

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85172**

This is to certify that: **ALBION 12 INVESTMENTS LLC**
7595 E MCDONALD DR STE 130
SCOTTSDALE, AZ 85250-6081

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-517D	WR/DECREED	8/31/1874	0.200 cfs	N/A	120.0	1537.2	SPRING CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-517D	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-517D	45-517D	0.200 cfs	N/A	120.0	1537.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.200 cfs	N/A	120.0	1537.2		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 7th day of October, 2021.



Southern Region Manager

Transfer No. 85172

WATER RIGHT NO. 45-517D**As Modified by Transfer No. 85172**

In accordance with the approval of Transfer No. 85172, Water Right No. 45-517D is now described as follows:

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

Priority Date: 8/31/1874

Source: SPRING CREEK

Tributary: HOWELL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.200 cfs 0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING CREEK	SESESW	Sec 16 Twp 12S Rge 25E	CASSIA County
SPRING CREEK	NENENW	Sec 21 Twp 12S Rge 25E	CASSIA County
SPRING CREEK	NESENW	Sec 21 Twp 12S Rge 25E	CASSIA County
SPRING CREEK	SWSSENW	Sec 21 Twp 12S Rge 25E	CASSIA 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	
12S	25E	8													40.0	40.0	40.0	40.0	160.0
12S	25E	9									41.0	41.0	41.0	41.0					164.0
12S	25E	16						12.0	40.0	15.0		40.0	40.0	40.0		10.0	40.0	16.0	253.0
12S	25E	17		41.0	41.0	40.0		41.0	41.0	41.0	40.0	41.0	41.0	41.0	40.0	40.0	40.0	40.0	568.0
12S	25E	20	41.0			41.0	42.0	41.0											165.0
12S	25E	21	21.0	41.0			41.0	41.0	41.0	41.0									226.0
12S	25E	22						1.2											1.2

Right Acre Limit: 120.0

POU Total Acres: 1537.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 120.0 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right will 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.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 85172

WATER RIGHT NO. 45-517D

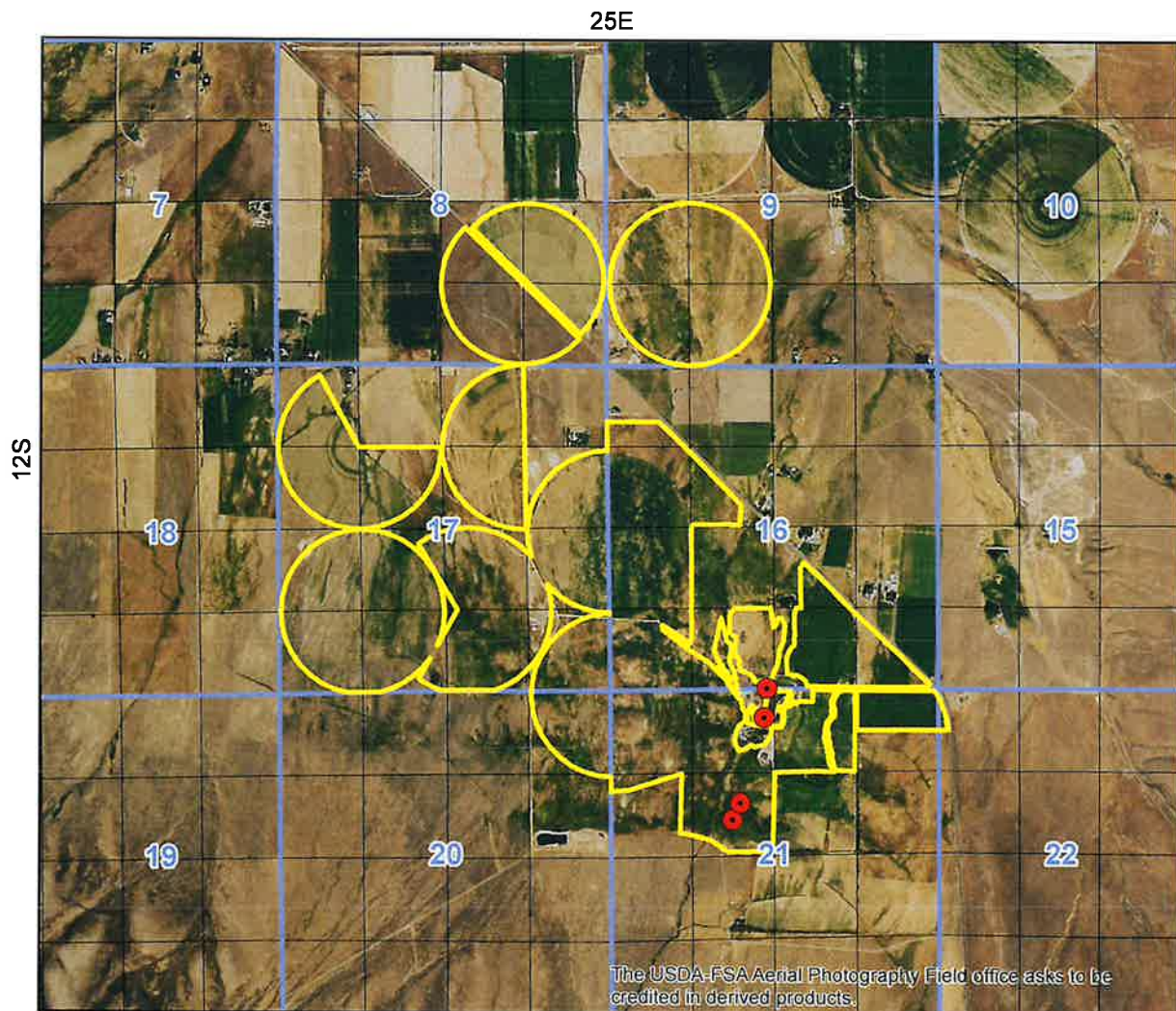
As Modified by Transfer No. 85172

CONDITIONS OF APPROVAL

4. 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 378 acres.
5. 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 4.33 cfs and the irrigation of 399.2 acres.
6. 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 25.41 cfs and the irrigation of 1131.7 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. 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 1131.7 acres within the 1537.2 acre place of use authorized by this right in a single irrigation season. The specific 1131.7 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 1131.7 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the SRBA partial decree date.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 85172
45-517D

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.



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

0 0.35 0.7 1.4 Miles





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

October 7, 2021

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

Re: Transfer No: 85172
Water Right No(s): 45-517D

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

AXA EQUITABLE LIFE INSURANCE COMPANY
4333 EDGEWOOD RD NE
CEDAR RAPIDS IA 52499-3830

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

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

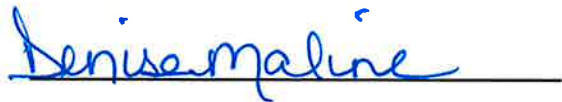
Re: Transfer No.: 85172
Water Right No(s): 45-517D

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

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

AXA EQUITABLE LIFE INSURANCE COMPANY
4333 EDGEWOOD RD NE
CEDAR RAPIDS IA 52499-3830

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



Denise Maline
Administrative Assistant

MEMORANDUM

Date: September 27, 2021
To: Transfer 85172
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes adding a new point of diversion (POD) to a 0.2 cfs Spring Creek irrigation water right that is located approximately 1.9 miles east and 2.8 miles south of Albion. Application also proposes removing a currently authorized POD from the same water right. The POD proposed to be dropped is located approximately 0.2 miles upstream (south) of the proposed new POD.

PODs involved in this transfer are located in Water District 45F and Watermaster comments were solicited, and no comments were received. Idaho Department of Fish and Game comments were also solicited, and they did not oppose approval of this application.

- **Authority to File:** Applicant is listed as the current owner of water right 45-517D and proposed POD is within the authorized place of use on properties owned by the applicant according to IDWR records. The security interest holder was not required to provide a signed letter prior to processing this transfer application as it was determined by Department staff that adding a point of diversion would not impact the water right value.
- **Water Right Validity:** Water right 45-517D was decreed in the SRBA on 5/6/2005. Aerial imagery indicates that the water place of use appears to be irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

~ Proof of Publication ~

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES

Denise Lauerman

2735 AIRPORT WAY

BOISE ID 83705

RECEIVED

SEP 01 2021

WATER RESOURCES
WESTERN REGION

ORDER NUMBER 117994

RECEIVED

SEP 17 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF TWIN FALLS)

On this 26th day of August in the year of 2021 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public FOR Idaho

Residing at: Twin Falls, Idaho

My Commission expires: 5/8/26



Section: Legals

Category: 50 Legal

PUBLISHED ON: 08/19/2021, 08/26/2021

TOTAL AD COST: 235.98

FILED ON: 8/26/2021

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 SWNWSE S16 T12S R25E CASSIA County

Source UNNAMED STREAM Tributary SUMMIT CREEK

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

Use: AESTHETIC STORAGE 0101 to 12% 7.5 AF

Use: WILDLIFE STORAGE 0101 to 12% 7.5 AF

Total Diversion: 7.5 AF

Date Filed: 07-27-2021

Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE

T12S R25E S16 NWSE

T12S R25E S21 NENW

Application for permit proposes the appropriation of 3.6 af from Spring Creek and 3.9 af from an unnamed stream (total for both 7.5 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.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

✓ TRANSFER NO. 85056

GARY DE MOSS and HELEN DE MOSS, PO BOX 61, BLISS, ID 83314 has filed Application No. 85056 for changes to the following water rights within GOODING County(s): Right No(s). 37-22168. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for a 6.0 acre (0.12 cfs) portion of ground water irrigation right 37-22168 which is currently appurtenant to land located approximately 9.7 to 11.0 miles west and 4.5 to 7.0 miles north of the intersection of State Highway 46 and U.S. Highway 26 in Gooding. The proposed POU is located approximately 4.5 miles west and 2.2 miles north of Gooding. A new well and an existing well located within the proposed POU will be utilized as PODs for the transferred portion.

✓ TRANSFER NO. 85172

ALBION 12 INVESTMENTS LLC, 7595 E MCDONALD DR STE 130, SCOTTSDALE, AZ 85250-6081 has filed Application No. 85172 for changes to the following water rights within CASSIA County(s): Right No(s). 45-517D. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new point of diversion to a 0.2 cfs Spring Creek irrigation water right that is located approximately 1.9 miles east and 2.8 miles south of Albion. Application also proposes removing a currently authorized point of diversion from the same water right.

✓ TRANSFER NO. 85190

SCHENK LAND & CATTLE LP, 1380 S 50 W, OAKLEY, ID 83346-8715 has filed Application No. 85190 for changes to the following water rights within CASSIA County(s): Right No(s). 45-12444. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the recorded place of use of an existing Land Ranch Spring water right (0.50 cfs) to reflect actual water use for stock water purposes at a feedlot facility located approximately 3.4 miles east and 7.2 miles north of Oakley.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights & proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) 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 **September 7, 2021**. The protestant must also send a copy of the protest to the applicant.

Published 19, 26 August, 2021

✓ *DM*
9-20-2021

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RECEIVED
AUG 30 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: Transfer No. 85172

Water Right No(s): 45-517D

Transfer Applicant's Name: ALBION 12 INVESTMENTS LLC
7595 E MC DONALD DR STE 130
SCOTTSDALE AZ 85250-6081

Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional comments:

Dated this 30 day of August, 2021

Dept of Fish & Game

Bradley Dawson
Signature

Bradley Dawson
Printed Name