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Angela Schaer Kaufmann
Michael W. McGreaham

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Eric M. Barzee
Valerie N. Charles
Bradley J. Dixon
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Russell G. Metcalf

Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

MAR 21 2005

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

March 17, 2005

John Westra
Idaho Department of Water Resources Eastern
Region Office
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: Seward Prosser Mellon
Water Right Permit No. 67-14279
MTBR&F File No. 18977.4

Dear Mr. Westra:

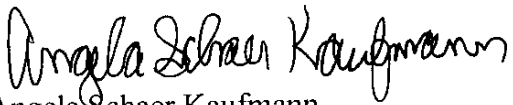
I have been advised to contact you regarding a field examination for the above referenced water right permit. We provided proof of beneficial use for this permit on February 13, 2003, and that proof was accepted. In 2003, as you will see from the enclosed correspondence, we requested that field examination for the permit be coordinated through us in order to ensure that the time is acceptable for our client. One year later, I follow-up with Sharla Curtis at Idaho Department of Water Resources asking for an indication of when we could expect a field examination to be performed. Unfortunately, I never received a response to that correspondence. It is my understanding that Ms. Curtis is no longer with the State Office and it may simply be that the correspondence never reached the appropriate person.

That aside, it has been two years since my client provided proof of beneficial use for the water right and it is my client's desire to have the field examination performed as soon as possible in order to move forward with the licensing process. Therefore, please let me know when we can anticipate the field examination being performed. As in 2003, we ask that you coordinate the field examination through our office so that we can ensure that the date and time are acceptable to our client.

John Westra
March 17, 2005
Page 2

Thank you very much for your consideration and I look forward to speaking with you.

Very truly yours,


Angela Schaer Kaufmann

ASK/dll

Enclosures

cc: Seward Prosser Mellon
Ross Kane

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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Idaho Falls
Pocatello

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February 23, 2004

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
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Sharla Curtis
Idaho Department of Water Resources
1301 N. Orchard
P.O. Box 83720
Boise, ID 83720

Re: Seward Prosser Mellon
Water Right Permit No. 67-14279
MTBR&F File No. 18977.4

Dear Ms. Curtis:

The above referenced permit was approved by the Idaho Department of Water Resources on February 20, 2002. The proof of beneficial use was due on March 1, 2003, and the Idaho Department of Water Resources website reflects that my client filed proof of beneficial use on February 14, 2003.

Our records reflect that in May 2003, my assistant, Debby Long, spoke with you and that you indicated that the field examination had not been performed and probably would not be performed during 2003. We are aware that this water right cannot be licensed until IDWR performs the field examination. However, it is important to my client that this water right be licensed as soon as possible, particularly since my client has complied with all deadlines set forth by the Idaho Department of Water Resources.

Therefore, I would ask that you provide me with an indication of when we can expect the field examination to be performed for permit number 67-14279. I look forward to your response.

Very truly yours,



Angela Schaer Kaufmann

ASK/dll

cc: Seward Prosser Mellon
Ross Kane

SCANNED

Boise
Idaho Falls
Pocatello

Moffatt Thomas

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Keasa L. Hollister
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Willis C. Moffatt,
1907-1980

February 13, 2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

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800 422 2889
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www.moffatt.com

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Proof of Beneficial Use for Water Permit No. 67-14279
MTBR&F File No. 18977.4

Dear Deborah:

In response to your correspondence of December 31, 2002, I have enclosed the original of a Proof of Beneficial Use form for Water Permit No. 67-14279, together with the required fee of \$50.00 for field examination by the Department's staff.

I trust this satisfies the requirements identified in your correspondence of December 31, 2002. If that is not the case, please advise me in writing.

Finally, I request that you coordinate the field investigation for this water permit by first contacting me so that I can notify the client and coordinate an acceptable time for the examination. Thank you for your cooperation in this regard.

Very truly yours,


Scott L. Campbell

SLC/dll

Enclosure

cc: Ross Kane (with enclosure)
Gerald Ellermeyer (with enclosure)
Seward Prosser Mellon (with enclosure)

SCANNED

BOI MT 0012 8.1
FILE COPY

FOR OFFICE USE ONLY
Amt. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 67-14279 Telephone No. 208-549-3645 or 724-238-6671

2. Name of Permit Holder(s): Seward Prosser Mellon

3. Mailing Address: P.O. Box RKM

City Ligonier State PA Zip 15658

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 10 / yr. 2000

Well Driller: Treasure Valley Drilling & Pump Drilling Permit Number: D0015724

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☐ or No ☒

Has the measuring device been installed?

Yes ☐ or No ☒

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Ross Kane, Manager Telephone Number: 208-549-3645

Address: 1837 Highway 95, Weiser, ID 83672

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Seward Prosser Mellon Date: 1-30-03

SCANNED

Moffatt Thomas

WELLS FARGO BANK NORTHWEST
BOISE, IDAHO
92-379 / 1241

0282

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

P.O. Box 829
Boise, Idaho 83701

NOT VALID UNLESS
NEGOTIATED WITHIN 90 DAYS

2/13/2003

PAY TO THE ORDER OF Idaho Department Of Water Resources

\$ 50.00

Fifty and 00/100

DOLLARS

Idaho Department of Water Resources

1301 N. Orchard Street

P.O. Box 83720

Boise ID 83720

MEMO

Filing Fee for Proof of Beneficial Use-18977.4

GENERAL ACCOUNT

⑈000282⑈ ⑆124103799⑆0030084240⑈

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

0282

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0282

STAMPED