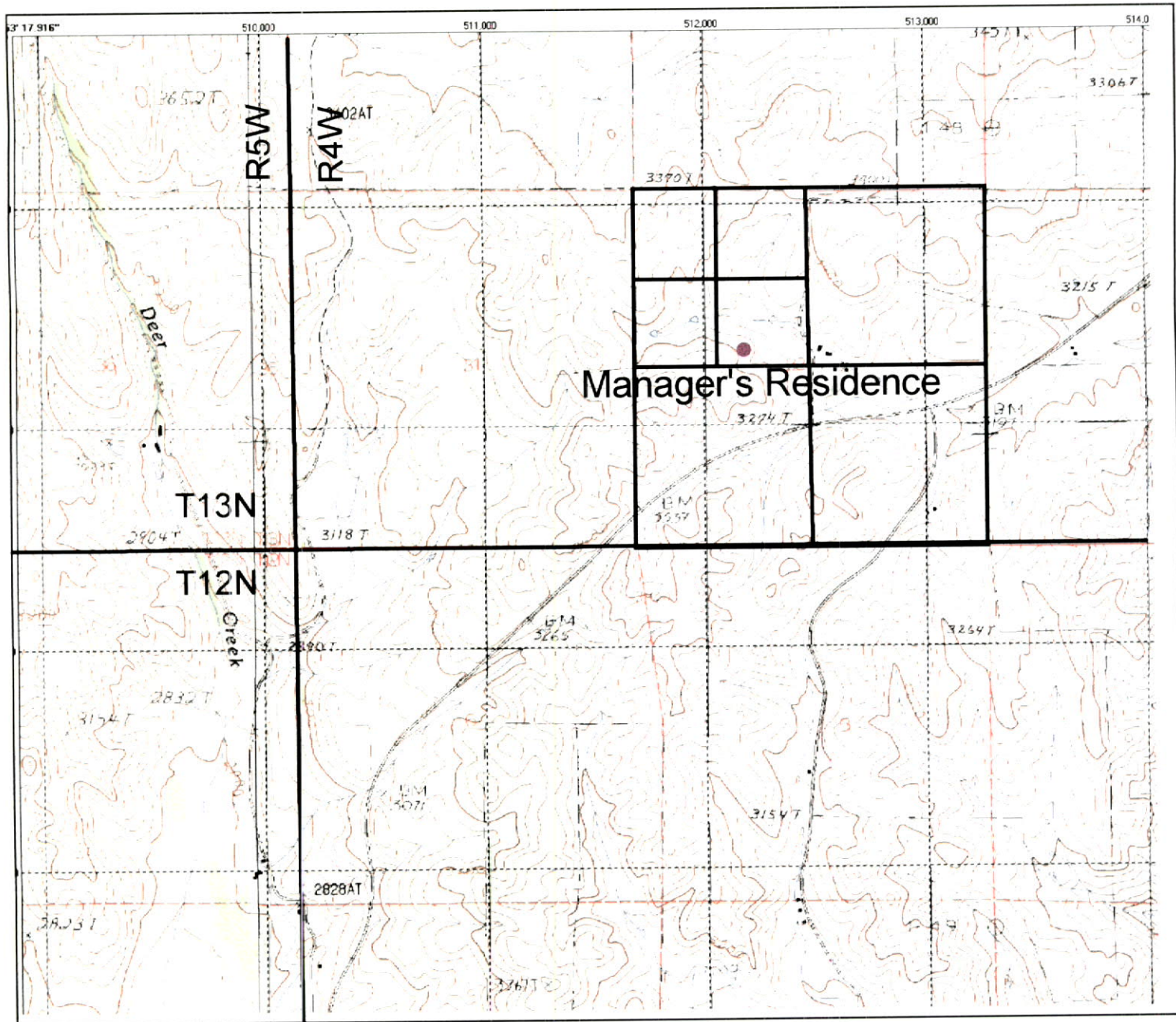


Point of Diversion/Place of Use Map
for Manager's Residence



SCALE

2000 0 2000 4000 6000 Feet



MICROFILMED

OCT 9 2 2002



Nº 1547

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Washington) ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with
January 2, 2002, and ending
with the issue of January 9, 2002

Fees \$ 86.00

Subscribed and sworn to before me this 9

day of January, 2002

Jack H. Parson
Notary Public, residing at Weiser, Idaho

My commission expires 2 of 08

No. 1547

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

67-14279

SEWARD PROSSER MELLON

PO BOX RKM

LIGONIER, PA 15658

Point(s) of Diversion: SENW S32 T13N R04W
WASHINGTON County Source GROUND WA-
TER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/10/2001

Place Of Use: DOMESTIC

T13N R04W S32 SENW

Permits will be subject to all prior water rights.
Protests may be submitted based on the criteria of
Sec 42-203A, Idaho Code.

Any protest against the approval of this applica-
tion must be filed with the Director, Dept. of
Water Resource, Western Region, 2735 Airport
Way, Boise, ID 83705 together with a protest fee
of \$25.00 for each application on or before
01/22/2002. The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER, Director
Published on January 3 and 10, 2002.

94-2S

RECEIVED

FEB 04 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 067394
Receipt By: [Signature]
Date Received: 2-14-03

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: [Signature] Date: 1-30-03

MICROFILMED

MAR 17 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14279

Priority: 12/10/2001

Maximum Diversion Rate: 0.04 CFS

This is to certify, that SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, Twp 13N, Rge 4W, B.M. WASHINGTON County

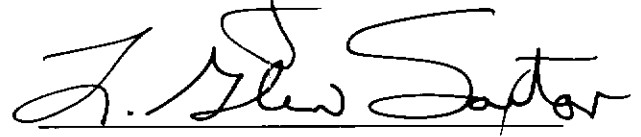
PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13N	04W	32								X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2003**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of February, 2002.


for KARL J DREHER, Director

MICROFILMED

SEP 11 2002

RECEIVED
FORM 202
12/99
SEP 10 2001
RECEIVED
FEB 19 2002
WATER RESOURCES
WESTERN REGION

RECEIVED
DEC 10 2001

WATER RESOURCES
WESTERN REGION

Ident. No. 67-14279

RECEIVED

SEP - 5 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

Department of Water Resources

1. Name of Applicant Seward Prosser Mellon Phone: (724) 238-6671

Mailing address PO Box RKM, Ligonier, PA, 15658

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is Township 13N Range 4W Sec. 32, in the _____
SE 1/4, NW 1/4, Govt. Lot _____, B.M., Washington County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 3 horsepower Jacuzzi pump, model 5675,
to a series of bladder pipe pressure tanks.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 6 inches; proposed depth of well is 504 feet

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? 9/25/00; Drilling firm Treasure Valley Drilling & Pump;
Well was drilled for (well owner) Seward Prosser Mellon * (see remarks); Drilling Permit No. 766797

7. Time required for completion of works and application of water to proposed beneficial use is 1 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. one household

e. Other; describe fully. _____

AMENDED

MICROFILMED

SEP 12 2002

3. 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	
13N	4W	32								D									

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Seward Prosser Mellon

b. Who owns the land to be irrigated or place of use? Seward Prosser Mellon

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

12. Remarks: The well driller's report reflects that the well was drilled for Thousand Springs Ranch, which is owned by Seward Prosser Mellon, Applicant.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 3 1/4"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.

Seward Prosser Mellon
Signature of Applicant (and title, if applicable) owner

Received by J. Mason Date 9-5-01 Time _____ Preliminary check by DAN
Fee \$ 100.00 Receipted by J. Mason # C055988 Date 9-5-01
Publication prepared by AT Date 1-3-02 Published in Wiser Signal
Publication approved AT Date 2-8-02

MICROFILMED

OCT 6 2 2002

RECEIVED

SEP 10 2001

FORM 200
12/99 EDITION

9-5-01

Ident. No.

67-14279

RECEIVED

SEP - 5 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Seward Prosser Mellon Phone (724) 238-6671
Mailing address PO Box RKM, Ligonier, PA, 15658

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is Township 13N Range 4W Sec. 32, in the _____
SE 1/4, NW 1/4, Govt. Lot _____, B.M., Washington County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 3 horsepower Jacuzzi pump, model 5675,
to a series of bladder pipe pressure tanks.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 6 inches; proposed depth of well is 504 feet

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? 9/25/00; Drilling firm Treasure Valley Drilling & Pump;

Well was drilled for (well owner) Seward Prosser Mellon * (see remarks); Drilling Permit No. 766797

7. Time required for completion of works and application of water to proposed beneficial use is _____ 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. one household

e. Other; describe fully. _____

ORIGINAL

MICROFILMED

2002

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	
13N	4W	32								D									

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Seward Prosser Mellon

b. Who owns the land to be irrigated or place of use? Seward Prosser Mellon

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

12. Remarks: The well driller's report reflects that the well was drilled for Thousand Springs Ranch, which is owned by Seward Prosser Mellon, Applicant.

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.

Seward Prosser Mellon
Signature of Applicant (and title, if applicable) owner

Received by J. Main Date 9-5-01 Time _____ Preliminary check by DAW
Fee \$ 100.00 Received by J. Main # 1055988 Date 9-5-01
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

MICROFILMED

OCT 2 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2003

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-14279

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encls.)
Scott Campbell (w/encl.)

MICROFILMED

MAR 17 2003

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

FEB 14 2003

Department of Water Resources

February 13, 2003

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Michael G. McPeck
Kirk R. Helvie
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin

C. Clayton Gill
David P. Gardner
Casey C. Robertson
Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Bradley J. Dixon
Keasa L. Hollister
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt,
1907-1980

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

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)

MICROFILMED

FEB 14 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 67-14279

Reviewed By: dgibson

Date: February 19, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		D0015724
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C055988, C067394	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	02/14/2003
Date proof due	- 03/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 12/10/2001
New priority date	= 12/10/2001

Deficiencies of Actions Items

Acknowledge proof. Notify region to contact Scott Campbell to notify his client when field exam is to be scheduled.

December 31, 2002

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER, PA 15658

PROOF DUE NOTICE

RE: PERMIT NO. 67-14279

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 17 2003

7000 1670 0013
9129 9829



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 21, 2002

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658

RE: Permit No. 67-14279

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

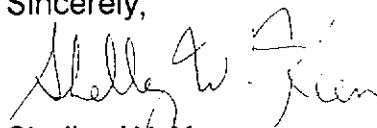
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

FEB 22 2002

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

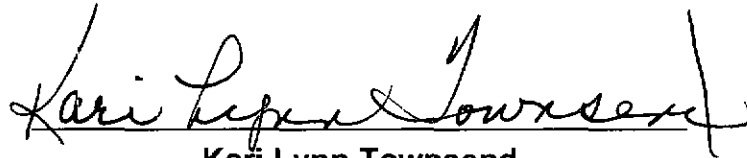
SEP 2 2002

CERTIFICATE OF MAILING

I hereby certify that on February 21, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 67-14279

**SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

DEC 9 2 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

OCT 2 2009

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/19/02

No. 67-14279 Name: Nelson Corp. Officers NA Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes Now study area Moratorium GWMA ~~TRUST/NON-TRUST~~

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
~~> 0.24 cfs/5 acres~~ - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE/PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 31012003

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC W01 (1)
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
>1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W50
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON - (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS

COMMENTS

January 2001

FEB 19 2002

IDAHO DEPARTMENT OF WATER RESOURCES APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

 INITIAL REVIEW BY: DAN DATE: 11-8-01 APPLICATION: 67-14279
REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Gov't. Lots:

NO P/D
NO P/U
NO ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☐ ☒ Surface water source, IDFG letter needed.
- ☐ ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ E-mail to Dam Safety staff: (for any storage)
- ☐ ☒ Mitigation plan: Check any that apply.
- ☐ ☐ immediate = acceptable plan required and submitted.
- ☐ ☐ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter.
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO.

67-14279

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. #
☐ ☒ Water Planning Bureau
☐ ☒ Other

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☐ ☒ Final date for protest 1-22-02

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District #

☒ ☐ Special conditions of approval or cover letter: STANDARD CONDITIONS.

See below for additional information

Recommended Date or Priority 12-10-2001

Recommended by: Daniel A. Nelson Date: 2-13-02

ADDITIONAL INFORMATION:

See COMMENTS ON PROOF REPORT

No. 1547

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Washington) ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with
January 2, 2002, and ending
with the issue of January 9, 2002

Fees \$

Subscribed and sworn to before me this 9
day of January, 2002

Ida B. Parson, Notary Public, residing at Weiser, Idaho

My commission expires 2, 08

No. 1547

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

67-14279

SEWARD PROSSER MELLON
PO BOX RKM

LIGONIER, PA 15658

Point(s) of Diversion: SENW S32 T13N R04W
WASHINGTON County Source GROUND WA-
TER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/10/2001

Place Of Use: DOMESTIC

T13N R04W S32 SENW

Permits will be subject to all prior water rights.
Protests may be submitted based on the criteria of
Sec 42-203A, Idaho Code.

Any protest against the approval of this applica-
tion must be filed with the Director, Dept. of
Water Resource, Western Region, 2735 Airport
Way, Boise, ID 83705 together with a protest fee
of \$25.00 for each application on or before
01/22/2002. The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER, Director

Published on January 3 and 10, 2002. 94-2S

RECEIVED

FEB 04 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen

Gerald T. Husch
Scott L. Campbell
Michael G. McPeck
Kirk R. Helvie
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill

Stephanie A. Balzarini
N. Danette Kriehn
David P. Gardner
Julian E. Gabiola
Paul C. Swainston
Angela D. Schaer
Casey C. Robertson
Ray J. Chacko
Dean C. Sorensen
Bradley J. Dixon
Keasa L. Hollister

Willis C. Moffatt,
1907-1980

December 18, 2001
Via Facsimile

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

RECEIVED
DEC 19 2001
WATER RESOURCES
WESTERN REGION

Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

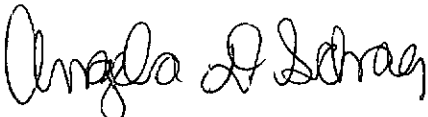
Re: Application for Permit Filed by Thousand Springs Ranch (Seward Prosser Mellon)
MTBR&F File No. 18977.4

Dear Mr. Nelson:

The purpose of this letter is to confirm our telephone conference of December 18, 2001. Specifically, you asked me to confirm that water right no. 67-14016, which was recently decreed in the Snake River Basin Adjudication, is not for the same purpose as the new domestic well for which we seek a permit. I can confirm for you that the water right for which we seek a permit is for a new residence on Mr. Mellon's property.

If you require any further information, please do not hesitate to contact me.

Very truly yours,



Angela D. Schaer

ADS/dll

cc: Mr. Seward Prosser Mellon

MICROFILMED

OCT 30 2002

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
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Bradley J. Dixon
Keasa L. Hollister

Willis C. Moffatt,
1907-1980

RECEIVED
DEC 10 2001
WATER RESOURCES
WESTERN REGION

December 7, 2001

Boise
Idaho Falls
Pocatello

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

RECEIVED

DEC 11 2001

Boise, ID 83705-5082

Kay Walker

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

Re: Water Right Permit No. 67-08004
MTBR&F File No. 18977.4

Dear Ms. Walker:

You recently returned the enclosed Application for Permit to us for two modifications. First, you requested that we complete item number 7, which is the time required for the completion of works and application of water to proposed beneficial use. You will note that time is one year. You also requested that we provide you with a map showing the point of diversion and point of use. I have attached that map as well.

If you have any further questions, please do not hesitate to contact me. I hope that you will now be able to process the enclosed application.

Very truly yours,



Angela D. Schaer

ADS/dll
Enclosure

MICROFILMED

DEC 12 2002

CEIVED

Boise
Idaho Falls
Pocatello

SEP - 5 2001

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Department of Water Resources

September 4, 2001

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

RECEIVED

SEP 07 2001

WATER RESOURCES
WESTERN REGION

Eugene C. Thomas	Gerald T. Hush	Stephanie A. Balzarini
John W. Barrett	Scott L. Campbell	David P. Gardner
R. B. Rock	Michael G. McPeck	Julian E. Gabiola
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Stephen R. Thomas	James L. Martin	1907-1980
Glenna M. Christensen	C. Clayton Gill	

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720

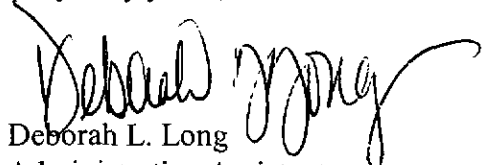
Re: Seward Prosser Mellon
MTBR&F File No. New

Dear Director:

Enclosed please find Mr. Mellon's Application for Permit to appropriate the Public Waters of the State of Idaho, and the appropriate filing fee. Please return a conformed copy in the envelope provided.

Thank you for your attention. Please contact our office if you have any questions.

Very truly yours,


Deborah L. Long
Administrative Assistant
to Scott L. Campbell

/dl
Enclosures

MICROFILMED

SEP 12 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2001

Legal Notice Department

Weiser Signal

PO Box 709

Weiser ID 83672

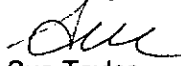
RE: Application for Permit No. 67-14279

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 01/22/2002. Your cooperation is appreciated.

Sincerely


Sue Taylor
Senior Secretary

MICROFILMED

JAN 22 2002

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

67-14279

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658

Point(s) of Diversion SENW S32 T13N R04W WASHINGTON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/10/2001

Place Of Use: DOMESTIC

T13N R04W S32 SENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/22/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 3 and 10, 2002.

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APR 12 2002