

JUN 12 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by KURecpt No. C108884Date 6-12-2020

REQUEST FOR EXTENSION OF TIME

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

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

Permit no. 45-14456 Date proof is due 7/1/2020
Name(s) of permit holder(s) ALBION 12 INVESTMENTS LLC
Mailing address 7595 E McDONALD City SCOTTSDALE State AZ Zip 85250
Telephone no. 602 524 1805 Email MIKE@AMERICORIG.COM

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

If no work has been completed, show "none".

NONE - was completed prior.

Costing \$ _____

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

we are refining the septic

Permit holder(s) request an extension for 5 year(s).

albin 12 investments LLC
Michael Menneman, manager 6/1/2020
Signature (If other than permit holder, Power of Attorney must be supplied) Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

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

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

☒ IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to July 1, 2025.

Signed this 21st day of August, 2020

Shelley W. Keen
Shelley W. Keen, Chief
Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 26, 2020

ALBION 12 INVESTMENTS LLC
7595 E MC DONALD DR STE 130
SCOTTSDALE AZ 85250

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 45-14456

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **July 01, 2025**.

The Department granted this extension based on evidence of good cause. It is important that you work diligently toward the completion of the project during the development period allowed according to Idaho Code Section 42-204(3)(f).

Please take note that condition #13 of this permit specifies the requirement of annual reporting to the Department. Complying with this requirement is the responsibility of the permit holder and not the watermaster.

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: BROCKWAY ENGINEERING PLLC – *via email*

CERTIFICATE OF SERVICE

I hereby certify that on **August 26, 2020** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER APPROVING REQUEST FOR EXTENSION OF TIME**) to the persons listed below:

RE: Preliminary Order in the Matter of Permit No. **45-14456**

**ALBION 12 INVESTMENTS LLC
7595 E MC DONALD DR STE 130
SCOTTSDALE AZ 85250**

**BROCKWAY ENGINEERING PLLC
C/O ERICK POWELL – *via email*
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**



**Debbi Judd
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Hummer, Phill

From: Luke, Tim
Sent: Tuesday, July 28, 2020 11:35 AM
To: Hummer, Phill
Subject: FW: Merrimans Albion Ranch Ground WTRRecg
Attachments: MCWD45F Gundys Spec LvStk-GrdWtrRechg Rpt To IDWR.xlsx
Categories: More Info Emails

Phil,

Here is some information from the watermaster regarding the ground water recharge for that permit you asked us about last week.

Tim

From: Erickson, Nathan
Sent: Tuesday, July 28, 2020 11:12 AM
To: Luke, Tim <Tim.Luke@idwr.idaho.gov>
Subject: FW: Merrimans Albion Ranch Ground WTRRecg

This is what I got back from the watermaster on the recharge out in Albion.

From: gundy@safelink.net [<mailto:gundy@safelink.net>]
Sent: Monday, July 27, 2020 2:13 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: Merrimans Albion Ranch Ground WTRRecg

Hi Nathan,

I went into the Monthly Logs of Nov thru Feb 2018 and what I came up with On my abbreviated Rpt.

- The 2018 total of 239.72 cfs shows a complete breakdown of the Total Livestock & Grd-Wtr recharge of everyone.*
- The 2019 total of 347.44 cfs takes on Telegraph Sum gives as a Breakdown of months Nov thru Feb 2019. That you was looking at! I hope that report will be sufficient of proof.*
- The format of my report takes on the [1st part of my monthly Daily log including 1st day of the month and bring in my last part of the record with totals included].*

I therefore did not go in and break it down as I did with 2018. I believe both years proves Albion Ranch did receive the recharge that is required, but it doesn't say they finished the project or filed for an extension. That Information, I don't have.

I hope this will be sufficient for Tim on his request! If not please let me know.

Thank you!

Don G. Gunderson, WaterMaster 45f
MCWD45-f
gundy@safelink.net

Marsh Creek Water District								
NonConsumptive / Ground Recharge							Rpt Dte:	7/22/2020
ANNUAL ROCK DAM STORAGE & RELEASE/ELEVATION REPORT								
MONTH OF: November, 2018								
User Name:			Thu	Fri				
Div:		Day:	1	30	31	Total CFS:		
HF NonCons	Warthen, Earl		0	0	0	0	HF NonCons	Warthen, Earl
GrdRechg	Warthen, Earl		0.15	0.15	0	4.5	GrdRechg	Warthen, Earl
Live Stock	Kevin/Norm Smyer		0.15	0.15	0	4.5	Live Stock	Kevin/Norm Smyer
No Wtr Right	RichRedman???		0	0	0	0	No Wtr Right	RichRedman???
HI1 GrdRechg	Dayley, Norm W		0.2	0.2	0	6	HI1 GrdRechg	Dayley, Norm W
HI1 GrdRechg	Ward, Adam		0.2	0.2	0	6	HI1 GrdRechg	Ward, Adam
Hc1GrdRechg	Albion Ranch N		0.48	0.48	0	14.4	Hc1GrdRechg	Albion Ranch W
Hc1GrdRechg	Albion Ranch E		0.2	0.2	0	6	Hc1GrdRechg	Albion Ranch E
Hc1GrdRechg	Albion Ranch W				0	0	Hc1GrdRechg	Albion Ranch N
NonIrrig Land/WP Crk Rechg/LStk			0.67	0.67	0	20.1	NonIrrig Land/WP Crk Recharge	
NonIrrig Marsh Crk Recharge/LStk			0.62	0.62	0	18.6	NonIrrig Marsh Crk Recharge	
NonIrrig Howell Crk Recharge/LStk			1	1	0	30	NonIrrig Howell Crk Recharge	
						110.1	Monthly Total Live Stk/GrdRechg	
MONTH OF: December, 2018								
			Sat	Sun	Mon			
		Day:	1	30	31	Total CFS:		
GrdRechg	Warthen, Earl		0.15	0.15	0.15	4.65	GrdRechg	Warthen, Earl
Live Stock	Kevin/Norm Smyer		0.4	0.4	0.4	12.4	Live Stock	Kevin/Norm Smyer
No Wtr Right	RichRedman???		0	0	0	0	No Wtr Right	RichRedman???
HI1 GrdRechg	Dayley, Norm W		0.25	0.25	0.25	7.75	HI1 GrdRechg	Dayley, Norm W
HI1 GrdRechg	Ward, Adam W		0.25	0.25	0.25	7.75	HI1 GrdRechg	Ward, Adam W
Hc1GrdRechg	Albion Ranch W		0.53	0.53	0.53	16.43	Hc1GrdRechg	Albion Ranch W
Hc1GrdRechg	Albion Ranch E		0.3	0.3	0.3	9.3	Hc1GrdRechg	Albion Ranch E
Hc1GrdRechg	Albion Ranch N		0	0	0	0	Hc1GrdRechg	Albion Ranch N
						58.28	Monthly Total Live Stk/GrdRechg	
MONTH OF: January, 2018								
User Name:			Mon	Tue	Wed			
Div:	#####	Day:	1	30	31	Total CFS:		
GrdRechg Warthen			0.15	0.15	0	4.5	GrdRechg Warthen	
Live Stock Warthen			0.02	0.02	0	0.6	Live Stock Warthen	
GrdRechg Norm Dayley			0	0	0	0	GrdRechg Norm Dayley	
GrdRechg Albion Ranch North			1	1	0	30	GrdRechg Albion Ranch W	
Live Stock Albion Ranch North			0.02	0.02	0	0.6	Live Stock Albion Ranch E	
Live Stock Goodman Ranch			0	0	0	0	Live Stock Goodman Ranch N	
Live Stock 6S Merrill Ranch			0	0	0	0	Live Stock 6S Merrill Ranch	
Live Stock 6S Emory Land Ck a1			0.02	0.02	0	0.6	Live Stock 6S Emory Land Ck a1	
Live Stock 6S Emory Marsh Ckb1			0	0	0	0	Live Stock 6S Emory Marsh Ckb1	
Live Stock Geary/Anderson MD1			0.02	0.02	0	0.6	Live Stock Geary/Anderson MD1	
						36.9	Monthly Total Live Stk/GrdRechg	

				MONTH OF: February, 2018						
User Name:				Thu	Wed	Thu			Rpt Dte:	7/22/2020
Div:	#####		Day:	1	28	29	Total CFS:			
GrdRechg Warthen				0.15	0.15	0	4.2	GrdRechg Warthen		
Live Stock Warthen				0.02	0.02	0	0.56	Live Stock Warthen		
GrdRechg Norm Dayley				0	0	0	0	GrdRechg Norm Dayley		
GrdRechg Albion Ranch W				1	1	0	28	GrdRechg Albion Ranch W		
Live Stock Albion Ranch E				0.02	0.02	0	0.56	Live Stock Albion Ranch E		
Live Stock Goodman Ranch				0	0	0	0	Live Stock Goodman Ranch		
Live Stock 6S Merrill Ranch				0	0	0	0	Live Stock 6S Merrill Ranch		
Live Stock 6S Emory Land Ck a1				0.02	0.02	0	0.56	Live Stock 6S Emory Land Ck a1		
Live Stock 6S Emory Marsh Ckb1				0	0	0	0	Live Stock 6S Emory Marsh Ckb1		
Live Stock Geary/Anderson MD1				0.02	0.02	0	0.56	Live Stock Geary/Anderson MD1		
Ground rechg 6S Merrill Rch tock				0	0	0	0	Ground rechg 6S Merrill Rch tock		
							34.44	MonthlyTotal Live Stk/GrdRechg		
							239.72	Final 2018 Yr'ly Total		