State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 45-14539

Priority: October 28, 2021

Maximum Diversion Volume: 121.2 AF

This is to certify that

ALBION 12 INVESTMENTS LLC
7595 E MCDONALD DR STE 130
SCOTTSDALE AZ 85250-6081

has applied for a permit to appropriate water from:

Source :	SPRING CREEK	**Tributary:**	HOWELL CREEK
Source :	UNNAMED STREAM	**Tributary:**	SUMMIT CREEK

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

Beneficial Use	Period of Use	Annual Volume
WILDLIFE STORAGE	01/01 to 12/31	121.2 AF
AESTHETIC STORAGE	01/01 to 12/31	121.2 AF

Location of Point(s) of Diversion

SPRING CREEK SE¼ NE¼ NW¼, Sec. 21, Twp 12S, Rge 25E, B.M. CASSIA County
SPRING CREEK SE¼ NE¼ NW¼, Sec. 21, Twp 12S, Rge 25E, B.M. CASSIA County
UNNAMED STREAM SW¼ NW¼ SE¼, Sec. 16, Twp 12S, Rge 25E, B.M. CASSIA County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16														X			
12S	25E	21					X												

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16														X			
12S	25E	21					X												

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2023.**
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45F.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 45-14539

4. This right authorizes the total annual storage volume of 121.2 acre-feet, 7.6 acre-feet to be used for the initial filling or carryover storage of the three (3) ponds and 113.6 acre-feet for the replacement of losses caused by seepage and evaporation.
5. The three (3) ponds established by the storage of water under this right shall not exceed a total capacity of 7.6 acre-feet or a total surface area of 1.5 acres.
6. During the year of the initial filling of the three (3) ponds, 2.4 acres in addition to the 1.5 acres identified for mitigation by non-use shall be dried up within the SWSE, Section 16, Township 12S, Range 25E, B.M. If the ponds are depleted or drained for maintenance or other reasons, the right holder shall seek a separate authorization, such as a Water Supply Bank rental, to re-fill the ponds.
7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water right for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right.

Right No.	Use Changed to Mitigation by Non-Use	Mitigation Rate (cfs)	Mitigation Acres
45-517D	Irrigation	0.01	1.5

The land that will no longer be irrigated under this right is located within the SWSE, Section 16, Township 12S, Range 25E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

8. In order to reflect the mitigation by non-use amounts identified in the condition above, the following condition will be changed on rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, and 45-13589 as follows:

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, and 45-13589 when combined shall not exceed a total irrigation of 376.5 acres.

In addition, the following condition will be changed on rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 to reflect the mitigation by non-use amount identified in the condition above as follows:

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed a total diversion rate of 4.32 cfs and the irrigation of 397.7 acres.

In addition, the following conditions will be changed on rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-285A, 45-287, 45-290, 45-291, 45-518, 45-519, 45-528, 45-706, and 45-707 to reflect the mitigation by non-use amount identified in the condition above as follows:

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 45-14539

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-285A, 45-287, 45-290, 45-291, 45-518, 45-519, 45-528, 45-706, and 45-707 when combined shall not exceed a total diversion rate of 25.40 cfs and the irrigation of 1130.2 acres.

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-285A, 45-287, 45-290, 45-291, 45-518, 45-519, 45-528, 45-706, and 45-707 are limited to the irrigation of a specific 1130.2 acres within the 1537.2 acre place of use authorized by this right in a single irrigation season. The specific 1130.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1130.2 acres to be irrigated within the 1537.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

In addition, the following conditions will be changed on right 45-14284 to reflect the mitigation by non-use amount identified in the condition above as follows:

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, and 45-14284 when combined shall not exceed a total irrigation of 376.5 acres.

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14284, 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed the irrigation of 397.7 acres.

9. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 20th day of January, 2022.

COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

45-14539

This map depicts the AESTHETIC & WILDLIFE STORAGE 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.

Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.075 0.15 0.3 Miles

N

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

January 24, 2022

ALBION 12 INVESTMENTS LLC
7595 E MCDONALD DR STE 130
SCOTTSDALE AZ 85250-6081

RE: Permit No. 45-14539

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued 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.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please note that pursuant to the approval of 45-14539, the official water right records for 45-236, 45-240, 45-246B, 45-259, 45-275, 45-284B, 45-285, 45-285A, 45-287, 45-290, 45-291, 45-327D, 45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707, 45-13589, 45-14284, 45-14449, 45-14450, 45-14451 and 45-14452 have been updated accordingly to reflect the mitigation components.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2022, I served a true and correct copy of Permit to Appropriate Water No. 45-14539 by U.S. Mail, postage prepaid, to the following:

ALBION 12 INVESTMENTS LLC (Current Owner)
7595 E MCDONALD DR STE 130
SCOTTSDALE AZ 85250-6081

BROCKWAY ENGINEERING PLLC (Representative)
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT #45F
ALAN LLOYD (Watermaster)
939 S 950 E
ALBION ID 83311-9705

Denise Maline

Denise Maline
Administrative Assistant 1