State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-33141

Priority: January 20, 2009

Maximum Diversion Rate: 1.01 CFS
Maximum Diversion Volume: 306 AF

It is hereby certified that:

MELLIN PROPERTIES LTD PARTNERSHIP 10100 W FRANKLIN RD BOISE ID 83709-0333

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 17, 2008, and has submitted Proof of Beneficial Use on November 17, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	03/01 to 11/15	1.01 CFS	306 AF

Location of Point(s) of Diversion
GROUND WATER NE¼ SE¼, Sec. 24, Twp 01N, Rge 01E, B.M. ADA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	24															34	34	68.0

Total Acres: 68.0

Conditions of Approval

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 26th day of June, 2024.

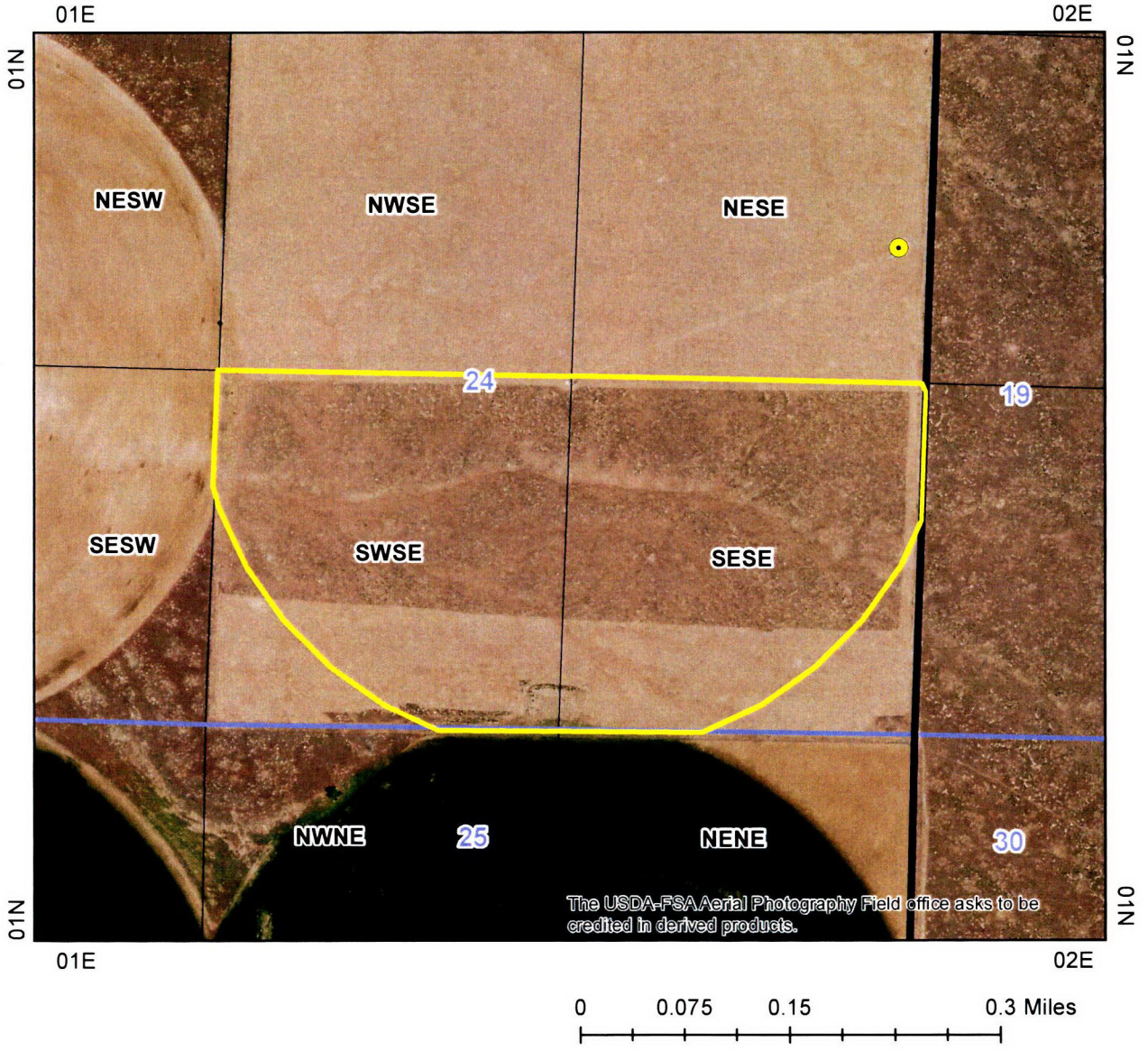
PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Water Right

63-33141

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Form 42-217 Rev. 6/22

RECEIVED
NOV 17 2022
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	
Receipt No.	
Receipted By	
Date Receipted	

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 63-33141 Name of Permit Holder(s) Mellin Properties Limited Partnership
Telephone No. (208) 250-2963 Email rmellinla@msn.com
Mailing Address 10100 W. Franklin Road City Boise State ID Zip 83709

2. Source of Water Ground Water If Ground Water (well), Date Drilled mo. Oct / yr. 2022
Drilling Permit/Tag No. P-886282 Drilling Company's Name Treasure Valley Drilling LLC

3. Extent of use(s) completed **as authorized by the water right permit**:
Domestic (No. households) _____ Irrigation (No. acres) 67 Stockwater (No. and stock type) _____
Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 2.45 (1100 gpm) cfs OR _____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
It is a deep well turbine pump lifting ~~340~~ 330 ft driven by an 150 hp electric motor and connected to a ¼ mile center pivot with a 110 ft radius enf gun.

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☒	Ground water level data, pumping information, or other diversion data
☐	☐	☒	Mitigation plan
☐	☐	☒	Lockable controlling works
☐	☐	☒	Measuring device
☐	☐	☒	Fish screen
☐	☐	☒	Other requirements of the water right permit _____
	☐	☒	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $_____ or ☒ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:
Name: Ralph Mellin Telephone No. 2082502963 Email rmellinla@msn.com
Mailing Address 10100 W. Franklin Road City Boise State ID Zip 83709

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 and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Ralph Mellin — Ralph Mellin General Partner — Nov. 15, 2022

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder.

Form No. 204 Rev. 12/12

RECEIVED
SEP 29 2022
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

$50 fee
Receipted by KM
Recpt No. 211471
Date 9.29.22

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of $50.00** to be included with this form when filed with IDWR.

Permit no. 63-33141 Date proof is due October 1st, 2022

Name(s) of permit holder(s) Mellin Properties Limited Partnership

Mailing address 10100 W. Franklin Rd. City Boise State ID Zip 83709-03

Telephone no. 208-250-2963 Email rmellinla@msn.com

Describe what work has been completed toward the development of this water right:
If no work has been completed, show "none". A 19½ inch well has been drilled through about 60 feet of soil and subsequent basult to the start of gravel at 410 feet. Static water is at about 280 feet. An irrigation pivot with its connecting pipe and wiring is now installed. Boundary fencing, dozer land leveling, and shrub discing is now completed.

Costing $200,000/160 acres

The permit holder(s) has been unable to complete the remainder of the work for the following reasons: The need for a continuing lenghty work in aquiring powerline right-of-way through ¼ mile of private land and subsequent needed ¼ mile of BLM land. Met on September 21, 2022 with the land owner's representatives, Matthew Clements and attorney, Vic Conrad, both of J.R. Simplot Co. Now reviewing their suggested restrictions relative to the usr of the powerline.

Permit holder(s) request an extension for five year(s). from March 1, 2020.

Ralph Mellin — September 26, 2022

Signature *(If other than permit holder, Power of Attorney must be supplied)* — Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

SCANNED OCT 1 2022

☐ **IT IS HEREBY ORDERED** that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☑ **IT IS HEREBY ORDERED** that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to November 20, 2022.

Signed this 7th day of October, 2022

Shelley W. Keen

Shelley W. Keen, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-33141 IN THE NAME OF MELLIN PROPERTIES LTD PARTNERSHIP	)))))	**PRELIMINARY ORDER REINSTATING A PERMIT AND APPROVING EXTENSION REQUEST**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On March 10, 2010, the Department issued Permit No. 63-33141 ("Permit") in the name of Mellin Properties Ltd. Partnership ("Permit Holder") authorizing the diversion of 1.60 cubic feet per second of ground water for irrigation use in the SW¼SE¼ and SE¼SE¼ of Section 24, Township 01 North, Range 01 East, B.M., Ada County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before March 1, 2015.

2. On December 31, 2014, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") or a *Request for Extension of Time* ("Extension Request").

3. On February 25, 2015, the Permit Holder filed an Extension Request for an additional five years to submit proof of beneficial use for the Permit. The Department approved this Extension Request pursuant to Idaho Code § 42-204(3)(f) based evidence of reasonable diligence and good cause. The approved Extension Request established a new proof of beneficial use due date of March 1, 2020.

4. On December 16, 2019, the Permit holder filed an Extension Request for additional time due to government delay. The Department approved this Extension Request pursuant to Idaho Code § 42-204(3)(a) based on evidence of the Permit Holder's pending right-of-way application with the Bureau of Land Management ("BLM"). The approved Extension Request provided an additional 39 days.

5. Between May 2020 and June 2021 the Department continued to approve Extension Requests for 39 days because the right-of-way application remained pending.

6. On October 26, 2021, the Department issued a *Preliminary Order Reinstating a Permit and Granting an Extension of Time* ("Order") addressing the amendment to Idaho Code § 42-204 that became effective July 1, 2021 (House Bill 268). The Order denied additional time pursuant to the amendments but granted another extension of 39 days due to continued government delay.

SCANNED
SEP 16 2022

7. Between October 2021 and May 2022 the Department continued to approve Extension Requests for 39 days because the right-of-way application remained pending. The last Extension Request approved by the Department extended the time to submit proof of beneficial use to June 17, 2022.

8. On June 27, 2022, 10 days after proof was due, the Permit Holder filed another Extension Request ("June 2022 Extension Request"). At the Department's request, on July 11, 2022, the Permit Holder provided documentation of continued delay related to the lack of federal government approval for Idaho Power Company to install power supply lines across land managed by the United States Bureau of Land Management. The documentation states that the Bureau of Land Management is delaying its decision until the Permit Holder receives an easement to install power lines on private land located between existing power lines and the Bureau of Land Management land. The Permit Holder provided evidence demonstrating ongoing diligence and good faith in pursuing an easement across the private land.

9. On July 25, 2022, the Permit Holder filed another Extension Request ("July 2022 Extension Request") even though IDWR had not acted on the June 2022 Extension Request.

10. On September 1, 2022, the Permit Holder filed another Extension Request ("September 2022 Extension Request"). The September 2022 Extension Request included evidence of the Permit Holder's diligence and good faith in pursuing the authorizations needed to extend power lines to the place of use for the Permit.

CONCLUSIONS OF LAW

Idaho Code § 42-204(3), states in pertinent part:

> The department may approve a timely request for an extension of time in the following circumstances:
>
> (a) In cases where the permit holder is prevented from proceeding with ... application of water to full beneficial use by the permit holder's failure to obtain necessary consent or final approval... from the federal government... state, county, city or other local government permitting or administrative action or process related to the permit holder's land or water development, or by litigation related to the permit holder's land or water development, the department of water resources, upon proper showing of the existence of any such condition, and being convinced that said permit holder is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit...

Idaho Code § 42-218a(1) states, in pertinent part:

> A permit upon which the proof of beneficial use..., has not been submitted, or a request for extension of time has not been received on or before the date set for such proof or incremental statement, shall lapse and be of no further force nor effect.... Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

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SEP 16 2022

Idaho Code § 42-218a(2) states, in pertinent part:

> Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

Pursuant to Idaho Code § 42-218a(1), the permit lapsed when proof was not submitted by June 17, 2022. By submitting the June 2022 Extension Request, the Permit Holder has shown reasonable cause why this permit should be reinstated pursuant to Idaho Code § 42-218a(2). Because the Permit Holder filed the June 2022 Extension Request less than sixty days after the permit lapsed, the Department should advance the Permit's priority date ten days to January 20, 2009.

The Department should also grant the June 2022 Extension Request for an additional 39 days of government delay pursuant to Idaho Code § 42-204(3)(a). Because the Department needed time to request and review the additional information submitted by the Permit Holder on July 11, 2022, the Department did not act on the June 2022 Extension Request by July 26, 2022, which is 39 days after the prior proof due date of June 17, 2022. The Department also did not act on the July 2022 Extension Request within 39 days of July 26, 2022. To put the Permit back on a timely trajectory, the Department should also grant the July 2022 Extension Request and the September 2022 Extension Request for 39 days each, establishing the new proof due date as October 12, 2022.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-33141 is **REINSTATED** and the Permit's priority date is advanced to January 20, 2009.

IT IS FURTHER ORDERED that the June 2022 Extension Request, the July 2022 Extension Request, and the September 2022 Extension Request are **APPROVED,** and the time within which to submit proof of beneficial use is extended to October 12, 2022.

DATED this 13th day of September, 2022.

Shelley W. Keen

Shelley W. Keen, Chief
Water Allocation Bureau

SCANNED
SEP 16 2022

Form No. 204 Rev. 12/12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

$50 fee
Receipted by KM
Recpt No. C113890
Date 9.1.22

RECEIVED
SEP 01 2022
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of $50.00** to be included with this form when filed with IDWR.

Permit no. 63-33141 Date proof is due Expected Sept 3, 2022

Name(s) of permit holder(s) Mellin Properties Limited Partnership

Mailing address 10100 W. Franklin Rd. City Boise State ID Zip 83709-0333

Telephone no. 208-250-2963 Email rmellinla@msn.com

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none". An 8 inch guide/test well has been drilled through 64 feet of soil and 306 feet of basalt to gravel at 370 feet with static water at 280 feet. This well is now abandoned and plugged because of difficulty in removing its 64 feet of casing. Well drilling equipment now on site drilling an adjacent 20 inch well. An irrigation pivot with its connecting pipe and electric wiring now installed. Boundary fencing, Costing $200,000/160 acres. dozer land leveling, and shrub discing completed An attorney has started eminent domain proceedings for a power line.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Delay with eminent proceedings and BLM's response to IPC's request to them. That is renewed preliminary action is being undertaken for an eminent domain filing for a 1/4 mile of powerline right-of-way. One must first undertake non-court efforts. The BLM has indicated this action must have positive results before they will act on the filing to them for the second 1/4 mile.

Permit holder(s) request an extension for five year(s) from March 1, 2020.

Also see Additional Information attached.

Ralph Mellin

Signature *(If other than permit holder, Power of Attorney must be supplied)*

August 31, 2022
Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ **IT IS HEREBY ORDERED** that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☐ **IT IS HEREBY ORDERED that** the above request for extension of time is **APPROVED,** and the time within which to submit proof of beneficial use is extended to _____, 20____.

Signed this _____ day of _____, 20____

Shelley W. Keen, Chief
Water Allocation Bureau

SCANNED
SEP 16 2022

Request for Extension of Time – Additional Information

Permit No. 63-33141 Date Proof Due: September 3, 2022

I. Work completed – Continuation

Just found current drilling of the 20-inch well is being done with a preliminary 12-inch guide well almost complete to the bottom of the previously noted rock. Now at 300 feet. Driller has indicated he is to immediately follow with a 19 1/2-inch bit.

II. Unable to Complete – Continuation

No response received from Mr. Steve Cherry noted in the August 9, 2022, letter to IDWR. On August 19, 2022, met with Matthew Clements, Farm Operations Manager, J.R. Simplot Co. who works directly under Tom Basabe, President L & L (Land and Livestock) Group, J.R. Simplot Co. This meeting discussed my request for a 1/4 mile of needed powerline right-of-way on a minimal impacted area of their land to BLM land. That is a request to remove the need for publicly viewable eminent domain action that was started with the June 17, 2021, attorney letter to the previous land owner, Ray Montierth.

Mr. Matthews said he would get back to me.

The next step is to schedule a meeting with Mr. Basabe before continuing the June 17, 2021, action with the previous owner.

III. Request for Action

Action is requested on the previous July 22, 2022, dated Request for Extension of Time and on this request because of the wise due diligence, noted above, done and being done for the first 1/4 mile of powerline right-of-way required by the BLM before their commencement of action.

SCANNED
SEP 16 2022

RECEIVED
AUG 11 2022
DEPARTMENT OF
WATER RESOURCES

Mellin Properties Ltd Ptr
10100 W franklin Rd
Boise, ID 83709
Telephone 208-250-2963
Email: rmellin1a@msn.com
Tuesday, August 9, 2022

Idaho Dept of Water Resources
Attention: Debbie Judd
P.O. Box 83720
Boise, ID 83720-0098

Dear Ms. Judd et. al. :

RE: Permit No. 63-33141

This is a confirmation of our telephone conversation on Wednesday, August 3, 2022, relating to my recent and continuing efforts to acquire a 1/2-mile powerline easement to prove up on the above permit and your request for such a written note. I might start with about my beginning efforts.

The current Idaho Power Company line reaches my closest location 35 ft north and 30 feet east of the SW corner of Sec. 18, T. 1 N., R. 2 E., B.M. The most direct route is to cross that section line to the south into the west side adjacent of Sec. 19 and then continue south for the 1/2 mile. The first 1/4 mile would be along the outside of a private land's chain link fence offset 25 feet in from the section line. See enclosed two pictures. The second 1/4 mile would continue south through Bureau of Land Management land to my property.

My first continuing efforts were conversations with the private land owner, Mr. Ray Montierth, probably early in 2019. His response was that he had a potential sale agreement for the impacted property with a clause for six-month extensions if it did not close. He indicated that he did not want to cloud/impact his potential sale with a new right-of-way easement. He did indicate if his sale did not close, he would consider providing me an easement. Yet time went on and he kept getting sale extensions.

My next step was to look at the route just across (west) of the section line of Section 19 in Sec 24, T. 1. N., R 1 E., B.M. then owned by the BLM and continue for the full 1/2 mile to my property. I worked with IPC to apply to the BLM on January 21, 2020, for a right-of-way easement along that route. On May 13, 2020, the BLM sent a rejection letter to IPC because there was a prior land exchange segregation designation (for Mr. Thomas Nicholson) for the land, which letter is enclosed.

My next step was to ask IPC to amend/resubmit their application to the BLM to a route for the south 1/4 mile of the above route to a route just east and across the section line of the rejected Sec 24 route. That is to the west side of Sec 19. IPC resubmitted that application, which

SCANNED
SEP 16 2022

documentation was submitted to you on June 24, 2020, to be attached to my then current request for a permit extension of time and is re-enclosed. Yet this IPC right-of way request only includes the second/south 1/4 mile of the needed route. The first 1/4 mile's route would return to that mentioned in my above second and third paragraphs, through the land of Mr. Montierth's.

Recent Activities

Because of the continuing delay with Mr. Montierth's sale, I had an attorney start an eminent domain process noted in Idaho Code 7-701. (IPC had indicated to me that they do not do eminent domain proceedings for individual distribution lines.) That eminent domain start process letter of June 17, 2021, was submitted to you shortly after that date and again recently. No response to that letter was received; however, I understood from another source a bit thereafter that Mr. Montierth had transferred the large property that included the impacted 1/4 mile to the Gardner Co. from Salt Lake City. I on September 16, 2021, met with their Boise Office Managing Partner, David Wali. He indicated that they could be open to granting me the needed right-of-way easement.

However, late in the year of 2021/early 2022, I understood the needed 1/4 mile of right-of-way and adjacent land had again been transferred, now to CS Property Development LLC.

I continued to feel good about that information, since I had gone to CS Beef's neighborhood meeting for the City of Kuna on January 26, 2015, about the proposed new beef packing plant that included 1121 acres and a pit-run base road ending 1/4 mile north of the above noted Sec 19 corner. I indicated that my only concern was that I continue to have access to my property on the section line pit-run base road (an extension of South Cole Rd). They indicated that would not be a problem.

(CS Property Development LLC also later acquired the adjacent land in Sec 24 – through which the BLM's first transferred it to Mr. Thomas Nicholson all as noted in my fourth paragraph.)

On July 7, 2022, I spoke by telephone with Matthew Clements, Simplot Co's regional farm manager, to request a meeting to discuss my need to purchase a powerline easement. He indicated that he would see who the proper people would be to have at the meeting. On July 15, 2022, I received a call from attorney Vic Conrad of Simplot Co about that powerline request. He indicated that he would continue to review the request. He also indicated that they wanted to get along with the neighbors.

Mr. Conrad also mentioned my previous year's letter to the IDWR about CS Property Development LLC's request for six potential new point of diversion locations for 428 acres of new water rights in an Application for Permit No. 63-35094. A September 30, 2021, IDWR notification letter to me indicated the comment deadline was October 25, 2021. I made two intervening calls to Mr. Conrad's indicated telephone number with a voice message; however,

SCANNED
SEP 16 2022

neither call was returned by the approaching comment deadline. I preferred not to comment to IDWR; however, I was concerned since one of the proposed points of diversion could be within 700 feet of my well with the potential for interference even with the good water bearing rock strata, which my 8-inch exploratory well showed. Still, I believed that the inclusion of that close-by sixth point of diversion was somewhat accidental without a review of the potential impacts and that a nearby point of diversion location would be a better for all concerned including CS Property Development LLC if they were a future buyer of my property. That was my only point in my otherwise neutral letter of October 22, 2021, to the IDWR, and which I preferred not to write.

On the well, the well driller, Garrett Post of Treasure Valley Drilling Inc, has had several breakdowns with his older equipment; however, he is currently drilling and it appears that he is now getting close to completing his 20-inch well through about 300 feet of basalt rock.

On August 2, 2022, I met with the CS Beef plant manager, Mr. Steve Cherry, who I understood also is a principle or an opinion maker for CS Property Development LLC, the land's current owner of my needed 1/4 mile of powerline right-of-way just outside the chain-link fence along the west side of Sec 19. (Only four power poles are needed to bring power to the BLM land. Mr. Cherry indicated that he would look favorable on my request, but needed to review it further, and that he was working very hard to give CS Beef a most favorable community image. This was the same and even a stronger response than given to me in the above public response to working with the neighbors noted above in the January 26, 2015, neighborhood meeting.

In summary as is seen, I have been working diligently to acquire the first 1/4 mile of right-of-way without public court action, which some success the BLM wants to see before they again begin working on their right-of-way application for which they see no concerning issues.

Sincerely,

Ralph Mellin
General Partner

Enclosures: two pictures, BLM rejection letter, and resubmitted BLM application

SCANNED
SEP 16 2022

Permit 63-33141 Picture 1 of 2 May 31, 2021



Looking South with the NW 1/4, Sec 19, T. 1N., R. 2E., B.M. Generally on left side of chain link fence. Fence is offset 25ft left of section corner, which is behind the left corner of the steel gate.

SCANNED
SEP 16 2022

Permit 63-33131 Picture 2 of 2 May 31, 2021



Looking North with the south end of the ¼ mile long chain link fence offset right (east) of the west boundary of the NW¼ (LOT 1), NW¼, Sec 19, T. 1 N., R. 2 E., B.M.

SCANNED
SEP 16 2022

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Boise District
3948 Development Avenue
Boise, ID 83705
http://www.blm.gov/id

In Reply Refer To:
2800 (IDI110)
IDI 39108

MAY 18 2020

CERTIFIED MAIL NUMBER:7011 2970 0002 6309 3602
RETURN RECEIPT REQUESTED

Decision

Idaho Power Company Felisa Waste P.O. Box 70 Boise, ID. 83707	: : : :	Right-of-Way (ROW) Application IDI 39108

Application Denied

On January 21, 2020, the BLM received your application for a ROW to construct an overhead 34.5kV distribution line across public land to serve an irrigation pivot and well belonging to Ralph Mellin. The lands affected by the application are in the E½NE¼ of sec. 24, T. 1 N., R. 1 E., Boise Meridian, Ada County, Idaho. Your application is hereby denied because the affected lands are currently unavailable for ROW applications.

The land affected by your application is part of a larger parcel of Federal land proposed for conveyance into private ownership in a land exchange. During the processing of the exchange, the subject lands were segregated from appropriation under the public land laws, except for the exchange provisions of the Federal Land Policy and Management Act of 1976, and as such, BLM cannot accept ROW applications that affect the property. The land exchange is currently in the BLM Washington Office awaiting the Director's approval. If approved, the lands would be conveyed into private ownership, after which you could address your request to the new landowner. If the BLM Director denies the exchange, the lands would remain in Federal ownership, and you would then be able to submit a new ROW application.

Appeal Information
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A

SCANNED
SEP 16 2022

petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,

(2) The likelihood of the appellant's success on the merits,

(3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

You may contact Courtney Busse by e-mail at cbusse@blm.gov or, by telephone at (208) 373-3872 if you have any concerns or comments.

Sincerely,

BRENT RALSTON Digitally signed by BRENT RALSTON Date: 2020.05.13 12:32:45 -06'00'

Brent Ralston
Field Manager
Four Rivers Field Office

Enclosure: BLM Form 1842-1

cc: Ralph Mellin

SCANNED
SEP 16 2022

From: "Waste, Felisa" <FWaste@idahopower.com>
Date: June 23, 2020 at 9:25:52 AM MDT
To: "Busse, Courtney L" <cbusse@blm.gov>
Cc: Ralph Mellin <rmellin1a@msn.com>, "Walker, Zac" <ZWalker@idahopower.com>
Subject: RE: [EXTERNAL] Confirmation of Receipt - Amended Application and Drawing for Mellin Properties Proposed Overhead Line Extension WO 27543362 IDI-39108

That is very good news. Thank you Courtney.

Felisa

From: Busse, Courtney L <cbusse@blm.gov>
Sent: Tuesday, June 23, 2020 9:19 AM
To: Waste, Felisa <FWaste@idahopower.com>
Cc: 'Ralph Mellin' <rmellin1a@msn.com>; Walker, Zac <ZWalker@idahopower.com>
Subject: Re: [EXTERNAL] Confirmation of Receipt - Amended Application and Drawing for Mellin Properties Proposed Overhead Line Extension WO 27543362 IDI-39108

KEEP IDAHO POWER SECURE! External emails may request information or contain malicious links or attachments. Verify the sender before proceeding, and check for additional warning messages below.

Hi Felisa,
Yes, I received. I don't think the route is a problem.

Thank you.

Courtney Busse
Management and Program Analyst (Acting)
BLM, Idaho State Office
208.373.3872

SCANNED
SEP 16 2022

Thanks, Ralph. I will be taking this up to Shelley tomorrow and will attach it to the file.

Debbi

From: Ralph Mellin [mailto:rmellin1a@msn.com]
Sent: Wednesday, June 24, 2020 2:47 PM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: Fwd: [EXTERNAL] Confirmation of Receipt - Amended Application and Drawing for Mellin Properties Proposed Overhead Line Extension WO 27543362 IDI-39108

Hi Debbie, the below email trail mainly involves IPC, Felica, and the BLM, and is to attach to my recent, of a couple days ago, last Request for an Extension of Time to develop Permit No. 63-33241.

I am sorry about the significant duplication of messages, but I am not able to electronically separate them.

The main point, near the bottom of the trail, is that IPC moved the route from one in a Section 24 east just across the north-south section line to a route not to be in a Section 24. Somewhat near the top of the email trail is a BLM confirmation of a couple days ago that they received the IPC route amendment request.

Ralph Mellin,
Mellin Properties Ltd Ptr

SCANNED
SEP 16 2022

From: Waste, Felisa <FWa[redacted]@idahopower.com>
Sent: Monday, June 22, 2020 3:39 PM
To: Busse, Courtney L <cbusse@blm.gov>
Cc: 'Ralph Mellin' <rmellin1a@msn.com>; Walker, Zac <ZWalker@idahopower.com>
Subject: [EXTERNAL] Confirmation of Receipt - Amended Application and Drawing for Mellin Properties Proposed Overhead Line Extension WO 27543362 IDI-39108

Hi Courtney,

Please let me know that you received this amended application and that it has been submitted for review. We are anxious to know if this amended route is satisfactory to the BLM and can move forward through the permitting process.

Thank you

Felisa

Felisa A. Waste
Permitting Coordinator
Idaho Power | Corporate Real Estate | Land Mgmt. & Permitting
PO Box 70 | Boise, ID | 83707
Ofc: (208) 388-6798
Fax: (208) 433-2842
Email: fwaste@idahopower.com

From: Waste, Felisa
Sent: Thursday, June 4, 2020 10:38 AM
To: 'Busse, Courtney L' <cbusse@blm.gov>
Cc: 'Ralph Mellin' <rmellin1a@msn.com>; Walker, Zac <ZWalker@idahopower.com>
Subject: Amended Application and Drawing for Mellin Properties Proposed Overhead Line Extension WO 27543362 IDI-39108

Hi Courtney,

Attached is the final amended application and exhibit map for the proposed overhead line extension. The route has been amended to avoid Section 24 in Township 1 North, Range 1 East.

Please let us know as soon as possible if this is a viable option for the power line. Mr. Mellin would appreciate confirmation of this application being re-submitted.

Thank you for your help with project.

Felisa

SCANNED
SEP 16 2022

Felisa A. Waste

Permitting Coordinator
Idaho Power | Corporate Real Estate | Land Mgmt. & Permitting
PO Box 70 | Boise, ID | 83707
Ofc: (208) 388-6798
Fax: (208) 433-2842
Email: fwaste@idahopower.com

IDAHO POWER LEGAL DISCLAIMER

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<mime-attachment>
<mime-attachment>

SCANNED
SEP 16 2022

Form No. 204 Rev. 12/12

RECEIVED

JUL 25 2022

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

$50 fee
Receipted by KH
Recpt No. C113514
Date 7.25.22

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of $50.00** to be included with this form when filed with IDWR.

Permit no. 63-33141 Date proof is due Expected: July 26, 2022

Name(s) of permit holder(s) Mellin Properties Limited Partnership

Mailing address 10100 W. Franklin Rd. City Boise State ID Zip 83709-0333

Telephone no. 208-250-2963 Email rmellinla@msn.com

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none". An 8 inch guide/test well has been drilled through 64 feet of soil and 306 feet of basalt to gravel at 370 feet with static water at 280 feet. This well is now abandoned and plugged because of difficulty in removing its 64 feet of casing. Well drilling equipment now on site drilling an adjacent 20 inch well. An irrigation pivot with its connecting pipe and electric wiring now installed. Boundary fencing, Costing $200,000/160 acres. dozer land leveling, and shrub discing completed An attorney has started eminent domain proceedings for a power line.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Delay with eminent proceedings and BLM's response to IPC's request to them. Now back drilling again after another breakdown with the drilling level at about one-third through 300 feet of basalt

Permit holder(s) request an extension for five year(s). from March 1, 2020.

Ralph Mellin — July 22, 2022

Signature *(If other than permit holder, Power of Attorney must be supplied)* Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ **IT IS HEREBY ORDERED** that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☐ **IT IS HEREBY ORDERED that** the above request for extension of time is **APPROVED,** and the time within which to submit proof of beneficial use is extended to _____, 20____.

Signed this _____ day of _____, 20____

Shelley W. Keen, Chief
Water Allocation Bureau

SCANNED
SEP 16 2022

Mellin Properties Ltd Ptr
10100 W Franklin Rd
Boise, ID 83709
Telephone (208) 250-29634
July 7, 2022

Idaho Dept of Water Resources
Attn: Debbie Judd
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
JUL 11 2022
DEPARTMENT OF
WATER RESOURCES

Dear Ms. Judd:

RE: Permit No. 63-33141

This is a confirmation and follow up to our telephone yesterday on the status of my acquiring right-or-way for a ½ mile of power line easement to my permitted property from the corner of Idaho Power's power line.

The first 1/4 mile of such power line easement was owned by Ray Montierth and is referenced in the enclosed attorney letter of June 21, 2021 (See page 2, Electrical Service). Mr. Montierth's verbal response was that he did not want to act on the letter since he had a sale agreement to sell the impacted property, and he preferred not to cloud that agreement. That property very recently has been sold and transferred to Simplot Company. Yesterday I requested a meeting with Simplot's "regional field manager," Matthew Clements, to discuss my need for a power line easement for a power line pasts its corner for about four power poles along the east side of the section line past the end of South Cole Rd [NW ¼ NW ¼ (Lot 1) Sec 19, T. 1 N., R. 1. E., B. M.]. He indicated he would get back to me on a time for a meeting at his field office when he could arrange for the proper people to be available.

Now as indicated to your office in previous correspondence, I have a written request to the Bureau of Land Management for an easement for the second ¼ mile of powerline easement to my property. Their verbal response is that they preferred not to act upon that request until I had an agreement for the first ¼ mile of the needed easement – of which as indicated above I am actively pursuing. They further indicated it appeared that a favorable decision might be made within their general criteria.

I will keep you informed on my progress as it transpires, and please call if you have further intervening needs for information.

Sincerely.

Ralph Mellin

Ralph Mellin, General Partner

Enclosure

SCANNED
SEP 16 2022

PARSONS BEHLE & LATIMER

800 West Main Street, Suite 1300
Boise, Idaho 83702
Main 208.562.4900
Fax 208.562.4901

A Professional
Law Corporation

Fredric V. Shoemaker
Attorney at Law
Direct 208.562.4900
FShoemaker@parsonsbehle.com

June 17, 2021

VIA US MAIL

Ray Montierth
825 Heartland Drive
Nampa, Idaho 83686

THIS LETTER SUPERCEDES AND REPLACES MY LETTER OF JUNE 15, 2021

Re: Notice of Intent to File Suit
PB&L File No. 30207.001

Dear Mr. Montierth:

I represent and write on behalf of Mellin Properties Limited Partnership ("Mellin Properties"). As you know from prior communications with Ralph Mellin, the Principal and General Partner of Mellin Properties, my client owns 160 acres located approximately one-quarter mile south of property you own, on the west side of and adjoining the future right-of-way for Cole Road, when extended.

Mellin Properties requires both electrical service, to fully and fairly develop its property, and needs to document its existing vehicular and pedestrian access along the section line that will become the center line of Cole Road when extended. Relatedly it needs to widen that right-of-way and formally document that access to formally correspond with the prescriptive and historic easement's long recognized along section lines in Ada County.

While I understand Mr. Mellin has explained this to you, let me again document by letter, the purpose of and basis for the request for electrical service is to irrigate the property. Mr. Mellin has already drilled a test well in the northeast corner of the property near the Cole Road right-of-way, extended. There is no feasible way to provide irrigation water to this property by gravity flow so an electric pump is necessary to draw the water from the aquafer below this ground. Idaho law, specifically Idaho Code Section 7-701, authorizes the use of eminent domain for roads accessing farms and for electrical distribution and transmission lines for farming and other purposes.

///

///

SCANNED
SEP 16 2022

Electrical Service.

An existing electrical distribution line extends south along and on the east side of the section line that will become the centerline of South Cole Road to a point at the southwest corner of Section 18, T. 1 N, R. 2 E., B.M., Ada County, Idaho. The required new electrical power distribution line would then extend 1,320 feet further south along the west boundary of Lot 1, (NW ¼ of the NW ¼) of Section 19, T. 1 N., R. 2 E., B.M., Ada County, Idaho, on your property to the north boundary of land owned by the BLM. Idaho Power advises a 30 feet wide easement for the new distribution line, the west side of which would be the section line and east side of which would be 30 feet east of the section line, parallel to the section line. The poles would be outside of your 25-foot offset chain link fence with 5 feet of wire overhanging. Mellin Properties is separately securing rights across the BLM ground to enable the extension of the distribution line across the BLM ground to its property.

The 30-foot wide powerline easement across your property for the amount 1,320 feet is a total of 39,600 square feet or approximately 0.91 acres.

Vehicular and Pedestrian Easement.

In addition, to adequately develop my client's property, it is necessary to acquire a vehicular and pedestrian easement, for 25 feet in width on your property, the same distance of 1,320 feet, all within the 30-foot wide electrical line easement. Plus the same 25 foot easement width is needed for the adjoining north approximately 1,320 feet along the west boundary of what could be known as the SW ¼ of the SW ¼ of Section 18, T. 1 N., R. 2 E., B.M. for an additional about 0.76 acres or a total of about 1.67 acres for vehicle access.

Also there is a question of 25 feet of vehicle and pedestrian easement right-of-way access rights on the next adjoining north existing pit run graded road base of approximately one half mile (2,640 feet) up to a cattle guard. Such pit run base was placed outside your boundary fence line evidently approximately 50 years ago by the existing Ada County Road Department, but without an easement release. That location would be on the western boundary of what could be known as the NW ¼ of the SW ¼ and the SW ¼ of the NW ¼ of Section 18, T. 1. N., R., 2 E., B.M. To purchase such at full value would add an additional approximately 1.52 acres. It is likely that the easement has already been given for public use because of its grading and the fact that pit run has been brought in.

Now further adjoining north of such cattle guard and your farm access point on what could be known as an extended South Cole Road there is a gravel road previously maintained by Ada County Highway District for an additional approximate one-half mile north to the main line Union Pacific Railroad right-of way, which roadway clearly is used by the public, but for which no roadway easement is of record. It is our desire to clarify the public's right of use for your 25 feet of that approximate one-half mile or slightly more than 1.52 acres. Dave Serdar of the Ada County Highway District's right-of-way department indicated they generally do not pay for transfer of title for such roadway currently used by the public.

SCANNED
SEP 16 2022

Although not everyone is aware of this, the power of condemnation is not limited to regulated utilities but instead, condemnation, under Idaho law, is generously available to individuals and corporations when it is reasonably necessary to provide access to farms and for electrical distribution lines for power facilities and other purposes like those required by my client to provide irrigation water for its lands. I.C. § 7-701.

In addition to the rights and powers available to Mellin Properties under Idaho's eminent domain laws, Mellin Properties has rights to access its property both for pedestrian, vehicular, and electrical power purposes based upon an easement by necessity.

Thirdly, and finally, at least with respect to pedestrian and vehicular access, Mellin Properties has a prescriptive easement that, although not precisely defined, exists at least for its historic purpose of access to these 160 acres. and my client has the right to file a lawsuit to clarify and specify exact limits and dimensions of that prescriptive easement.

Mellin Properties has been negotiating in good faith to purchase the pedestrian and vehicular access rights and I am authorized to again offer $10,000 upon securing your written agreement for a pedestrian and vehicular easement 25 feet in width, for the distance of about 8,200 feet described above. The written easement would be suitable for public access and transferable to a public entity, like the Ada County Highway District. Likewise, the 30-foot wide easement for electrical distribution lines needs to expressly provide that it is transferable to and for the benefit of an electric utility company.

Obviously, the dimensions of both the pedestrian and vehicular easement and the electrical distribution line easement will need to be more precisely defined in any agreement reached, as they would be in the lawsuit I am prepared to file on behalf of my client if negotiations are not successful.

If you are interested in negotiating a resolution of my client's need to acquire these easements across your property without the necessity of filing suit, please contact me or have your attorney do so, within twenty (20) days of the date of this letter, failing which, I have been authorized to file suit. Thank you.

Very truly yours,
PARSONS BEHLE & LATIMER

Fredric V. Shoemaker
Attorney at Law

FVS:kea

PBL\4841-0293-7325.v5-6/17/21

SCANNED
SEP 16 2022

From: Judd, Debbi Debbi.Judd@idwr.idaho.gov
Subject: Permit 63-33141
Date: Jun 24, 2022 at 10:49:32 AM
To: Ralph Mellin rmellin1a@msn.com

RECEIVED
JUN 27 2022
DEPARTMENT OF
WATER RESOURCES

Good morning Ralph,

Proof was due last Friday, June 17, for permit 63-33141 and has now lapsed. Are you planning to file another extension? A lapse notice is scheduled to be sent on Monday, June 27. Please let me know the status.

Thanks,
Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

Saturday, June 25, 2022

Dear Debbi:

Thank you a lot for the above email!
I sure overlooked the important date.
The needed extension request is enclosed.
Thank you again for your work.

Sincerely,
Ralph Mellin

SCANNED
SEP 16 2022

Form No. 204 Rev. 12/12

RECEIVED
JUN 27 2022
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

$50 fee
Receipted by KM
Recpt No. C113198
Date 6.27.22

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of $50.00** to be included with this form when filed with IDWR.

Permit no. 63-33141 Date proof is due June 17, 2022

Name(s) of permit holder(s) Mellin Properties Limited Partnership

Mailing address 10100 W. Franklin Rd. City Boise State ID Zip 83709-0333

Telephone no. 208-250-2963 Email rmellinla@msn.com

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none". An 8 inch guide/test well has been drilled through 64 feet of soil and 306 feet of basalt to gravel at 370 feet with static water at 280 feet. This well is now abandoned and plugged because of difficulty in removing its 64 feet of casing. Well drilling equipment now on site drilling an adjacent 20 inch well. An irrigation pivot with its connecting pipe and electric wiring now installed. Boundary fencing, Costing $200,000/160 acres. dozer land leveling, and shrub discing completed An attorney has started eminent domain proceedings for a power line.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Delay with eminent proceedings and BLM's response to IPC's request to them. The current drilling level is past one-third of the 300 feet of basalt. Drilling equipment breakdowns have slowed progress;however, the crew is actively working to complete the well.

Permit holder(s) request an extension for five year(s). from March 1, 2020.

Ralph Mellin
Signature *(If other than permit holder, Power of Attorney must be supplied)*

June 25, 2022
Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ **IT IS HEREBY ORDERED** that the permit is **REINSTATED** with the priority date advanced to _____, 20_____.

☐ **IT IS HEREBY ORDERED that** the above request for extension of time is **APPROVED,** and the time within which to submit proof of beneficial use is extended to _____, 20_____.

Signed this _____ day of _____, 20____

Shelley W. Keen, Chief
Water Allocation Bureau

SCANNED
SEP 16 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little Director Mathew Weaver

June 27, 2024

MELLIN PROPERTIES LTD PARTNERSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

RE: License No. 63-33141 & 63-34046

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

Phill Hummer

Phill Hummer
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2024, I served a true and correct copy of Water Right License No. 63-34046 & Water Right License No. 63-34046 by U.S. Mail, postage prepaid, to the following:

MELLIN PROPERTIES LTD PARTNERSHIP (Current Owner)
10100 W FRANKLIN RD
BOISE ID 83709-0333

VIC CONRAD (Interested Party)
Email: vic.conrad@simplot.com

Debra Mansfield
Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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).

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 service date 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.

Memorandum

Date: September 29, 2023

From: Blake Burkard

To: Water Right Files 63-33141 & 63-34046

Subject: Licensing Review of Certified Water Right Examiner Report

---

Water right permits 63-33141 & 63-34046 each authorized 80 acres of irrigation from groundwater, with a shared point of diversion in the NE¼ SE¼, Sec. 24, Twp 01N, Rge 01E, B.M., Ada County. The beneficial use field examination reports for these rights were submitted by Certified Water Right Examiner Scott King of HDR INC. and received by IDWR on November 17, 2022. The field exams were conducted concurrently on November 3, 2022. The purpose of this memo is to review the recommendations made in the field exam reports.

Ownership:
Both permits are owned by Mellin Properties LTD Partnership, who are still the place of use and point of diversion owners at the time of this memo. There are no ownership clarifications needed.

Overlap:
The field report correctly states that no other water rights exist at the places of use. There are no overlap concerns.

Point of Diversion and Place of Use:
The reviewer confirms the POD for both permits to be the same well in the permitted location. Permit 63-33141 described the POD to the quarter-quarter-quarter, which is reserved for the legal descriptions of springs. I agree with the reviewer's recommendation to describe the POD to the quarter-quarter, instead.
The POUs for both permits, the north half (63-34046) and south half (63-33141) of a single pivot, had been irrigated between some date after October 15, 2022, when the well was completed, and November 3, 2022, when the field exam was conducted. The reviewer included a photograph of sprouted wheat, which can take as little as 7 days to germinate. Scott King's report stated that the POU acreage for each quarter-quarter was 33.7 acres, excepting: "The north half pivot (63-34046) is a slight 0.32-acre smaller POU due to end gun area not irrigating around well site in the NE¼SE¼." Later, he stated, "A 67.01-acre POU in the north half pivot leaves a 33.5-acre POU in each quarter-quarter."
This was an attempt to have the Department round up the 67-acre POU to 68 acres. It is incorrect to divide the QQs equally, given the NE¼SE¼ is 0.32 acres smaller. I recommend a 33.7

(34) acre POU in the NW¼SE¼ and a 33.4 (33) acre POU in the NE¼SE¼, keeping the 67.01-acre measured POU at 67 acres for 63-34046. I recommend the POU for 63-33141 to be 68 acres.

Diversion Rate and Volume:
The well drilled for the two permits, at the time of the field exam, had yet to receive 3-phase power from the nearby power infrastructure. The germinated wheat seed, which was the only beneficial use identified during the field exam, had been irrigated by connecting the well pump to a diesel generator. The submitted field report included a measurement taken, averaging 10 minutes of pumping, which was 2.0 cfs. The measured rate is roughly 0.3 less than what the pump curve reads, and the report suggested that we license the permits with the rate of 1.3 cfs. The Department employs the practice of licensing theoretical rates only when it is many years tardy in conducting an exam and the diversion system shows signs of degradation, or other similar circumstances. Since the diversion system used in the field exam was consistent with how beneficial use was achieved, I recommend licensing the measured rate, dividing the total rate proportionally to the two permits, or 1.0 cfs each.
The volume recommended by the examiner was calculated with a 68-acre POU, 306 acre-ft, which is agreeable for 63-33134. Since the north half of the pivot (63-34046) irrigated 67 acres, I recommend a volume of 302 acre-ft.

Conditions:
I agree with the examiner that the conditions of the permit were followed. I recommend removing 004, 046, and 26A and changing condition 121 to 103, as is standard for licensing. I also recommend adding condition F06 to note that both water rights are diverted from the same POD.

MEMORANDUM

TO: Water Right Files 63-33141 and 63-34046

FROM: Angie Hansen

DATE: January 17, 2023

RE: Analysis of Irrigation Beneficial Use Documented in Certified Water Right Exam

Analysis

On 11/17/2022 the Idaho Department of Water Resources ("IDWR") received the Statement of Completion for Submitting Proof of Beneficial Use ("Proof") with a Certified Water Right Examiner Field Exam for Water Right Permit Nos. 63-33141 and 63-34046 ("*Exam*") in the name of Mellin Properties Limited Partnership ("Permit Holder"). The *Exam* recommends 1.00 cfs and 306 afa (acre-feet per annum) for irrigation of 68 acres for each permit. Both permits utilize the same well, diverting a total of 2.00 cfs for irrigation of a single 136-acre pivot. Permit no. 63-33141 authorizes irrigation of the pivot's north half and permit no. 63-34046 authorizes irrigation of the pivot's south half.

Idaho Code § 42-219(1) states, in pertinent part:

> Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license corresponding to the beneficial use. Such license shall state… the quantity of water that may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied.

IDWR must decide if the use stated in the *Exam* is a beneficial use of water for irrigation purposes before issuing licenses. Idaho statutes and rules do not define irrigation beneficial use. Generally, IDWR considers the application of water above and beyond natural precipitation required for growth of agricultural crops and other vegetation to be an irrigation beneficial use of water. IDWR typically confirms irrigation beneficial use by analyzing permit development period aerial imagery. In this case, NAIP imagery from 2013, 2015, 2017, 2019, and 2021 shows the Permits' place of use was not irrigated during those years of the development period. Extensions of time to submit proof of beneficial use on file for these permits further support the conclusion irrigation did not occur prior to 2022.

Since IDWR can not rely on aerial imagery alone in this case, IDWR must explore other available evidence. In the *Exam* (pg 6), the certified water right examiner states:

> During the field exam, the owner provided an invoice from Valley Agronomics, LLC. This invoice dated September 29, 2022, shows that Mellin Farms LLC purchased 20,000 pounds of wheat seed. This seed was broadcast and lightly disked in the field and visible during the field exam. Seeds from this crop have begun to sprout. Photographs were provided to HDR by the owner showing a complete irrigation cycle.

The *Exam* supplies evidence that wheat seed was planted at the Permits' place of use between 9/29/22 and 11/3/22. The *Exam* further states that the owner completed an "irrigation cycle." The examiner does not say what he meant by "irrigation cycle." Considering IDWR received Proof on 11/17/22, less than two months after the wheat seed was purchased and planted, I assume "irrigation cycle" does not mean an irrigation season.

If "irrigation cycle" refers to a single rotation of the pivot, i.e. one application of water to the planted wheat seed, IDWR must decide if that is an irrigation beneficial use or simply spreading of water without benefit. During seed germination, it is critical to keep seeds moist. Given how unseasonably hot last October was in the Boise/Kuna area, its likely any extra water applied to the planted seeds was beneficial to the seeds' germination.

When licensing a water right, IDWR must not only determine if the water use was beneficial, but also the quantity of water beneficially applied per Idaho Code § 42-219(1). It is IDWR's practice to issue irrigation water right licenses for various crops and other vegetative growth without confirming the crop type, full extent of crop viability, or economic value. Ground water right licenses for irrigation use are not specific to the crop grown or limited to the volume of water diverted and applied during the permit development period. Rather, IDWR licenses a standard volume of water based on the Idaho region where the irrigation use occurs. The standard volume of water is based upon the volume of water needed to grow alfalfa, one of the more water intensive crops grown in Idaho. Standardizing the volume of water licensed gives farmers needed flexibility to rotate crops and adjust to economic factors as needed.

IDWR's Beneficial Use Rules (IDAPA 37.03.02) supports this practice. Beneficial Use Rule 035.01.j. (IDAPA 37.03.02.035.01.j.) states, in pertinent part:

> For each use of water the examiner shall report an annual diversion volume based on actual beneficial use during the development period of the permit… For irrigation, the volume shall be based on the field headgate requirements in the map titled Irrigation Field Headgate Requirement appended to these rules…

The Exam recommends the standard headgate volume for the area of 4.5 afa for the 136 acres planted where water application occurred. This volume recommendation is consistent with IDAPA 37.03.02.035.01.j. and IDWR's standard practice.

Conclusion

IDWR should consider the application of water documented in the *Exam* beneficial to the wheat seed during germination. The *Exam* volume recommendations are consistent with applicable rules and IDWR's standard practice.

Hansen, Angela

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, January 5, 2023 1:41 PM
To: Hansen, Angela
Subject: RE: Water Right Permit 63-33141.

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Angie:
Thank you for taking the time to discuss this with me. If you will please include me on further correspondence as an "interest party" for IDWR Permit nos. 63-33141 and 63-34046.

Thank you.
Vic

From: Conrad, Vic
Sent: Thursday, January 5, 2023 9:20 AM
To: Hansen, Angela <Angela.Hansen@idwr.idaho.gov>
Subject: Water Right Permit 63-33141.

Angie:
Can you describe for me how the IDWR intends to respond to this proof that was filed?

<< File: 2022-Nov-14 Field Exam 63-33141 (Mellin).pdf >>

Form 219 07/11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 17 2022
DEPARTMENT OF WATER RESOURCES

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATION

Permit No. 63-33141

1. Owner Mellin Properties LTD Partnership Phone No. 208-250-2963
   Current address 10100 W Franklin Rd. Boise, ID 83709
2. Examiner's name Patrick Kelly and Scott King EXAM DATE 11/3/2022
3. Accompanied by Ralph Mellin Email rmellin1a@msn.com
   Address
   Relationship to permit holder Owner Phone No.
4. Source Ground Water tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use None.
2. Other water rights with the same source and point of diversion 63-34046

C. DIVERSION AND DELIVERY SYSTEM

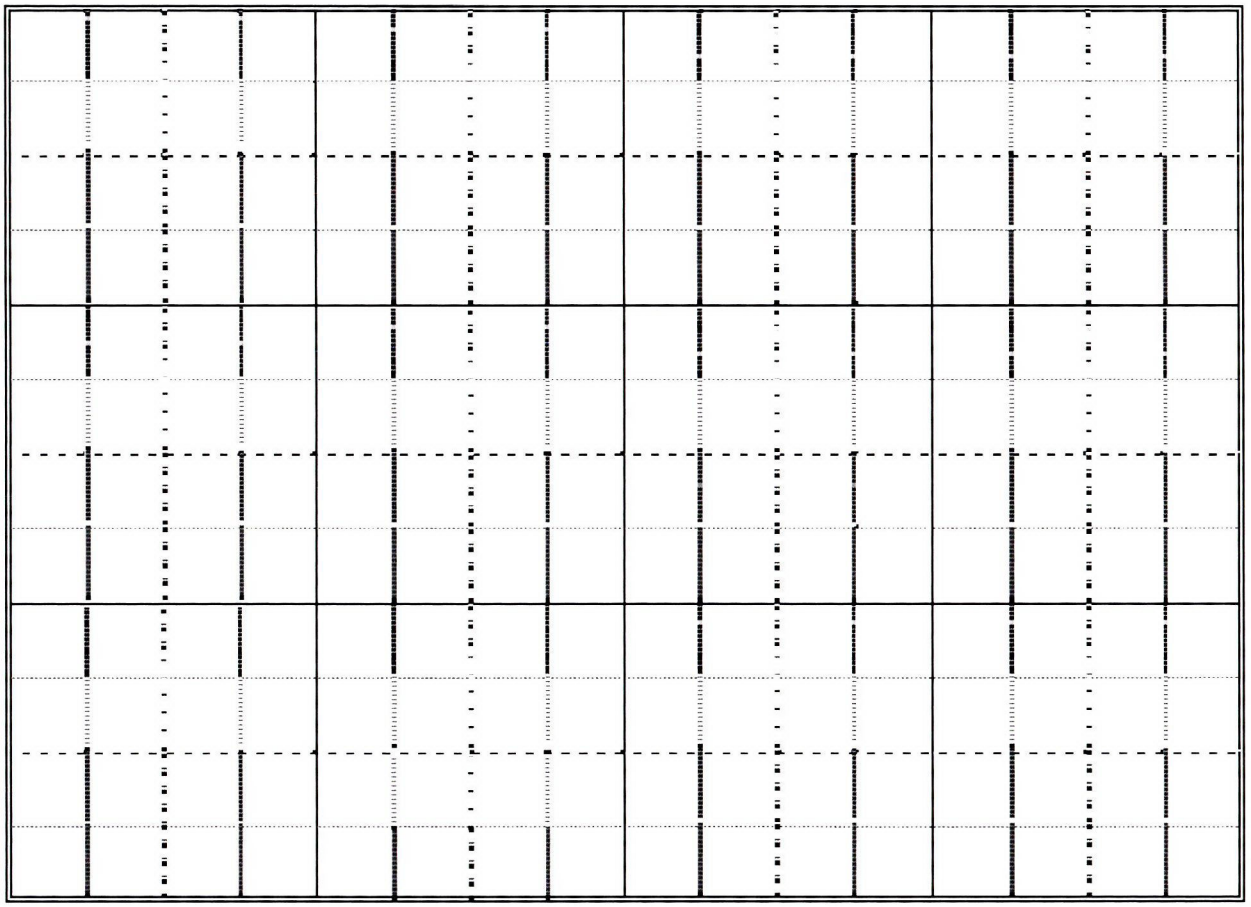
1. **Point(s) of Diversion:**

Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
			NE	SE	24	01N	01E	Ada	Metal Tag #D0095871
									GPS: 43 24.354, -116 16.484

2. **Place(s) of Use:** Method of determination System design, digital mapping tools.

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	24															34	34	68

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.



Scale: 1" = _____

☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (**required**)
☒ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

4.

Well or Diversion Identification No.*	**Motor Make**	**Hp**	**Motor Serial No.**	**Pump Make**	**Pump Serial No. or Discharge Size**
D0083307	US Motors	150	Y10Y236R063R-1	Goulds	8", model 11CHC (used)

Code to correspond with no. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	**Type**	**Make**	**Model No.**	**Serial No.**	**Size**	**Calib. Date**
GE Panametrics	Ultrasoni	GE	PT878	07140	402 Hz	March 2022

2. **Measurements:** _____

GE Panametrics ultrasonic device used to measure diversion rate on system mainline

E. NARRATIVE/REMARKS/COMMENTS

Narrative attached to this report.

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

F. FLOW CALCULATIONS

☐ Additional computation sheets attached

Measured Method:

Ultrasonic flow meter readings:

t	Fwd Gallons
15:27	118,938.348
15:38	127,910.861

Total Fwd Gallons = 8,972.5
Avg Q over 10 minute test: 897.3 gpm or 2.00 cfs
2.00 cfs / 136 acres = 0.015 cfs/acre = 1.00 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = 68 acres * 4.5 af/acre = 306 af

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 1.00 cfs * 260 days * 1.9835 = 516 af

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 306 af

2. Volume Calculations for Other Uses:

No other uses permitted.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	03/01	11/15	1.00	306
		Totals:	1.00	306

2. Recommended Amendments

☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☒ None
☐ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

I. AUTHENTICATION

Field Examiner's Signature Scott N King Date 11-14-2022

Reviewer [signature] Date 6/26/24

PROFESSIONAL ENGINEER LICENSED 7914 SEAL 11-14-2022 STATE OF IDAHO SCOTT N. KING

Water Measurement

Diversion rates were measured using a GE Panametrics ultrasonic flow meter. Water diverted from the well mainline is long enough to gain measurement directly from the well. The pivot was on and irrigating at the time of the exam. The table below describes forward gallons over an 11-minute period (10-minute average). The pivot system was designed to divert 1,100 gpm. An 8-inch Growsmart IM3000 magnetic flow meter is installed on the system. Flow readings on the device varied greatly from 820 to over 1,400 gpm and was highly inconsistent. It is possible given the location of the device so near the well head, turbulence in the pipe was affecting an accurate reading. Other issues may be the cause.

A GE Panametrics ultrasonic flow meter operated by HDR was placed on the mainline. Flow readings from the device were consistent between 880 to 910 gpm. Diagnostics of the meter were checked during measurement and all parameters were within an acceptable range.

Pivot	Time	Fwd Gallons Start	Fwd Gallons End	Total Gallons	Diversion Rate (cfs)
1	15:27 to 15:38	118,938.348	127,910.861	8,972.5	2.00

The owner provided the attached pump curve and statements dated November 6, 2022. The pump is designed to deliver 1,100 gpm at 456 ft total dynamic head. The Well Driller's Report documents a pump test with static water level of 286 feet, drawdown of 44 ft at 1200 gpm (for a pumping water level of 330 feet). Discharge pressure during the exam was 38 psi, equivalent to 88 ft of head. Estimating friction loss at 10 ft of head, operating total dynamic head was 330 + 88 + 10 = 428 ft. Theoretical pumping capacity: Q = 150 hp x 80% curve efficiency x 3960 / 428 ft TDH = 1110 gpm. IDAPA Beneficial Use Examination Rules 37.03.02 require diversion rate measurement for this system. Pump curve, owner's statement, and theoretical calculation are provided for IDWR's consideration of adjusting diversion rate above the measured rate due to system design, pump wear, and Scott Storm's discussion with owner as documented in owner's statement.

Conditions of Approval

Standard conditions of approval were issued to the permit. The permit holder has met all conditions of approval.

Beneficial Use

During the field exam, the owner provided an invoice from Valley Agronomics, LLC. This invoice dated September 29, 2022, shows that Mellin Farms LLC purchased 20,000 pounds of wheat seed. This seed was broadcast and lightly disked in the field and visible during the field exam. Seeds from this crop have begun to sprout. Photographs were provided to HDR by the owner showing a complete irrigation cycle.

Recommendations

The pivot system was measured diverting a total of 2.00 cfs on a total of 136 acres. Under a single right, this would equate to a rate per acre of 0.015 cfs per acre. Under each right independently, the system can deliver an inch per acre, and a combined use limit of both rights limited to 2.00 cfs could be issued. However, this would give the owner the opportunity to irrigate an inch per acre across all 136 acres, leaving the 2.00 cfs combined use limit meaningless.

To prevent enlargement, the rights should be licensed at the 0.015 cfs per acre, or 0.019 cfs per acre if accommodation is provided for the designed capacity.

Beneficial use examination rules defined by IDAPA 37.03.02 requires volumes to be reported for irrigation uses from ground water. IDWR's 4.5 af/acre standard headgate requirement was used to calculate a maximum diversion volume of 306 af.

Ownership

Water right permits 63-33141 & 63-34046 were applied for and issued in the name of Mellin Properties LTD Partnership, signed by Ralph Mellin (General Partner). Parcel data collected from Ada County Assessor's Office shows that the place of use (parcel #'s S2124410000 & S2124430000) is owned by Mellin Properties LTD Partnership. Changes to ownership are not necessary.

Water Right Overlap

Water right permits 63-33141 & 63-34046 do not overlap in POU. Both rights are diverted from the same well and irrigation system. Surface water rights do not exist on the land. No other water rights should be considered.

Point of Diversion

Water right permits 63-33141 & 63-34046 were issued within the NE¼SE¼ . IDWR well construction tools show a well with tag no. D0095871 within this quarter-quarter. The existing well described in the field exam report is the only point of diversion. Permit 63-33141 describes a POD to the 10-acre tract. HDR recommends removing the 10-acre description since the legal description is incorrect and the 10-acre tract description is reserved for spring sources. Amendments to the POD are not recommended.

Place of Use

Lindsey Manufacturing Co. design plans were used to calculate a total place of use of 134.34 acres. The north half pivot (63-34046) is a slight 0.32-acre smaller POU due to end gun area not irrigating around the well site in the NE¼SE¼.

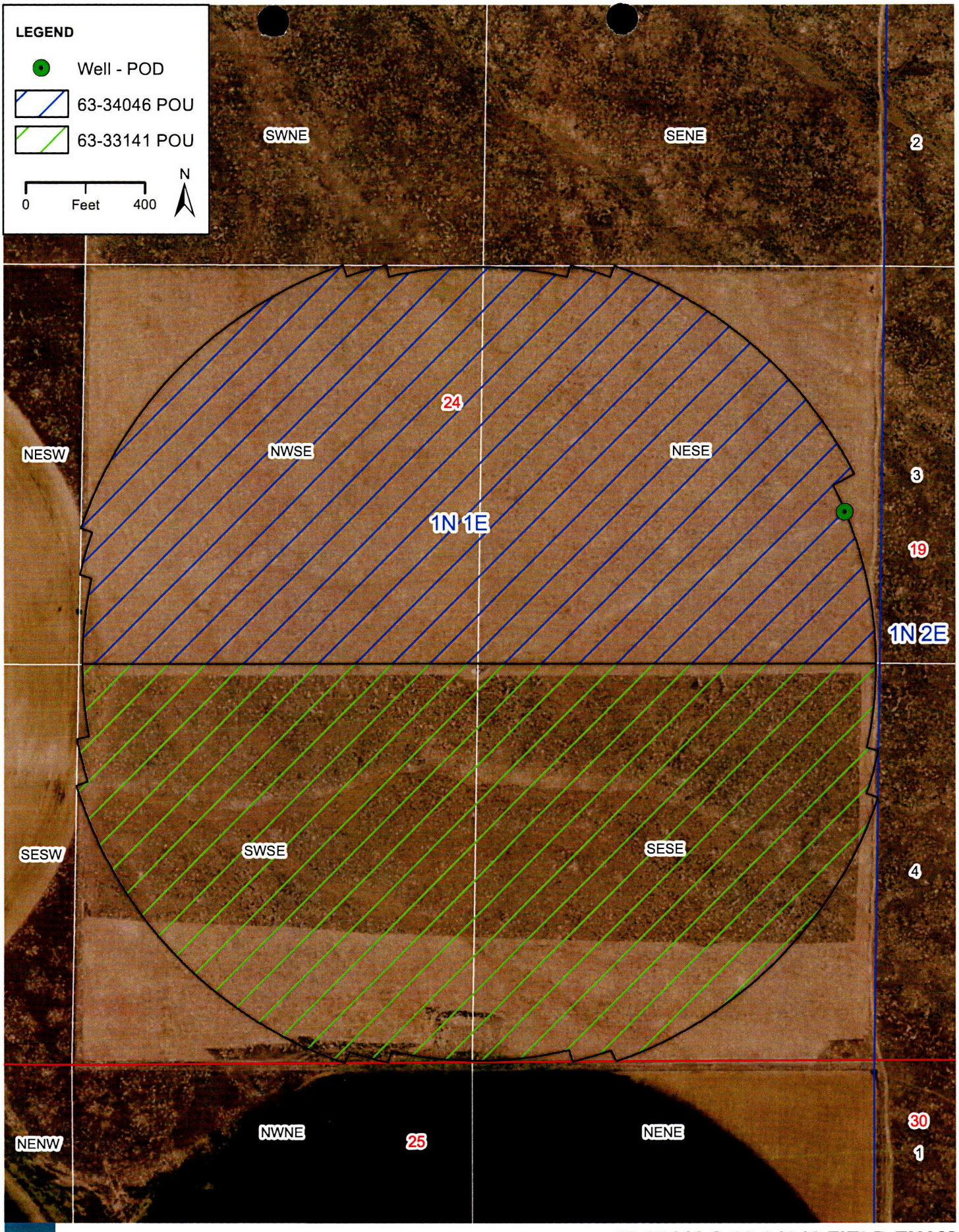
Both permits 63-33141 & 63-34046 authorize an 80-acre place of use. A 67.33-acre POU in the south half pivot leaves a 33.7-acre POU in each quarter-quarter. A 67.01-acre POU in the north half pivot leaves a 33.5-acre POU in each quarter-quarter. Using IDWR standards, tenths of an acre are not used when the irrigation use is greater than ten acres. Irrigation use in each quarter-quarter rounds to 34 acres. Amendments to the POU are not recommended.

Well and System

Ground water is diverted from a well completed October 15, 2022, by Treasure Valley Drilling. The well is located at 43° 24.354' N, -116° 16.484' E. At the time of the exam Mr. Mellin was still working for an agreement with the BLM and a private property owner to gain easement to deliver three-phase electric power to the well. The well was operating with a large generator at the time of the exam.

According to the well driller's report, the well was cased with 20-inch casing to 40 feet. The remainder of the well was drilled to 410 feet deep open hole. Well test data on the log describes a 1,200-gpm yield with 44 feet of drawdown. This suggests a highly productive well but does not include important details how the well test was conducted. The well is in an area of known high-capacity wells operated by CS Beef, Simplot, and other ground water users.

The pressurized irrigation system consists of a single pivot system. The pivot spans seven 179-foot zones with 55 feet of overhang. The endgun is designed to throw at 0, 40, and 80 feet depending on pivot location. Additional system information is included in this field exam report.



DATA SOURCE: NAIP 2021

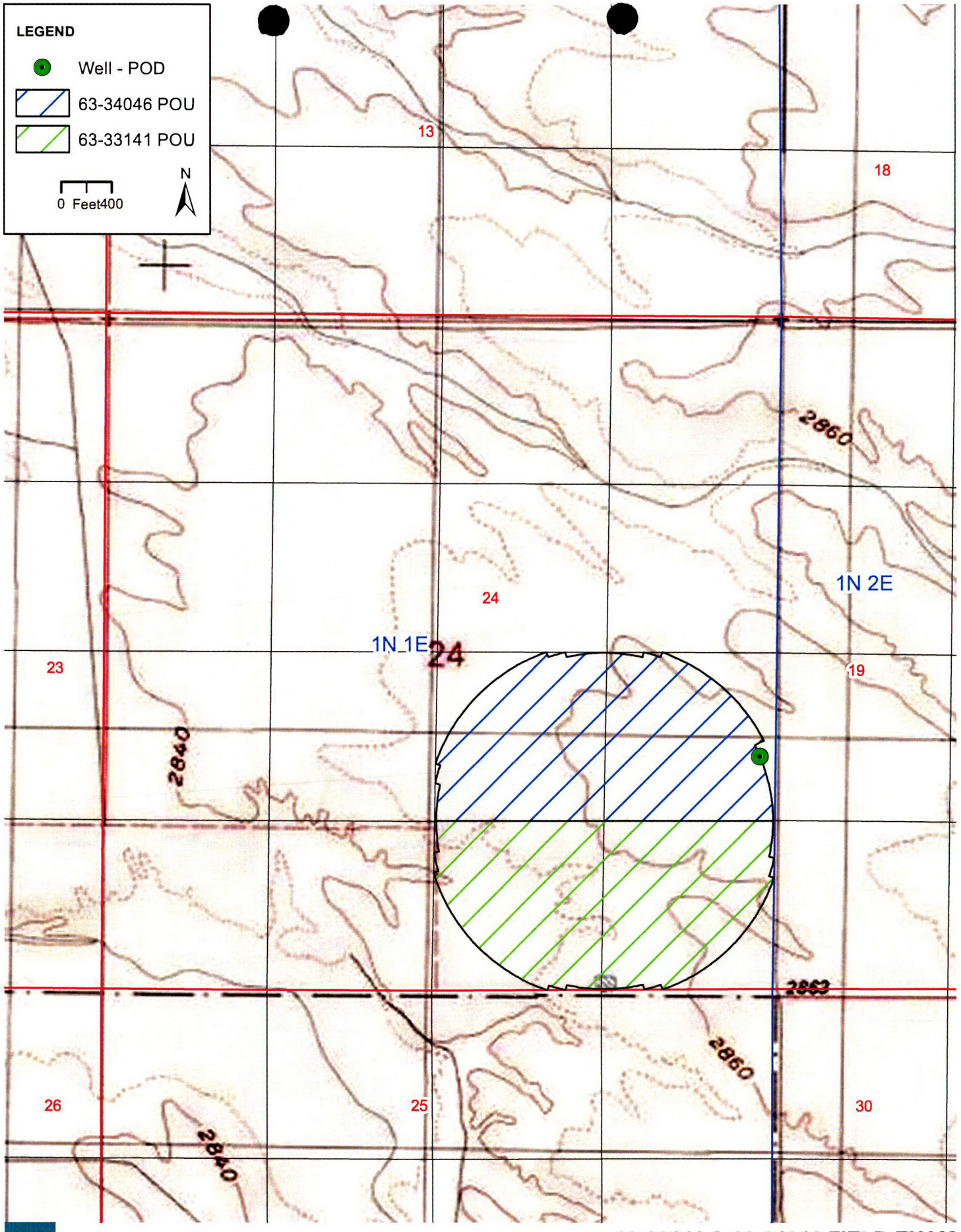
63-33141 & 63-34046 FIELD EXAM

SYSTEM DIAGRAM

MELLIN PROPERTIES LIMITED PARTNERSHIP

PATH: S:\PROJECTS\M THRU R PROJECTS\M PROJECTS\MELLIN PROPERTIES_393\1035XXXX_BUFES\PROJECT\GIS\ARCMAP_PROJECTS\QUAD.MXD - USER: SCKING - DATE: 11/15/2022

PROJECT #



DATA SOURCE: USA Topo Maps

63-33141 & 63-34046 FIELD EXAM

SYSTEM DIAGRAM

MELLIN PROPERTIES LIMITED PARTNERSHIP

PATH: S:\PROJECTS\M THRU R PROJECTS\M PROJECTS\MELLIN PROPERTIES_393\1035XXXX_BUFES\PROJECT\GIS\ARCMAP_PROJECTS\QUAD.MXD - USER: SCKING - DATE: 11/15/2022

PROJECT #

Lindsay Manufacturing Co.

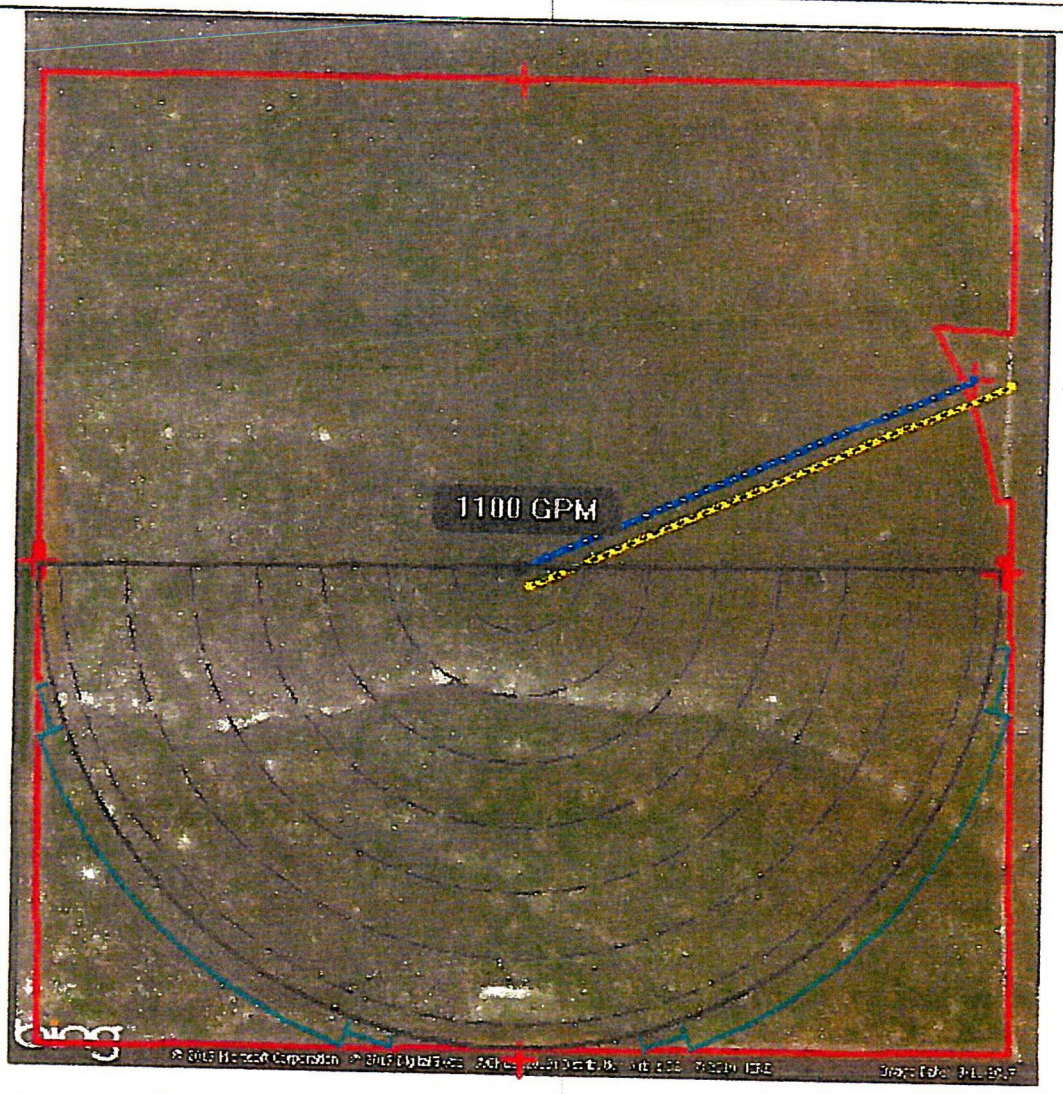
LINDSAY CORPORATION
Lindsay Smart Design

2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

Farm: Field1	
Grower:	10/26/2022

Systems:	Length	Spans	Total area including endgun
Pivot 1	1314.67 ft	7 spans + 55 ft o.h.	67.33 acres

Pipe and Wire:	Length / Size	Description
Pipe 1	1349.59 ft / 10" 100# PIP	3.7 PSI LOSS @ 1100 GPM
Wire 1	1428.43 ft / #2 CABLE CON	8 VOLT DROP



Pivot 1

Pivot Area:	**62.33** acres	System Length:	**1314.67** ft	Color on map:	
Endgun Area:	**5.00** acres	# of Spans:	**7 + overhang**		
Total Area:	**67.33** acres	Deg. of Sweep:	**180.0°**		
		Endgun Throw:	**80.0 & 40.0** ft		

Spans

# of Spans: 7	Span 1 *(180.2)*	Span 2 *(359.1)*	Span 3 *(538.0)*	Span 4 *(716.9)*	Span 5 *(895.8)*	Span 6 *(1074.8)*	Span 7 *(1253.7)*	Overhang *(1314.7)*
Length:	179	179	179	179	179	179	179	55 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas

Endgun 1: (Throw = 80.0 ft)

# of Areas: 2	Start / Stop Angle *(Deg. from North)*	Start / Stop Angle *(Deg. from Pivot Start)*	Start / Stop Location *(Lat/Long)*		Area *(acres)*
Area 1	106.1° / 159.9°	16.6° / 70.4°	43.403417309° -116.274637499°	43.401031992° -116.277688908°	2.33
Area 2	200.2° / 250.1°	110.7° / 160.6°	43.401033747° -116.281099967°	43.403191517° -116.284044083°	2.17

Endgun 2: (Throw = 40.0 ft)

# of Areas: 4	Start / Stop Angle *(Deg. from North)*	Start / Stop Angle *(Deg. from Pivot Start)*	Start / Stop Location *(Lat/Long)*		Area *(acres)*
Area 1	98.5° / 106.1°	9.0° / 16.6°	43.403883887° -116.274497517°	43.403417309° -116.274637499°	0.16
Area 2	159.9° / 165.2°	70.4° / 75.6°	43.401031992° -116.277688908°	43.400932213° -116.278123393°	0.11
Area 3	194.9° / 200.2°	105.4° / 110.7°	43.400933521° -116.280665675°	43.401033747° -116.281099967°	0.11
Area 4	250.1° / 255.5°	160.6° / 166.0°	43.403191517° -116.284044083°	43.403515716° -116.284181803°	0.12

Lindsay Manufacturing Co.

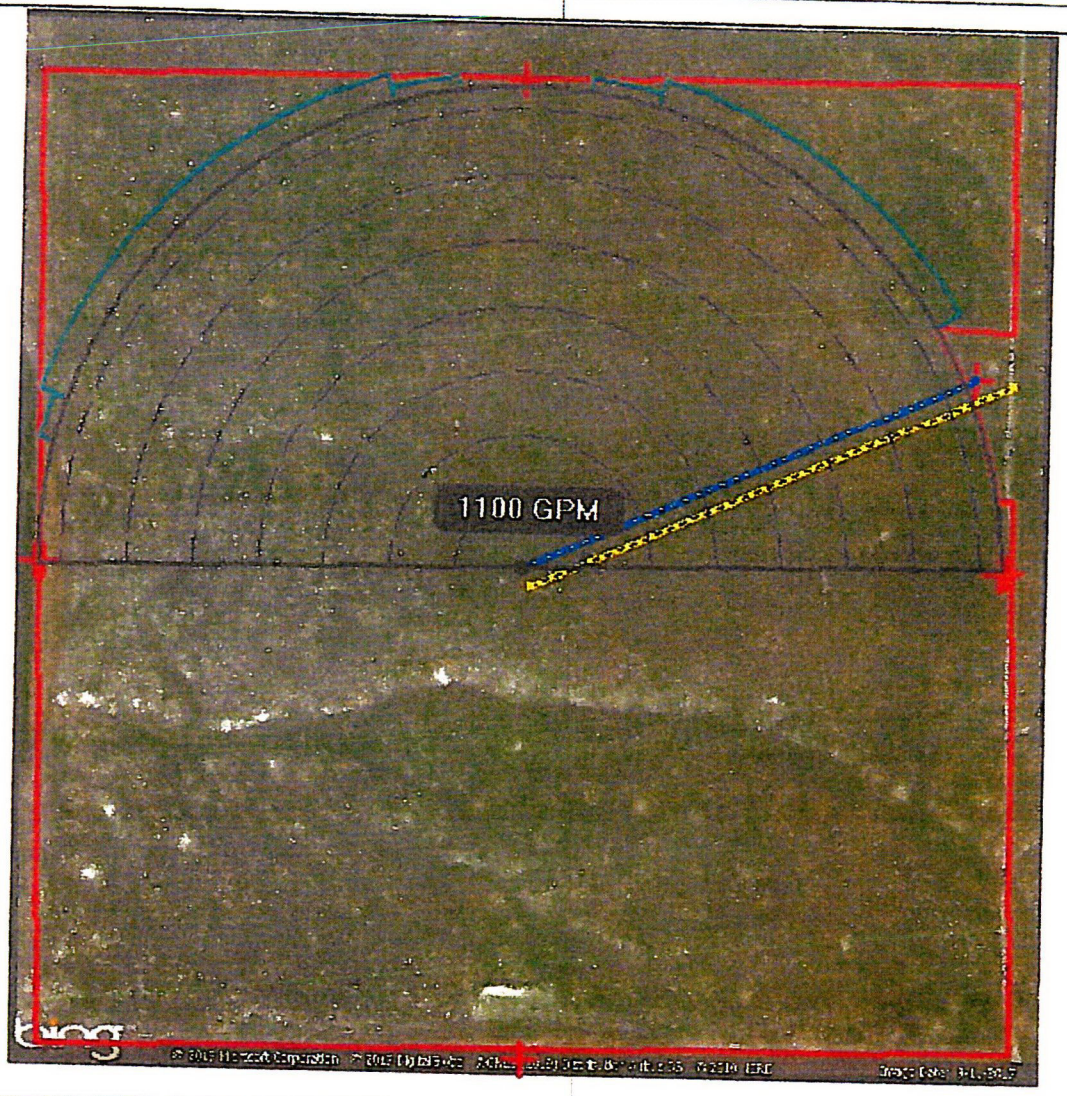
LINDSAY CORPORATION
Lindsay Smart Design

2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

Farm: Field1	
Grower:	10/26/2022

Systems:	Length	Spans	Total area including endgun
Pivot 1	1314.67 ft	7 spans + 55 ft o.h.	67.01 acres

Pipe and Wire:	Length / Size	Description
Pipe 1	1349.59 ft / 10" 100# PIP	3.7 PSI LOSS @ 1100 GPM
Wire 1	1428.43 ft / #2 CABLE CON	8 VOLT DROP



Pivot 1

Pivot Area:	62.33	acres	System Length:	1314.67 ft	Color on map:
Endgun Area:	4.68	acres	# of Spans:	7 + overhang	
Total Area:	67.01	acres	Deg. of Sweep:	180.0°	
			Endgun Throw:	80.0 & 40.0 ft	

Spans

# of Spans: 7	Span 1 (180.2)	Span 2 (359.1)	Span 3 (538.0)	Span 4 (716.9)	Span 5 (895.8)	Span 6 (1074.8)	Span 7 (1253.7)	Overhang (1314.7)
Length:	179	179	179	179	179	179	179	55 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas

Endgun 1: (Throw = 80.0 ft)

# of Areas: 2	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	289.8° / 344.2°	20.3° / 74.7°	43.405643753° -116.284046344°	43.407892243° -116.280735128°	2.36
Area 2	15.8° / 58.8°	106.3° / 149.3°	43.407890854° -116.278040460°	43.406287120° -116.275156814°	1.87

Endgun 2: (Throw = 40.0 ft)

# of Areas: 3	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	284.4° / 289.8°	14.9° / 20.3°	43.405319419° -116.284183470°	43.405643753° -116.284046344°	0.12
Area 2	344.2° / 352.2°	74.7° / 82.7°	43.407892243° -116.280735128°	43.407994414° -116.280063285°	0.17
Area 3	7.9° / 15.8°	98.4° / 106.3°	43.407993718° -116.278712104	43.407890854° -116.278040460°	0.17

Valley Agronomics, LLC

20870 VanSlyke Rd
Greenleaf ID 83626
208-453-5960
Pest Lic#: 312

Invoice 60058674

Invoice Date	09/29/2022
Due Date	10/15/2022
Customer ID	441460
Salesperson	JCRANE
Shipping Loc.	GRNLF
Field ID	D1 Pivot
Farm ID	Desert Desert
Acres	141
Ticket(s)	6039098

MELLIN FARMS LLC
10100 W FRANKLIN RD
BOISE, ID 83709

Comments: Wheat Spreading Cole Rd.

Quantity		Description	Unit Price		Total $
3.345	Tons	0-0-0-85 Sulfur Gran Bulk Ton	660.00	/Tons	2,207.70
1.765	Tons	21-0-0-24 Ammonium Sulfate Bk Tn EPA / PCP Reg. Num. UNKNOWN	630.00	/Tons	1,111.95
20000.000	Lbs	WHEAT OVATION	.37	/Lbs	7,400.00
14.980	Tons	BLENDING FEE	6.00	/Tons	89.88
141.000	Acre	AIRFLOW	12.50	/Acre	1,762.50

Terms: Thank you for your business!

Sub Total 12,572.03

Amount Due 12,572.03

Remit To: Valley Agronomics LLC
PO Box 365
Rupert ID 83350
Phone #: 208-453-5960

MELLIN FARMS LLC
Joshua Gates 55282 LS SF Exp. Date 12/31/2022

Invoice 600586

Form 238-7
6/07

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 0095871

Drilling Permit No. _____

Water right or injection well # 63-34046 63-33141

2. OWNER: Mellin Properties

Name _____

Address 10100 W. Franklin Rd

City Boise State ID Zip 83709

3.WELL LOCATION:

Twp. 01 North ☒ or South ☐ Rge. 01 East ☒ or West ☐

Sec. 24 NE (10 acres) 1/4 SE (40 acres) 1/4 _____ (160 acres) 1/4

Gov't Lot _____ County Ada

Lat. 43 ° 24.354 (Deg. and Decimal minutes)

Long. 116 ° 16.484 (Deg. and Decimal minutes)

Address of Well Site End of S. Cole Rd

City Kuna

(Give at least name of road + Distance to Road or Landmark)

Lot. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation ☐ Thermal ☐ Injection
☐ Other _____

5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method/procedure
Bentonite	0	40	8000lbs	over bore

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/ Schedule	Material	Casing	Liner	Threaded	Welded
20	+1	40	.375	steel	☒	☐	☐	☒
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☐ N Method _____

Manufactured screen ☐ Y ☐ N Type _____

Method of installation _____

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☐ N Type _____

10.FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____

Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 300 Static water level (ft) 286

Water temp. (°F) 75 Bottom hole temp. (°F) 75

Describe access port _____

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
44	1200 GPM	40 hrs

Test method:

Pump	Bailer	Air	Flowing artesian
☒	☐	☐	☐
☐	☐	☐	☐

Water quality test or comments: _____

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water Y	Water N
30	0	38	Clay Sandy		X
30	38	40	Clay		X
19	40	53	Basalt		X
19	53	66	Hard Basalt		X
19	66	85	Basalt Fractured		X
19	85	94	Basalt		X
19	94	100	soft Basalt		X
19	100	230	Hard Basalt		X
19	230	360	Broken up Basalt	X	
19	360	390	Gray Rock	X	
19	390	400	Red Clnders	X	
19	400	410	Sand and Gravel	X	

Completed Depth (Measurable): 410

Date Started: 2022-04-20 Date Completed: 2022-10-15

14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Treasure Valley Drilling Co. No. 560

*Principal Driller _____ Date 2022-10-24

*Driller _____ - Jacob Poynor Date 10-24-22

*Operator II _____ Date _____

Operator I _____ Date _____

*** Signature of Principal Driller and rig operator are required.**

November 6, 2022

Mellin Project on Extreme South Cole Road

To whom it may concern:

It would be nice if consideration is given to the design quantity of water that this pump is designed to pump. The pump curve should show about 1,100 gpm when pumping from the drawdown level of ~~300~~ 340 feet with its eight stages.

The pivot design quantity also is 1,100 gpm in its available chart.

This used pump has some wear on its bowls so it now pumps about 900 gpm until the bowls are rebuilt.

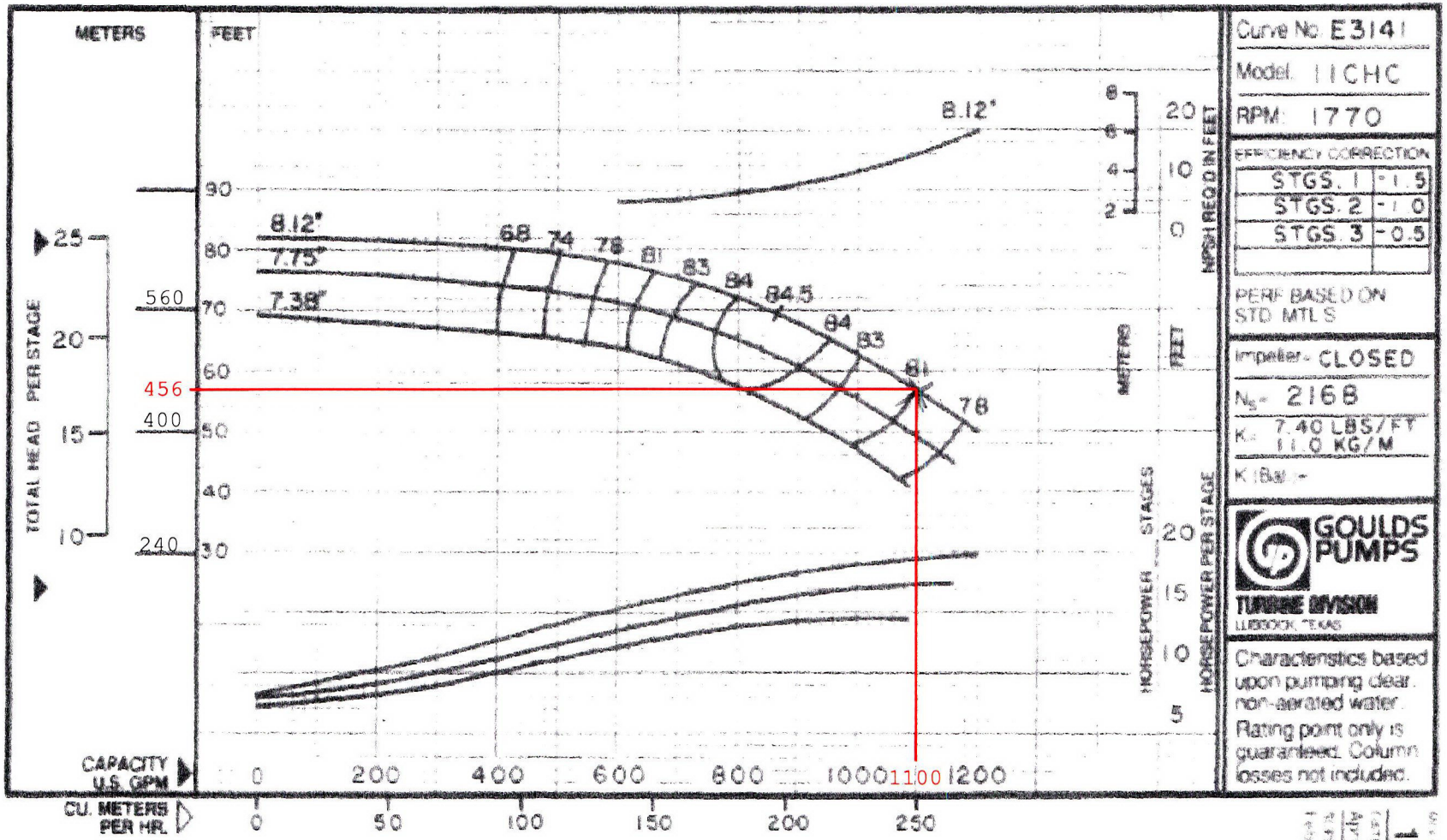
By Ralph Mellin
Ralph Mellin

PS The Idaho Department of Water Resources' District Supervisor of Water Rights, Scott Storm, personally indicated to me about two weeks ago that a water meter reading may not be needed if it would be difficult to bring a diseal generator back to pump water for a meter reading. That is they might be able to determine water quantity from a pump curve and related data with the ~~ar~~ drawdown level.

This could be better for licensing so an additional permit application would not be needed for the small amount of additional water upon the rebuilding of the worn pump bowls.

Ralph Mellin

Ralph Mellin



For South Cole Road - has eight stages (bowls)

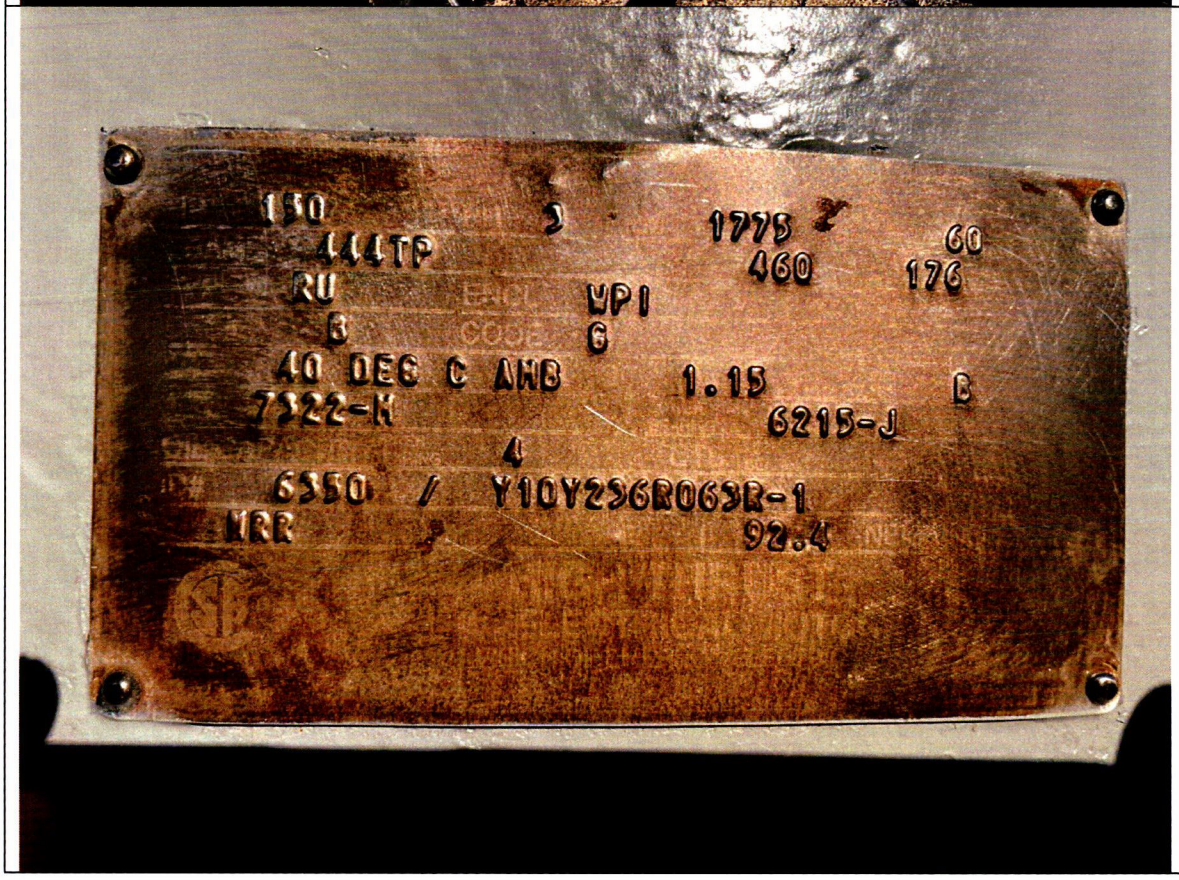


Point of Diversion

43 24.354
-116 16.484

NE¼SE¼
Sec. 24
Twp. 1 North
Rge. 1 East

Well located at end of S. Cole Road, on east side of property.



Motor Plate

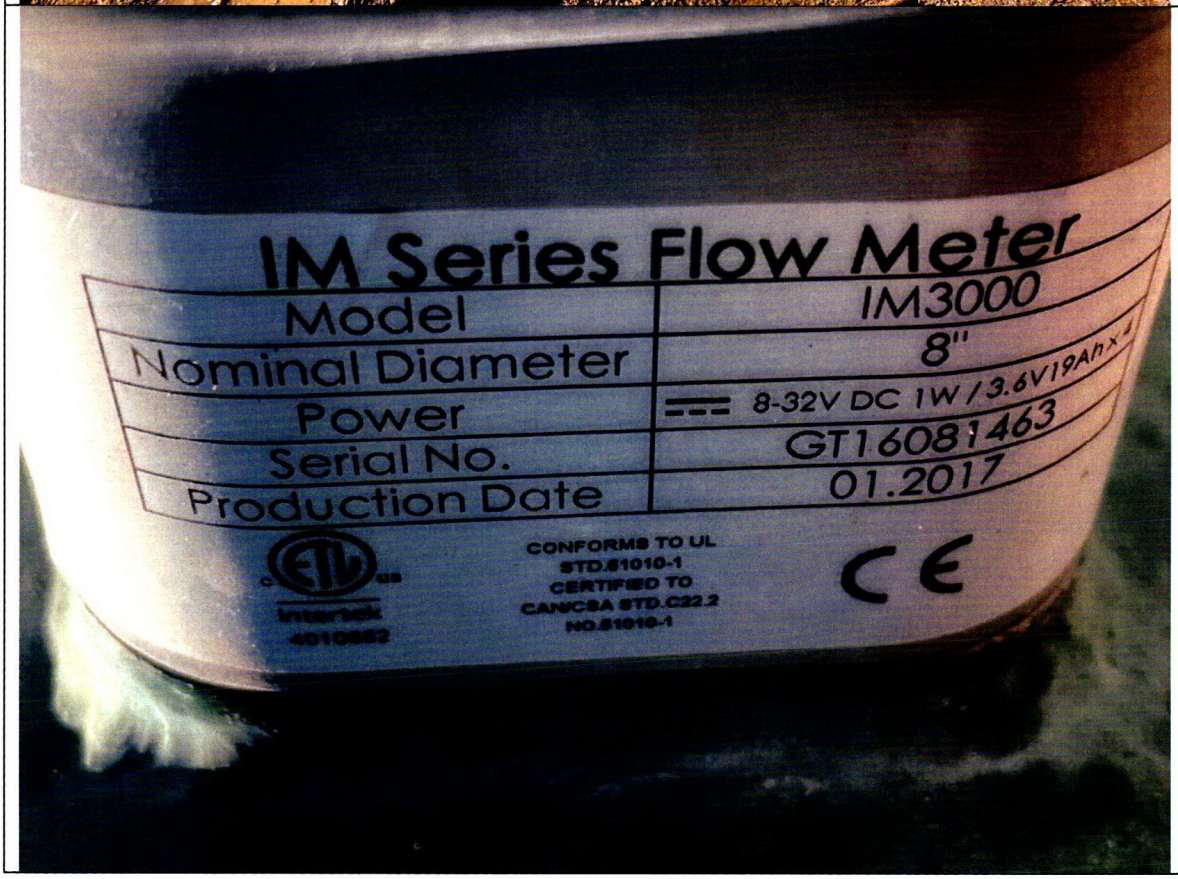
Difficult to interpret information.

hp: 150
Hz: 60
Phase: 3



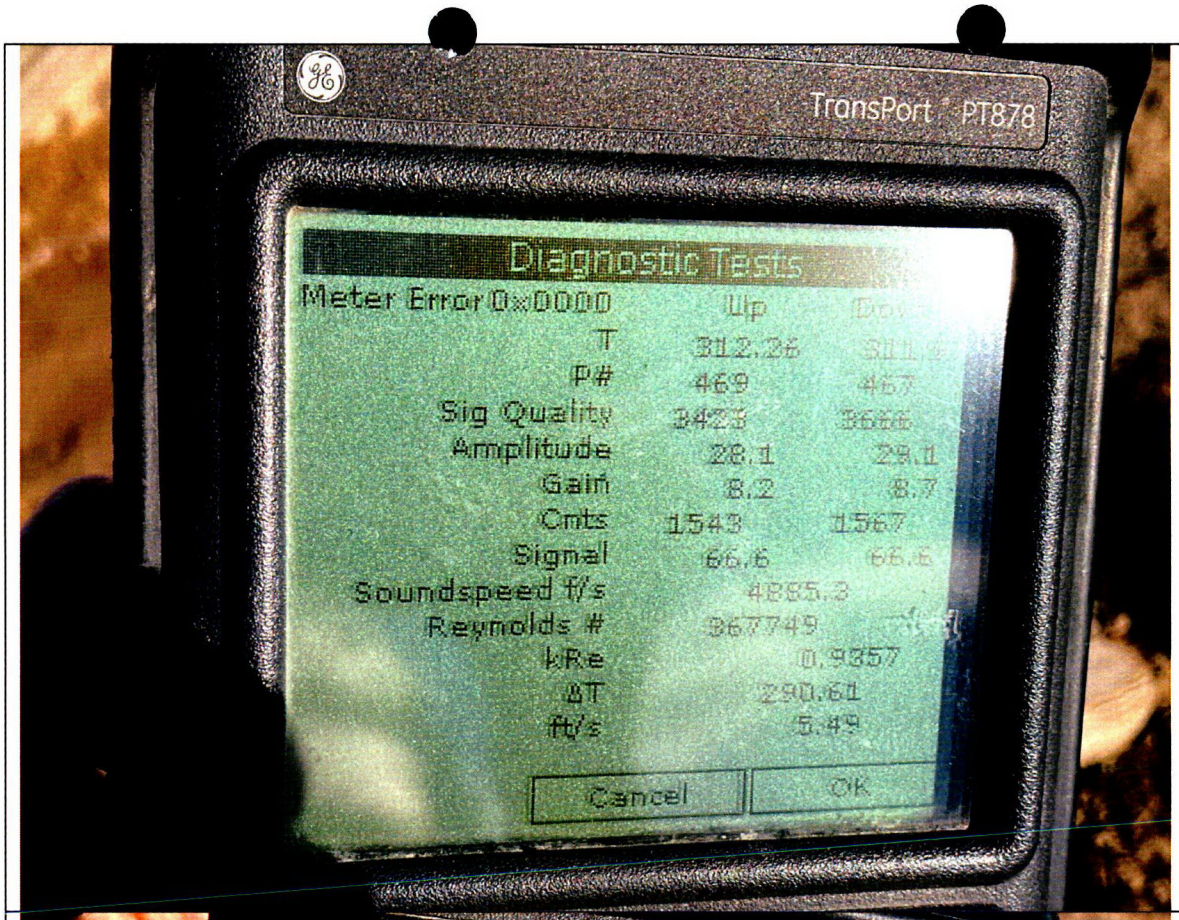
Mainline from well to pivot system.

Flow meter shown on right, GE ultrasonic device placed further down pipe on left.



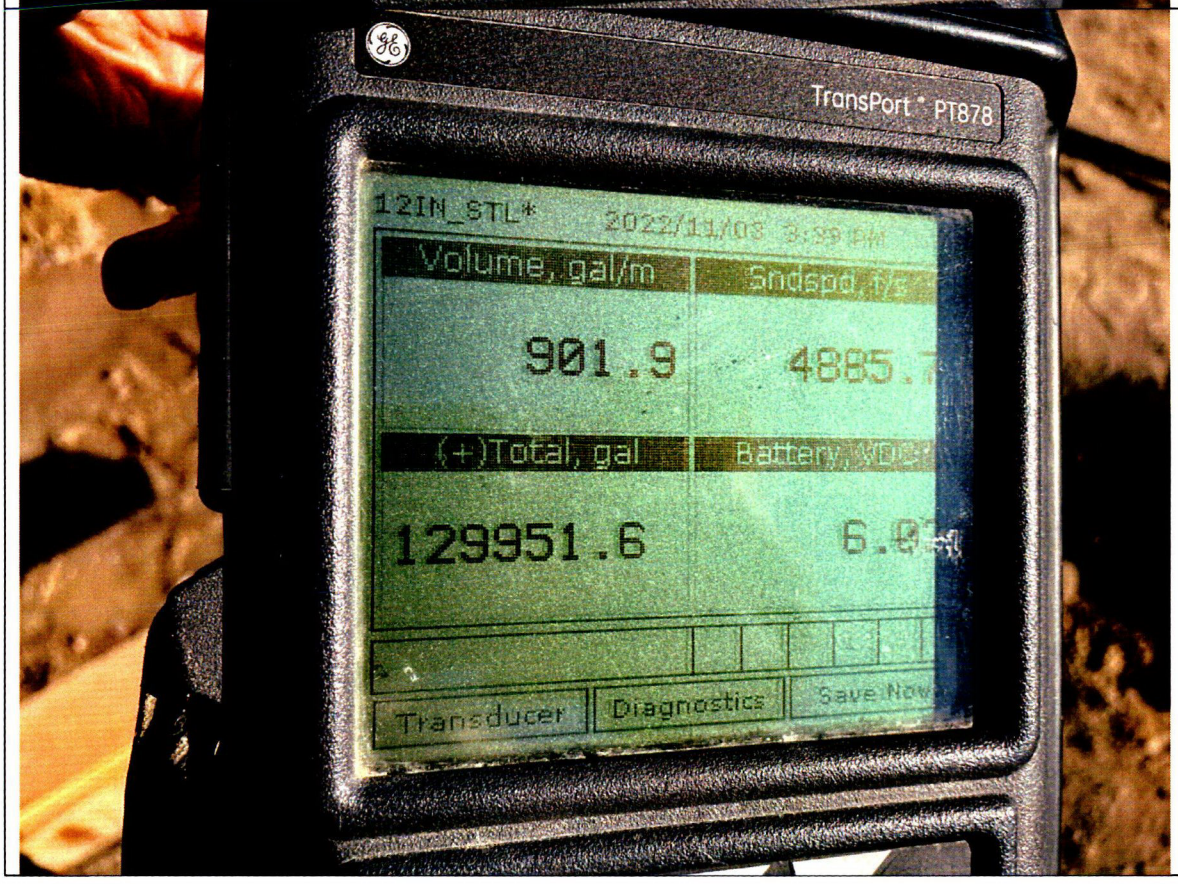
Magnetic Flow Meter

Manufacturer: Lindsay
Model: IM3000
S/N: GT16081463



Diagnostics collected during testing.

Parameters all within acceptable range.



Live flow observed during exam.



Pivot system and irrigation place of use.



Place of use. Wheat seed shown sprouting at time of field exam.

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
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- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt;* attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

PS Form **3800,** April 2015 *(Reverse)* PSN 7530-02-000-9047

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OFFICIAL USE

SCANNED

Certified Mail Fee

$

OCT 11 2022

Extra Services & Fees *(check box, add fee as appropriate)*

- ☐ Return Receipt (hardcopy) $ _____
- ☐ Return Receipt (electronic) $ _____
- ☐ Certified Mail Restricted Delivery $ _____
- ☐ Adult Signature Required $

Postmark Here

MELLIN PROPERTIES LTD PSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

10/11/22

03-33141

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 **See Reverse for Instructions**

7014 0750 0000 2175 9893

SENDER: *COMPLETE T SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION DELIVERY

A. Signature

X Ralph Mellin ☐ Agent ☒ Addressee

B. Received by *(Printed Name)* Ralph Mellin | C. Date of Delivery 10/15/22

address different from item 1? ☐ Yes
er delivery address below: ☐ No

MELLIN PROPERTIES LTD PSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

9590 9403 0913 5223 3898 35

2. 7016 0750 0000 2175 9893

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING#

9590 9403 0913 5223 3898 35

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

DEPT OF WATER RESOURCES
WATER RIGHTS SECTION
PO BOX 83720
BOISE, ID 83720-0098

Debbi 63-33141

RECEIVED
OCT 18 2022
DEPARTMENT OF WATER RESOURCES

SCANNED
OCT 20 2022

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 11, 2022

MELLIN PROPERTIES LTD PARTNERSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 63-33141

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

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 **November 20, 2022**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

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 Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a $50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
OCT 11 2022

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 11, 2022

MELLIN PROPERTIES LTD PARTNERSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 63-33141

Dear Permit Holder:

Enclosed is a copy of the Order Reinstating a Permit and Approving Extension Request for the request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **November 20, 2022**.

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). 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.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right 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 or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
OCT 11 2022

CERTIFICATE OF SERVICE

I hereby certify that on **October 11, 2022** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER **(PRELIMINARY ORDER APPROVING REQUEST FOR EXTENSION OF TIME)** to the person listed below:

RE: Preliminary Order in the Matter of Permit No. **63-33141**

MELLIN PROPERTIES LTD PARTNERSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

Debbi Judd
Technical Records Specialist

SCANNED
OCT 11 2022

U.S. Postal Service™
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Certified Mail Fee

$

SCANNED

Extra Services & Fees *(check box, add fee as appropriate)*

- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

SEP 16 2022

Postmark Here

Postag

$

Total P

$

Sent To

MELLIN PROPERTIES LTD PSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

Street a

63-33141 9/16/22

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 0750 0000 2175 9879

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IMPORTANT: Save this receipt for your records.





First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED
SEP 26 2022

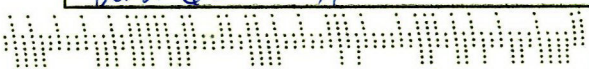
United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES
WATER RIGHTS SECTION
PO BOX 83720
BOISE, ID 83720-0098

Debbi 63-33141



SCANNED
SEP 28 2022

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1.

MELLIN PROPERTIES LTD PSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

9590 9403 0913 5223 3898 11

2. Article Number (Transfer from service label)

7016 0750 0000 2175 9879

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Ralph Mellin ☐ Agent ☐ Addressee

B. Received by (Printed Name) Ralph Mellin

C. Date of Delivery 9/17/20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Restricted Delivery
(over $500)

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 16, 2022

MELLIN PROPERTIES LTD PARTNERSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 63-33141

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder:

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Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
SEP 16 2022

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 16, 2022

MELLIN PROPERTIES LTD PARTNERSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 63-33141

Dear Permit Holder:

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Please be advised that Idaho Code § 42-248, requires you or the owner of this water right 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 or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
SEP 16 2022

CERTIFICATE OF SERVICE

I hereby certify that on **September 16, 2022** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER **(PRELIMINARY ORDER REINSTATING A PERMIT AND APPROVING EXTENSION REQUEST)** to the person listed below:

RE: Preliminary Order in the Matter of Permit No. **63-33141**

MELLIN PROPERTIES LTD PARTNERSHIP
10100 W FRANKLIN RD
BOISE ID 83709-0333

VIC CONRAD – *via email*
J R SIMPLOT CO
PO BOX 27
BOISE ID 83707-0027
vic.conrad@simplot.com

Debbi Judd

Debbi Judd
Technical Records Specialist

SCANNED
SEP 16 2022

Reinstate Evaluation

Permit Number: 63-33141 Reviewer: djudd Review Date: 6/29/2022

Analysis

1) Proof/extension request received date: 6/27/2022
2) Number of days proof/extension request received late: 10
3) Was a lapsed notice sent? No
4) Date lapsed notice sent:
5) Number of days between proof/extension request received date and date lapsed notice was sent: 0
6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
7) Priority date: 1/10/2009
8) New priority date: 1/20/2009
9) New status: Active

Comments

Extension received 10 days late. Permit reinstated with priority date advanced to 1/20/2009. Proof due extended to 7/26/2022. Extension request filed and granted based pursuant to Idaho Code § 42-204(3)(a). Extension is for 39 days.