RECEIVED
AUG 0 2 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☑ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Albion 12 Investments LLC and Rose Creek Ranch LLC Phone (602) 524-1805
2. **MAILING ADDRESS** 7595 E MCDONALD DR STE 130 City SCOTTSDALE
   State AZ Zip 85250 Email mike@americorig.com

☑ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 45-517D, 45-13589 et al.
   This transfer will only change the PODs associated with 45-517D. No other PODs will be changing.

☑ Attach a copy of the water right(s) as recorded, available at *idwr.idaho.gov, Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is .20 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources.*

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

Transfer No. 85172

RECEIVED
JUL 27 2021
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SOUTHERN REGION

42-222 POD - 07/18

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DEPARTMENT OF WATER RESOURCES

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Check all that apply:

☑ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Albion 12 Investments LLC and Rose Creek Ranch LLC Phone (602) 524-1805
2. **MAILING ADDRESS** 7595 E MCDONALD DR STE 130 City SCOTTSDALE
   State AZ Zip 85250 Email mike@americorig.com

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If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

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3. **LIST WATER RIGHT NUMBER(S)** 45-517D, 45-13589 et al.
   This transfer will only change the PODs associated with 45-517D. No other PODs will be changing.

☑ Attach a copy of the water right(s) as recorded, available at *idwr.idaho.gov, Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is .20 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources.*

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

Transfer No. _____

6. **GENERAL INFORMATION**

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing diversion systems and delivery systems.

b. Who owns the property at the point(s) of diversion? The applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes	No	
☐	☑	undergone a period of five or more consecutive years of non-use,
☐	☑	currently used in a mitigation plan limiting the use of water under the right(s), or
☐	☑	currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☑ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☑ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.*

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent	Print name and title if applicable	Date
Michael Merriman	Michael Merriman	6/17/21
Michael Merriman		

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of $50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at *www.idwr.idaho.gov, Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by CH / DM Date 7-27-2021

Fee paid $200- Date 7-27-2021 Receipted by DM Receipt # 5038730

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Page _____ of _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 45-517D

Current Owner: ALBION 12 INVESTMENTS LLC

Priority Date: 8/31/1874

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
SPRING CREEK	HOWELL CREEK

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	0.2 CFS	
	Total Diversion	0.2 CFS	

Location of Point(s) of Diversion

SPRING CREEK CASSIA County	NE1/4SE1/4NW1/4	Sec. 21,	Twp 12S,	Rge 25E B.M.
SPRING CREEK CASSIA County	SE1/4SE1/4SW1/4	Sec. 16,	Twp 12S,	Rge 25E B.M.
SPRING CREEK CASSIA County	SW1/4SE1/4NW1/4	Sec. 21,	Twp 12S,	Rge 25E B.M.
SPRING CREEK CASSIA County	NE1/4SE1/4NW1/4	Sec. 21,	Twp 12S,	Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S8	NESE	40.00	T12S R25E S8	NWSE	40.00
T12S R25E S8	SWSE	40.00	T12S R25E S8	SESE	40.00
T12S R25E S9	NESW	41.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	41.00	T12S R25E S9	SESW	41.00
T12S R25E S16	NWNW	12.00	T12S R25E S16	SWNW	40.00
T12S R25E S16	SENW	15.00	T12S R25E S16	NWSW	40.00
T12S R25E S16	SWSW	40.00	T12S R25E S16	SESW	40.00
T12S R25E S16	NWSE	10.00	T12S R25E S16	SWSE	40.00
T12S R25E S16	SESE	16.00	T12S R25E S17	NWNE	41.00
T12S R25E S17	SWNE	41.00	T12S R25E S17	SENE	40.00
T12S R25E S17	NWNW	41.00	T12S R25E S17	SWNW	41.00
T12S R25E S17	SENW	41.00	T12S R25E S17	NESW	40.00
T12S R25E S17	NWSW	41.00	T12S R25E S17	SWSW	41.00
T12S R25E S17	SESW	41.00	T12S R25E S17	NESE	40.00
T12S R25E S17	NWSE	40.00	T12S R25E S17	SWSE	40.00
T12S R25E S17	SESE	40.00	T12S R25E S20	NENE	41.00
T12S R25E S20	SENE	41.00	T12S R25E S20	NENW	42.00
T12S R25E S20	NWNW	41.00	T12S R25E S21	NENE	21.00
T12S R25E S21	NWNE	41.00	T12S R25E S21	NENW	41.00
T12S R25E S21	NWNW	41.00	T12S R25E S21	SWNW	41.00
T12S R25E S21	SENW	41.00	T12S R25E S22	NWNW	1.20

Total Acres: 1537.2

Conditions of Approval:

1.	R05	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.
2.	X61	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.
3.	T19	Pursuant to Section 42-1412(6), Idaho Code, 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.
4.	206	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.
5.	X35	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.
6.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7.	R43	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).
8.	R64	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.
9.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10.	X35	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.
11.	X27	This right is limited to the irrigation of 120.0 acres within the authorized place of use in a single irrigation season.
12.	X35	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.

Decreed Date: 5/6/2005

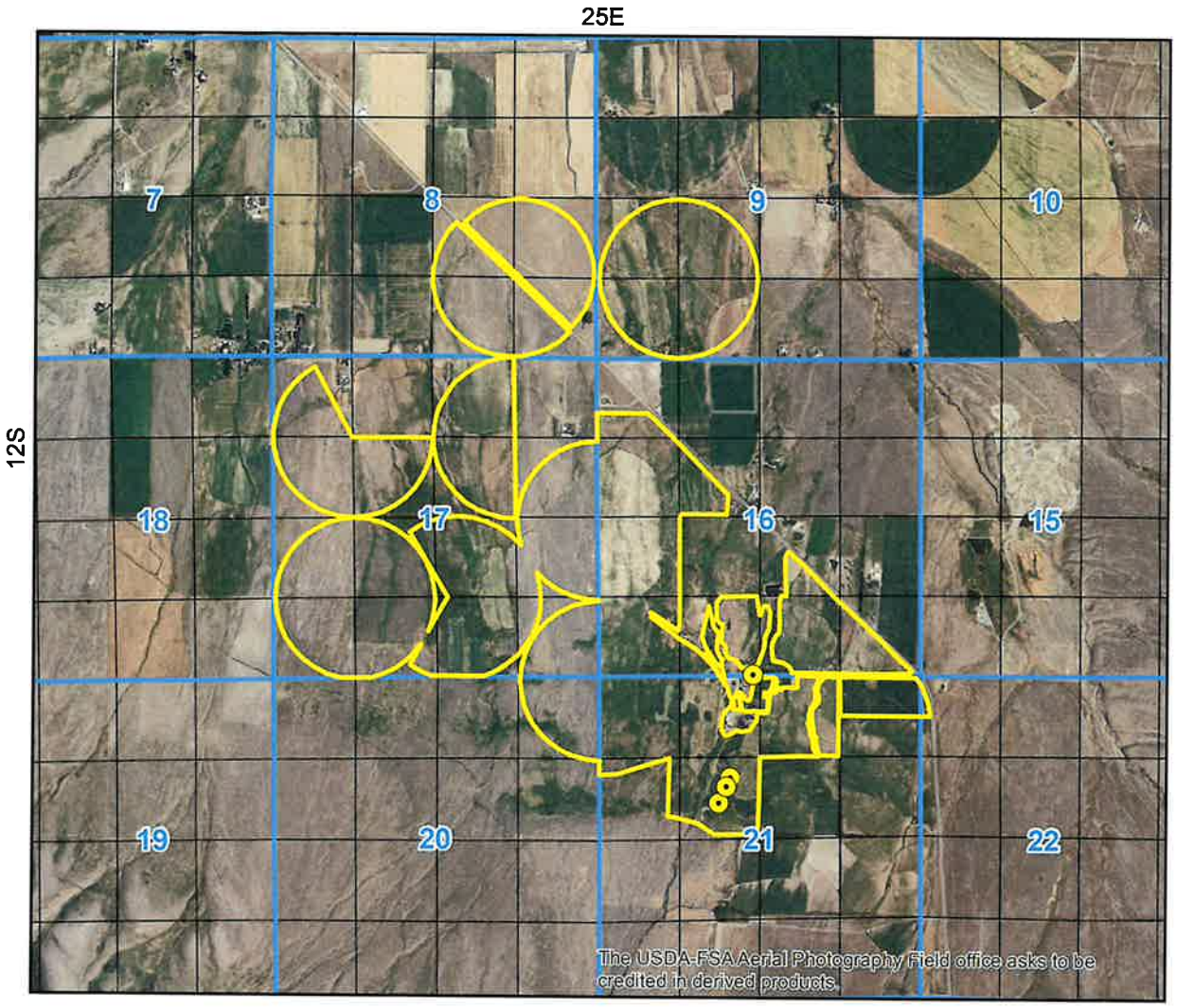
State of Idaho
Department of Water Resources

Water Right

45-517D

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.35 0.7 1.4 Miles

N

TRANSFER 85172

Map produced on June 03, 2021

Path: F:\Projects\Albion Ranch 2006 LLC\Arcview 9\ALBION WATER 2021.mxd
NWSW
NWSE
17
16
SWSW
SWSE
12S25E
NWNE
20
SENE
SENW
21
0
0.125
0.25
Miles
ALBION 12 INVESTMENTS LLC
ROSE CREEK RANCH LLC
45-517D POD TRANSFER
NAIP 2019 AERIAL
TRANSFER 85172
Legend
Spring_Creek_PODs_After
N
BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/28/2021

Path: F:\Projects\Albion Ranch 2006 LLC\Arcview 9\ALBION WATER 2021.mxd
NWSW
NESW
NWSE
17
16
SWSW
SESW
SWSE
NENW
NWNE
12S25E
20
SENE
SENW
21
0
0.125
0.25
Miles
ALBION 12 INVESTMENTS LLC
ROSE CREEK RANCH LLC
45-517D POD TRANSFER
NAIP 2019 AERIAL
TRANSFER 85172
Legend
Spring Creek PODs Before
N
BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/28/2021

0004044516

STATE OF IDAHO
Office of the secretary of state, Lawerence 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

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

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

Customer Ad Proof

60003161 IDAHO DEPT OF WATER RESOURCES **Order Nbr 117994**

Publication	**Times News**		
Contact	IDAHO DEPT OF WATER RESOURCES	PO Number	
Address 1	2735 AIRPORT WAY	Rate	Legal Notice
Address 2		Order Price	235.98
City St Zip	BOISE ID 83705	Amount Paid	0.00
Phone	2083342190	Amount Due	235.98
Fax			
Section	Legals	Start/End Dates	08/19/2021 - 08/26/2021
SubSection		Insertions	2
Category	50 Legal	Size	156
Ad Key	117994-1 85172	Salesperson(s)	Jenny Green - Legals
Keywords	3 TRANSFER NO. 85056, 58172, 85190	Taken By	Sherri Davis
Notes			
Ad Proof			

Proof of legal notice received from Times News 8/12/2021 (2 pgs)

✓ DM 8-13-2021

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%1 7.5 AF
Use: WILDLIFE STORAGE 0101 to 12%1 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 &r 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 8.13.2021

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**

August 12, 2021

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

RE: Application for Permit No. 45-14539

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

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 8/19/2021 and 8/26/2021**. 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 **September 7, 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
AXA Equitable Life Insurance Company

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**

August 12, 2021

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

RE: Transfer No. 85172 (Albion 12 Investments LLC)
Application for Permit No. 45-14539 (Albion 12 Investments LLC)

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: Thursday, August 12, 2021 4:37 PM
To: 'Dawson,Bradley'
Subject: Comment Letters for App. for Permit 45-14539 & Transfer 85172
Attachments: Comment letter to F&G for 45-14539 & 85172.docx; Permit application 45-14539 Albion 12 Investments.pdf; Transfer #85172 - Albion 12 Investments.pdf

Good afternoon,

Attached is an application for permit and an application for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Bill Mills 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**

August 12, 2021

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

RE: Transfer No. 85172 (Albion 12 Investments LLC)
Application for Permit No. 45-14539 (Albion 12 Investments LLC)

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 September 7, 2021)**.

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From:	Maline, Denise
Sent:	Thursday, August 12, 2021 11:07 AM
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 August 19th & 26th, 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

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Governor Brad Little **Director Gary Spackman**

August 12, 2021

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 45-14539

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

RE: Transfer No. 85056
Water Right No(s). 37-22168

RE: Transfer No. 85190
Water Right No(s). 45-12444

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 September 7, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

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 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 01/01 to 12/31 7.5 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 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 &/or 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.

MEMORANDUM

Date: August 3, 2021

To: Transfer 85172 File

From: Bill Mills

Re: Transfer Proposal

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 will be solicited.

MEMORANDUM

Date: August 3, 2021

To: Transfer 85172 File

From: Bill Mills

Re: Fee Evaluation

Filing fees charged for transfer application #851727 are based on the current transfer fee schedule and are set at $200.00 for the 0.20 cfs being transferred in the application (Receipt S038730).

Mills, Bill

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, August 2, 2021 1:53 PM
To: Mills, Bill
Subject: Albion 12
Attachments: Albion 12 Page 1.pdf

Bill,

See the attached adjustment to page 1 of the Albion 12 POD transfer application.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

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

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
JUL 27 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

July 27, 2021

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

Re: Albion 12 Investments LLC

Dear Mr. Skinner:

Albion 12 Investments LLC at the request of IDWR is submitting an point of diversion change application for water rights 45-517D, 45-13589 et al.

There are currently four points of diversion authorized from Spring Creek. It is proposed to correct the location of the four points of diversion for these water rights as identified on the transfer application and the attached aerial maps.

The diversion limit for these water rights from Spring Creek is 0.20 cfs. Which means that the total diversion from the four points of diversion is limited to a combined additive total of 0.20 cfs.

No additional changes to these water rights are requested at this time.

The IDWR fee for this application is $200.00.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Brian Merriman
Enc: Application for POD Transfer, Water Right Report, Aerial Maps, Annual Report, Brockway Engineering Check # 16530 for $300.00.