

AMENDED

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

Ident. No. 45-14539
RECEIVED
OCT 28 2021

DEPT OF WATER RESOURCES
602-524-1805

1. Name of applicant(s) Albion 12 Investments LLC Phone (602) 524-1805
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 7595 E MCDONALD DR STE 130 City SCOTTSDALE
 State AZ ZIP 85250 Email mike@americorig.com
2. Name of representative, if any Greg Sullivan Phone 208-736-8543
 Mailing address 2016 N Washington St Ste 4 City Twin Falls
 State Idaho ZIP 83301 Email greg.sullivan@brockwayeng.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Spring Creek/Unnamed Stream which is a tributary of Howell Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
12S	25E	16		SW	NW	SE	Cassia	Unnamed Stream	
12S	25E	21		SE	NE	NW	Cassia	Spring Creek	
12S	25E	21		SE	NE	NW	Cassia	Spring Creek	

5. Water will be used for the following purposes:
- Amount 121.2 for Aesthetic/Wildlife Storage purposes from 1/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 121.2 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Existing ponds are on stream. The stream naturally flows through the ponds.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____.

Received by SG Date 10/28/21 Time _____ Preliminary check by _____
 Fee \$ 290.00 Received by SG Receipt No. 5038903 Date 10/28/21

AMENDED

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. aesthetic storage and wildlife storage

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16														AS			
																WS			
12S	25E	21					AS												
							WS												

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None
11. a. Who owns the property at the point of diversion? Albion 12 Investments LLC and Rose Creek Ranch LLC
b. Who owns the land to be irrigated or place of use? Albion 12 Investments LLC and Rose Creek Ranch LLC
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. IDWR is requesting that this application for permit be submitted. Mitigation for these ponds will be provided through drying up existing irrigation acres under water right 45-517D. Mitigation will be for the storage volume and annual evaporation volume only. The seepage volume from these ponds returns to the water source, is non-consumptive and does not require mitigation.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Michael Merriman
Signature of Applicant

Michael Merriman
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Albion 12
Mitigation Calculations
Brockway Engineering
GWS

Albion 12

Pond	Surface Area Acres	Depth (ft)	Volume (AF)	Pond Evap (AF) 3.20 ft	Pond Seepage (AF) 0.2000 ft/day
1	0.43	5.0	2.2	1.4	31.4
2	0.27	5.0	1.4	0.9	19.7
3	0.79	5.0	4.0	2.5	57.7
4					

1.49 Acres

7.6 AF

4.8 AF

108.8 AF

Total Volume Required is 121.2 Acre Feet

Acres needed to be dried up one time to fill the ponds
Acres needed to be dried up permanently to offset evaporation losses
Acres to be dried up permanently to offset seepage losses

2.4 Acres

1.5 Acres

0.0 Acres

1 Time Dry Up Acres

Permanently Dried Up Acres

2.4 Acres

1.5 Acres

Evaporation data collected from ETIdaho 2012 Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho.

<http://data.kimberly.uidaho.edu/ETIdaho/stcwrstats.py?station=76&cover=2&stats=Deficit>

Malta 1NE (NWS -- USC00105563)

alfalfa 958 mm

3.14 ft

<http://data.kimberly.uidaho.edu/ETIdaho/stcwrstats.py?station=76&cover=57&stats=Deficit>

Malta 1NE (NWS -- USC00105563)

pond 974 mm

3.20 ft

Pond

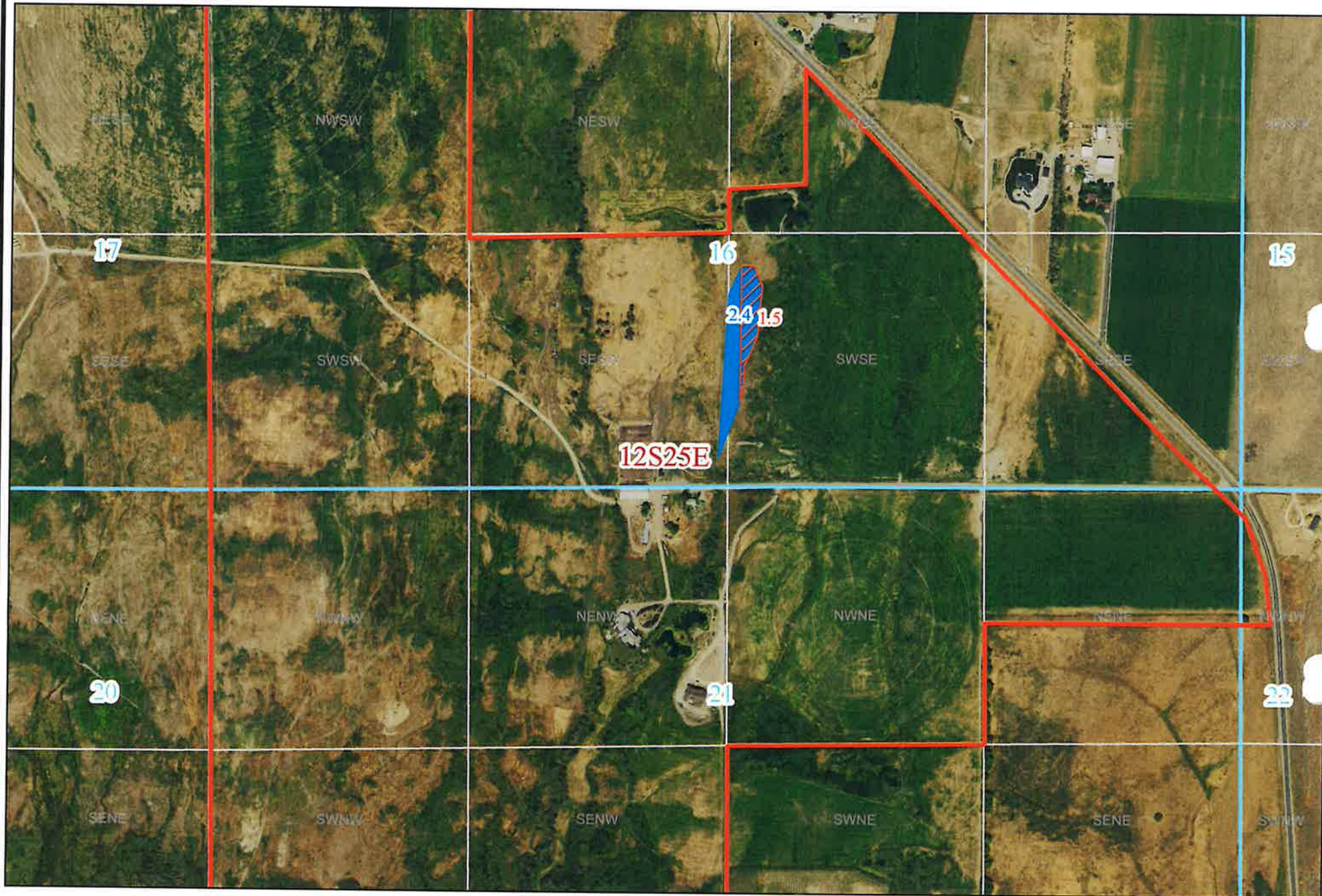
Not Lined

Soil Type

GW

Seepage Loss

0.2000 ft/day



0 500 1,000 Feet

45-14539

ALBION 12 INVESTMENTS LLC
ROSE CREEK RANCH LLC
SPRING CREEK MITIGATION FOR PONDS
NAIP 2019 AERIAL

Legend

-  Permanent Pond Mitigation
-  1 Year Pond Mitigation
-  property
-  Albion Ranch



Cassia County, Idaho, Eastern Part

92—Kovich silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2rxj
Elevation: 4,400 to 5,700 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 43 to 46 degrees F
Frost-free period: 80 to 100 days
Farmland classification: Prime farmland if irrigated and drained

Map Unit Composition

Kovich and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Kovich

Setting

Landform: Stream terraces, flood plains, fan remnants
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed alluvium

Typical profile

A1 - 0 to 13 inches: silt loam
A2 - 13 to 27 inches: gravelly clay loam
C1 - 27 to 35 inches: gravelly loam
C2 - 35 to 38 inches: very gravelly sandy loam
2C3 - 38 to 60 inches: stratified very gravelly loamy sand to extremely cobbly sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)
Depth to water table: About 12 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 7.5 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 5w
Hydrologic Soil Group: C
Hydric soil rating: Yes

Minor Components

Aquolls, very gravelly throughout

Percent of map unit: 5 percent

Landform: Flood plains

Hydric soil rating: Yes

Kovich, moderately well drained

Percent of map unit: 5 percent

Hydric soil rating: No

Downata

Percent of map unit: 5 percent

Landform: Flood plains

Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Cassia County, Idaho, Eastern Part

Survey Area Data: Version 16, Sep 9, 2021

Soil Map—Cassia County, Idaho, Eastern Part



Soil Map may not be valid at this scale.

Map Scale: 1:5,620 if printed on A portrait (8.5" x 11") sheet.

0 50 100 200 300 Meters

0 250 500 1000 1500 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 12N WGS84



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

10/20/2021
Page 1 of 3

Soil Map—Cassia County, Idaho, Eastern Part

MAP LEGEND

Area of Interest (AOI)	 Area of Interest (AOI)	 Spoil Area
Soils	 Soil Map Unit Polygons	 Stony Spot
	 Soil Map Unit Lines	 Very Stony Spot
	 Soil Map Unit Points	 Wet Spot
Special Point Features	 Blowout	 Other
	 Borrow Pit	 Special Line Features
	 Clay Spot	Water Features
	 Closed Depression	 Streams and Canals
	 Gravel Pit	Transportation
	 Gravelly Spot	 Rails
	 Landfill	 Interstate Highways
	 Lava Flow	 US Routes
	 Marsh or swamp	 Major Roads
	 Mine or Quarry	 Local Roads
	 Miscellaneous Water	Background
	 Perennial Water	 Aerial Photography
	 Rock Outcrop	
	 Saline Spot	
	 Sandy Spot	
	 Severely Eroded Spot	
	 Sinkhole	
	 Slide or Slip	
	 Sodic Spot	

MAP INFORMATION

- The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cassia County, Idaho, Eastern Part
Survey Area Data: Version 16, Sep 9, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Jul 8, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
92	Kovich silt loam, 0 to 3 percent slopes	135.6	99.8%
120	Ririe silt loam, 3 to 8 percent slopes	0.2	0.2%
Totals for Area of Interest		135.9	100.0%





0004044516

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004044516

Date Filed: 10/29/2020 2:53:42 PM

B0547-0634 10/29/2020 2:53 PM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name: ALBION 12 INVESTMENTS, L.L.C.
The file number of this entity on the records of the Idaho Secretary of State is: 0000362443
Address: 7595 E MCDONALD DR
STE 130
SCOTTSDALE, AZ 85250-6081

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W117958

The registered agent on record is:

Registered Agent: CORPORATION SERVICE COMPANY
Commercial Registered Agent
Physical Address: 12550 W EXPLORER DR STE 100
BOISE, ID 83713
Mailing Address: 12550 W EXPLORER DR STE 100
BOISE, ID 83713

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	Title	Business Address
Michael L Merriman	Manager	7595 E MCDONALD DRIVE #130 SCOTTSDALE, AZ 85250

The annual report must be signed by an authorized signer of the entity.

Michael L Merriman

Sign Here

10/29/2020

Date

Job Title: Manager

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 121433

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	185.06
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	185.06
Fax			
Section	Legals	Start/End Dates	11/18/2021 - 11/25/2021
SubSection		Insertions	2
Category	50 Legal	Size	121
Ad Key	121433-1	Salesperson(s)	Legal Notices
Keywords	APP/ PERMIT 45-14539, 47-17748	Taken By	Seana Chapman
Notes			

Ad Proof

Proof of legal notice received from Times News 11/10/2021

✓ *bm 11-12-2021*

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

45-14539

ALBION 12 INVESTMENTS LLC
7595 E McDONALD DR STE 130
SCOTTSDALE, AZ 85250-6081
Point of Diversion SENENW S21 T12S R25E CASSIA County Source
SPRING CREEK Tributary HOWELL CREEK
Point of Diversion SENENW S21 T12S R25E CASSIA County Source
SPRING CREEK Tributary HOWELL CREEK
Point of Diversion SWNWSE S16 T12S R25E CASSIA County Source
UNNAMED STREAM Tributary SUMMIT CREEK
Use: AESTHETIC STORAGE 01/01 to 12/31 121.2 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 121.2 AF
Total Diversion: 121.2 AF
Date Filed: 07-27-2021
Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE
T12S R25E S16 NWSE
T12S R25E S21 NENW

This application is being re-advertised, based on an amended application that was filed October 28, 2021. Application for permit proposes the appropriation of 57 af from Spring Creek and 64.2 af from an unnamed stream (total for both 121.2 af), for uses associated with 3 on-stream ponds. A mitigation plan was submitted with application to account for evaporative losses and initial fill of ponds. Two ponds on Spring Creek are located approximately 1.9 miles east and 2.7 miles to 2.8 miles south of Albion. The pond on unnamed stream is located approximately 2 miles east and 2.4 to 2.5 miles south of Albion.

47-17748

MC COLLUM ENTERPRISES LLC
PO BOX 5492
TWIN FALLS, ID 83303-5492
Point of Diversion SWSW S28 T09S R17E TWIN FALLS County
Source WASTE WATER Tributary SNAKE RIVER
Use: COMMERCIAL 01/01 to 12/31 0.27 CFS
Use: DIVERSION TO STORAGE 01/01 to 12/31 2 CFS
Use: COMMERCIAL STORAGE 01/01 to 12/31 180.2 AF
Total Diversion: 2 CFS
Date Filed: 09-14-2021
Place Of Use: COMMERCIAL, COMMERCIAL STORAGE
T09S R17E S28 SWSW
T09S R17E S33 NWNW

Application for permit proposes to divert up to 2.0 cfs from waste water for commercial storage (180.2 acre-feet) use in hot tubs. The application also proposes commercial use of 0.27 cfs for a flow-through component to maintain water temperature and water quality in the hot tubs. A mitigation plan is included in the application to address evaporation from the hot tubs. The point of diversion and place of use are located on Canyon Springs Golf Course approximately 1.00 mile north and 0.9 mile west of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **December 6, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on November 18th & 25th, 2021

✓ *DM* 11-12-2021



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

November 12, 2021

WATER DISTRICT 45F
ALAN LLOYD
939 S 950 E
ALBION ID 83311-9705

RE: Application for Permit No. 45-14539 (Albion 12 Investments LLC)
Re-advertisement of Application for Permit

Dear Alan:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, November 12, 2021 9:17 AM
To: Dawson,Bradley
Subject: Comment Letters for Water Right Applications
Attachments: 45-14539 (Albion 12 Investments).pdf; Transfer 85194 (Nature Conservancy, et al).pdf; 37-23302 (Robert Mitchell).pdf; Comment letter to F&G for 37-23302, 45-14539 & 85194.docx

Good morning,

Attached are 2 applications for permit and 1 application for transfer, currently being processed by the department. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact our office at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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

November 12, 2021

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

RE: Transfer No. 85194 (Nature Conservancy & Wood River Land Trust)
Application for Permit No. 37-23302 (Robert Mitchell)
Application for Permit No. 45-14539 (Albion 12 Investments LLC) **Re-advertisement**

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication **(on or before December 6, 2021)**.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



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

November 10, 2021

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

RE: Application for Permit No. 45-14539 *Re-advertisement*

Dear Applicant(s):

The Department of Water Resources has received your amended water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the amended application has been prepared and is scheduled for publication in the **TIMES NEWS on 11/18/2021 and 11/25/2021**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **December 6, 2021**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC

Maline, Denise

From: Maline, Denise
Sent: Wednesday, November 10, 2021 5:13 PM
To: 'lana.hepworth@magicvalley.com'; 'SChapman@elkodaily.com'
Subject: FW: LEGAL NOTICE - TIMES NEWS
Attachments: Times News cover letter.docx; Times News Ad.docx

I received the auto-reply (out of office) e-mail when I submitted this legal notice. Per instructions in that e-mail, I am forwarding to both of you, in hopes that one of you can take care of this and get my legal notice prepared for publication as noted in the e-mail below. Please reach out to me if there are any questions.

We are closed Thursday for Veterans Day; but I will be in the office Friday.

Thank you in advance. ☺

Denise Maline, IDWR Twin Falls

From: Maline, Denise
Sent: Wednesday, November 10, 2021 5:01 PM
To: Times News <legals@magicvalley.com>
Subject: LEGAL NOTICE

Attached please find (1) legal notice being submitted for publication on November 18th & 25th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

Maline, Denise

From: TWF Legals <legals@magicvalley.com>
Sent: Wednesday, November 10, 2021 5:07 PM
To: Maline, Denise
Subject: Automatic reply: LEGAL NOTICE

Hello I am out of the office from November 8th through the 12th.

If you have any advertising questions or concerns, that need to be addressed before I get back, please contact Lana Hepworth @ lane.hepworth@magicvalley.com or call 208-735-3219.

For Obituary and Legal Notices questions, please contact Seana Chapman @ 775-748-2738 or email her at SChapman@elkodaily.com

Thank you and stay healthy and safe and have a great day!
I will return your email(s) when I get back.

Maline, Denise

From: Maline, Denise
Sent: Wednesday, November 10, 2021 5:01 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News Ad.docx

Attached please find **(1)** legal notice being submitted for publication on November 18th & 25th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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

November 10, 2021

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 45-14539, 47-17748

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 6, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

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

45-14539

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

Point of Diversion SENENW S21 T12S R25E CASSIA County Source SPRING CREEK Tributary HOWELL CREEK

Point of Diversion SENENW S21 T12S R25E CASSIA County Source SPRING CREEK Tributary HOWELL CREEK

Point of Diversion SWNWSE S16 T12S R25E CASSIA County Source UNNAMED STREAM Tributary SUMMIT CREEK

Use: AESTHETIC STORAGE 01/01 to 12/31 121.2 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 121.2 AF

Total Diversion: 121.2 AF

Date Filed: 07-27-2021

Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE

T12S R25E S16 NWSE

T12S R25E S21 NENW

This application is being re-advertised, based on an amended application that was filed October 28, 2021.

Application for permit proposes the appropriation of 57 af from Spring Creek and 64.2 af from an unnamed stream (total for both 121.2 af), for uses associated with 3 on-stream ponds. A mitigation plan was submitted with application to account for evaporative losses and initial fill of ponds. Two ponds on Spring Creek are located approximately 1.9 miles east and 2.7 miles to 2.8 miles south of Albion. The pond on unnamed stream is located approximately 2 miles east and 2.4 to 2.5 miles south of Albion.

47-17748

MC COLLUM ENTERPRISES LLC
PO BOX 5492
TWIN FALLS, ID 83303-5492

Point of Diversion SWSW S28 T09S R17E TWIN FALLS County Source WASTE WATER Tributary SNAKE RIVER

Use: COMMERCIAL 01/01 to 12/31 0.27 CFS

Use: DIVERSION TO STORAGE 01/01 to 12/31 2 CFS

Use: COMMERCIAL STORAGE 01/01 to 12/31 180.2 AF

Total Diversion: 2 CFS

Date Filed: 09-14-2021

Place Of Use: COMMERCIAL, COMMERCIAL STORAGE

T09S R17E S28 SWSW

T09S R17E S33 NWNW

Application for permit proposes to divert up to 2.0 cfs from waste water for commercial storage (180.2 acre-feet) use in hot tubs. The application also proposes commercial use of 0.27 cfs for a flow-through component to maintain water temperature and water quality in the hot tubs. A mitigation plan is included in the application to address evaporation from the hot tubs. The point of diversion and place of use are located on Canyon Springs Golf Course approximately 1.00 mile north and 0.9 mile west of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **December 6, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 18th & 25th, 2021



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 28 2021

DEPT. OF WATER RESOURCES
SOUTHERN REGION

October 26, 2021

Bill Mills
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: Albion 12 Investments LLC 45-14539

Dear Mr. Mills:

At the request of IDWR an amended permit application for 45-14539 is being submitted on behalf of Albion 12 Investments LLC. The permit application is for the beneficial use of aesthetic and wildlife storage for three ponds located near Albion, Idaho.

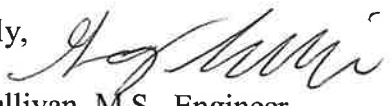
It is requested that a volume of 121.2 acre feet be utilized to keep the ponds full from January 1st through December 31st of each year. The total volume of the ponds is 7.6 acre feet. The calculated pond evaporation annually is 4.8 acre feet. The pond seepage loss is calculated to be 108.8 acre feet which returns to the water source and does not require mitigation. Mitigation for initial fill volume and evaporation volume will be provided by drying up a portion of water right 45-517D.

The three ponds have been constructed several years ago and are currently being utilized. A 2.4 acre portion of 45-517D (identified in blue on the attached map) was dried up in 2019 to satisfy the initial fill requirements of the three ponds. A 1.5 acre portion of 45-517D (identified in red hashed lines) will be dried up permanently. The allowed irrigation acres under 45-517D will need to be reduced by 1.5 acres.

The IDWR fee for this application is \$290.00.

Please contact me if you have any questions.

Sincerely,


Greg Sullivan, M.S., Engineer

Cc: Brian Merriman

Enc: Application for Permit, Mitigation Spreadsheet Analysis, Aerial Maps, Annual Report, Soil Reports, Brockway Engineering Check # 16642 for \$290.00.

CHARLES E.
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PH.D., P.E.

CHARLES G.
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