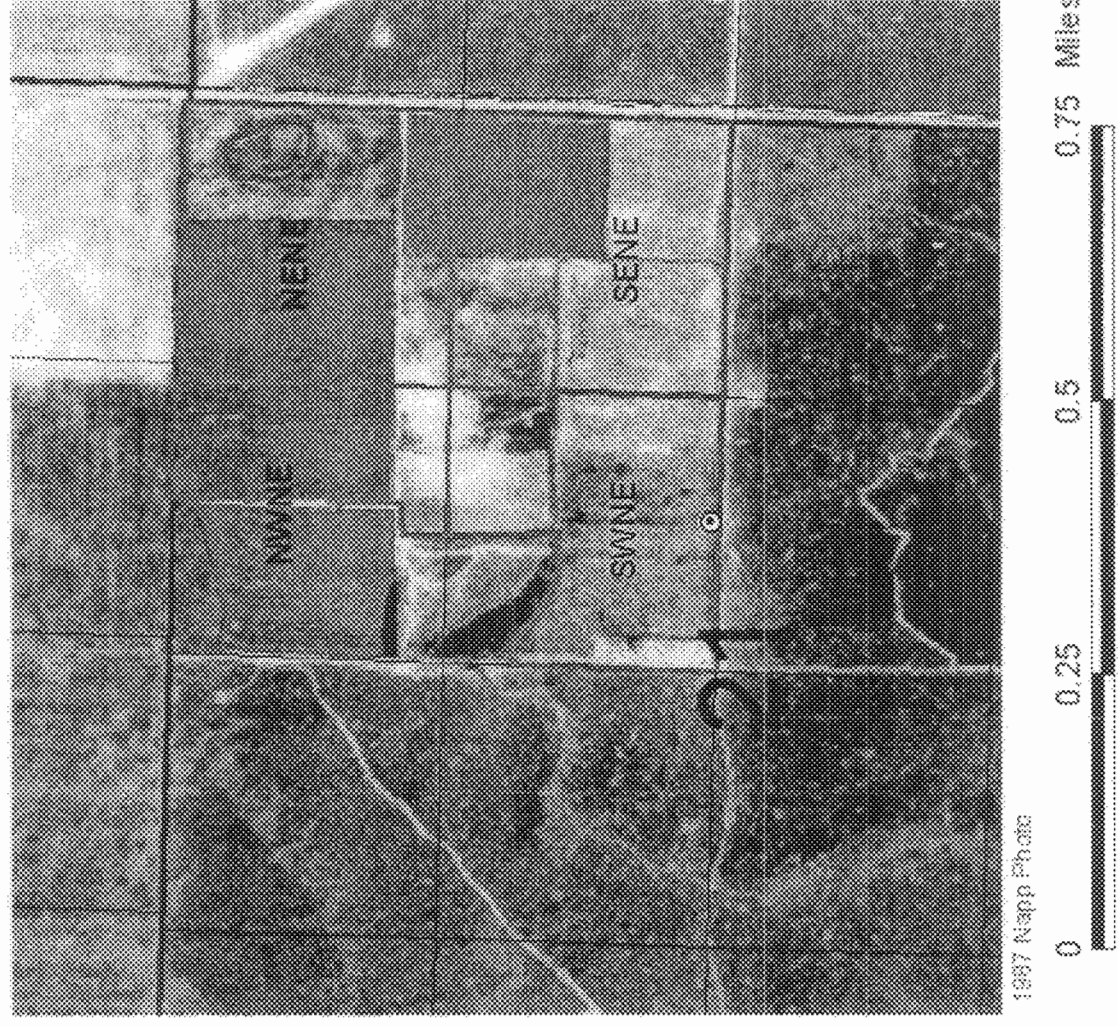
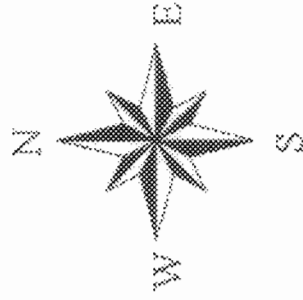
Reviewed By:

⊙ Point of Diversion

☐ Place of Use

☐ Section Lines

☐ Quarter Quarter Lines





EXPLANATION

 63-7194 Adjudication Recommendation

 Cohen / Mueller: 2 ac

Cohen / Mueller 2-acre purchase of
Water Right 63-7194
2003 Landsat Image

0 300 600
 Feet



Water Engineering, LLC
water resource consultants
6003 Proctor Ave. Ste. 100
Boulder, CO 80501
303.440.1111

A
N

Before the Idaho Water Resource Board

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Applicant MICHAEL COHEN and CYNTHIA MUELLER Phone (208) 286-0725Address 7404 LANKTREE LANECity MIDDLETON State IDAHO Zip Code 83644

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water Ground Water
which is tributary to n/a.
2. Maximum volume of water sought 9.0 AF.
3. Maximum rate of diversion 0.03 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use Irrigation
2. Location of point of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35,
Township 05N, Range 02W, B.M. ADA County.
3. Season of use: From April 1 to November 1.
4. Description of diverting works:
Pump HP 7.5 Lift 160 ft Pump type submersible.
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.
Irrigation: 2 acres in T5N R2W Section 35 NWSE.
 - b. If water is not for irrigation, describe the nature of the intended use and
the place of use. n/a

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

SRBA Claim 63-31028 serves 1/2 acre of irrigation at the place of use. A total of 2.5 acres are currently irrigated. We have purchased a 2-acre portion of 63-7194 (see enclosed grant deed) and seek to lease this portion from the bank (see accompanying application to lease to the water supply bank). Further, a transfer moving this portion to applicant's land is pending IDWR approval.

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

Applicant

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

Applicant

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

If so, how many years? _____

10. Remarks: *Applicant currently seeks water for the 2006 irrigation season only. However, in the event that the pending transfer application is not approved prior to the 2007 irrigation season, rental water may be sought for that year as well.

6/8/2006
Date

[Signature]
Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____