

RECEIVED

AUG 15 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81125

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Albion 12 Investments, LLC / Rose Creek Ranch, LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT DEPT OF WATER RESOURCES
SOUTHERN REGION

PART 1

Name of Applicant(s) Albion 12 Investments, LLC of Rose Creek Ranch, LLC Phone 602-524-1805

Mailing address 7595 E. McDonald Dr. Ste 130; Scottsdale, AZ 85450 Email per 7/7/16 E.P. Email

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Erick Powell Phone 208-736-8543

Mailing address 2016 Washington Street North, #4; Twin Falls, Idaho 83301 Email erick.powell@brockwayeng.co

- ☐ 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.
- ☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.


Signature of Applicant or Authorized Representative

G. Erick Powell, Representative
Print Name and Title if applicable

4/18/2016
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Create PPU of Rose Creek Ranch and Albion 12 Investment properties. Ownership of water rights will be retained by each entity, but water can be applied on both properties.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
	See	Attached	Sheet	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____

Total authorized under rights 25.41 cfs and/or — acre-feet.

2. Total amount of water proposed to be transferred or changed 25.41 cubic feet per second and/or — acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
								See		
								Attached Table		

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	8													40	40	40	40	160
12S	25E	9									41	41	41	41					164
12S	25E	16						12	40	15		40	40	40		10	40	16	253
12S	25E	17		41	41	40		41	41	41	40	41	41	41	40	40	40	40	568
12S	25E	20	40	40		41	41	41	41	42					41				327
12S	25E	21	21	41			41	41	41	41									226
12S	25E	22						1.2											1.2

Total Acres (for irrigation use) **1699.2** PPU

PPU Limited to 1,131.7 acres (732.5 acres from Rose Creek Ranch and 399.2 acres from Albion 12 Investments).

Part 1.B.1: WATER RIGHTS INCLUDED IN PPU
ALBION 12 INVESTMENTS, LLC
WATER RIGHT TRANSFER
BROCKWAY ENGINEERING, PLLC
GEP - JUNE 17, 2016

All or Part	Water Right No.	Amount (CFS/ACFT)	Nature of Use	Period of Use	Source/Tributary	PODs
X	45-275	0.24 / --	Irrigation	1-Apr to 31-Oct	Springs & Summit Creek	No Change
X	45-284B	1.5 / --	Irrigation	1-Apr to 31-Oct	Howell Creek & Marsh	No Change
X	45 - 285	0.15 / --	Irrigation	1-Apr to 31-Oct	Howell Creek & Marsh	No Change
X	45-327D	0.7 / --	Irrigation	1-Apr to 31-Oct	Howell Creek & Marsh	No Change
X	45-517D	0.2 / --	Irrigation	1-Apr to 31-Oct	Spring Creek & Howell	No Change
X	45-523A	0.12 / --	Irrigation	1-Apr to 31-Oct	Waste Water & Summit	Add POD
X	45-13589	0.56 / --	Irrigation	1-Apr to 31-Oct	Springs & Howell Creek	No Change
X	45-14449	0.08 / --	Irrigation	1-Apr to 31-Oct	Howell Creek & Marsh	No Change
X	45-14450	0.2 / --	Irrigation	1-Apr to 31-Oct	Howell Creek & Marsh	No Change
X	45-14451	0.16 / --	Irrigation	1-Apr to 31-Oct	Groundwater	No Change
X	45-14452	0.42 / --	Irrigation	1-Apr to 31-Oct	Antone, Howell, Pine & Marsh	No Change
Total		4.33 / --				

Part 1.B.1: WATER RIGHTS INCLUDED IN PPU
ROSE CREEK RANCH, LLC
WATER RIGHT TRANSFER
BROCKWAY ENGINEERING, PLLC
GEP - JUNE 17, 2016

All or Part	Water Right No.	Amount (CFS/ACFT)	Nature of Use	Period of Use	Source/Tributary	PODs
X	45-236	2.1 / --	Irrigation	1-Apr to 31-Oct	Broad Hollow & Howell	No Change
X	45-706	2.4 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Broad Hollow & Howell	No Change
X	45-707	4.0 / --	Irrigation	1-Apr to 31-Oct	Broad Hollow & Howell	No Change
X	45-246B	2.4 / --	Irrigation	1-Apr to 31-Oct	Howell Creek & Marsh	Add POD
X	45-285A	0.15 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Howell Creek & Marsh	Add POD
X	45-290	0.53 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Howell Creek & Marsh	Add POD
X	45-291	0.50 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Howell Creek & Marsh	Add POD
X	45-240	4.46 / --	Irrigation	1-Apr to 31-Oct	Rose Creek & Marsh	No Change
X	45-259	0.6 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Rose Creek & Marsh	No Change
X	45-287	1.4 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Rose Creek & Marsh	No Change
X	45-518	1.9 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Rose Creek & Marsh	No Change
X	45-528	0.6 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Rose Creek & Marsh	No Change
X	45-519	0.04 / --	Irrigation & Stockwater	1-Apr to 31-Oct	Springs	No Change
Total		21.08 / --				

Table 1: Permissible Place of Use acres per QQ within Township 12 South, Range 25 East.

Section	NE ¼				NW ¼				SW ¼				SE ¼			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
8													40	40	40	40
9									41	41	41	41				
16						12	40	15		40	40	40		10	40	16
17		41	41	40		41	41	41	40	41	41	41	40	40	40	40
20	40	40		41	41	41	41	42					41			
21	21	41			41	41	41	41								
22						1.2										

Part 1.B.3: Point(s) of Diversion
ALBION 12 INVESTMENTS, LLC
WATER RIGHT TRANSFER
BROCKWAY ENGINEERING, PLLC
GEP - JUNE 17, 2016

Changes in PODs only applies to water right no. 45-523A
 All other water rights PODs will remain as decreed

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
		SE	NW	NE	21	12S	25E	Cassia	Waste Water	Existing POD
		SE	SW	SE	16	12S	25E	Cassia	Waste Water	Existing POD
		SE	NW	NE	21	12S	25E	Cassia	Waste Water	Existing POD
X		NW	SW	SE	16	12S	25E	Cassia	Waste Water	New POD for Waste Water

Part 1.B.3: Point(s) of Diversion
ROSE CREEK RANCH, LLC
WATER RIGHT TRANSFER
BROCKWAY ENGINEERING, PLLC
GEP - JUNE 17, 2016

Changes in PODs only applies to water right nos. 45-246B, 45-285A, 45-290, and 45-291
 All other water rights PODs will remain as decreed

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
		NW	NE	SW	16	12S	25E	Cassia	Howell Creek	Existing POD
		SE	NE	NE	29	12S	25E	Cassia	Howell Creek	Existing POD
X		SW	SE	NW	21	12S	25E	Cassia	Howell Creek	POD for Albion 12 Investments, LLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

Surface water diversions have or will have measuring devices as required by IDWR. No change in location of PODs, except on identified water rights. Diversions to central irrigation pond(s). Distribution system to pivots or other irrigation methods.

- b. Who owns the property at the point(s) of diversion? Varries

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing PODs - No change, Applicant owns property for proposed POD to water rights.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Combine place of use of Rose Creek Ranch with Albion 12 to create PPU.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 45-275

Current Owner: ALBION 12 INVESTMENTS LLC

Priority Date: 11/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRINGS

Tributary

SUMMIT CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.24 CFS

Annual Volume

Total Diversion

0.24 CFS

Location of Point(s) of Diversion

SPRINGS

SW1/4NW1/4NE1/4

Sec. 21, Twp 12S, Rge 25E B.M.

CASSIA County

SPRINGS

SW1/4NW1/4NE1/4

Sec. 21, Twp 12S, Rge 25E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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).
6. 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.
7. 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.
8. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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. X27 This right is limited to the irrigation of 55.3 acres within the authorized place of use in a single irrigation season.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-284B

Current Owner: ALBION 12 INVESTMENTS LLC

Priority Date: 4/1/1875

Origin: Water Right

Status: Active

Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

1.5 CFS

1.5 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK

CASSIA County

SE1/4NW1/4SW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SW1/4SE1/4SW1/4

Sec. 16, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

NW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 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.
4. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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. X27 This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
6. 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.
7. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. 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).
9. 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.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-285

Current Owner: ALBION 12 INVESTMENTS LLC

Priority Date: 4/1/1878

Origin: Water Right

Status: Active

Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.15 CFS

0.15 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK

CASSIA County

SW1/4SE1/4SW1/4

Sec. 16, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SE1/4NW1/4SW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

NW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 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).
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. X27 This right is limited to the irrigation of 77 acres within the authorized place of use in a single irrigation season.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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.
7. 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 45F.
8. 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.
9. 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.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-327D

Current Owner: ALBION 12 INVESTMENTS LLC

Priority Date: 3/1/1881

Origin: Water Right

Status: Active

Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.7 CFS

0.7 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK

CASSIA County

NW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SW1/4SE1/4SW1/4

Sec. 16, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SE1/4NW1/4SW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 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.
2. 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).
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. 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.
5. 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 45F.
6. X27 This right is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season.
7. 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.
8. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 1/4/2008

**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

SPRING CREEK

Tributary

HOWELL CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.2 CFS

0.2 CFS

Annual Volume

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

NE1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

SPRING CREEK

CASSIA County

SW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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.
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. 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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.
6. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
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. X27 This right is limited to the irrigation of 120 acres within the authorized place of use in a single irrigation season.
9. 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.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-523a

Current Owner: ALBION 12 INVESTMENTS LLC
Priority Date: 4/30/1885
Origin: Water Right
Status: Active
Basis: Decreed

Source

WASTE WATER

Tributary

SUMMIT CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.12 CFS

0.12 CFS

Annual Volume

Location of Point(s) of Diversion

WASTE WATER

CASSIA County

SE1/4NW1/4NE1/4

Sec. 21, Twp 12S, Rge 25E B.M.

WASTE WATER

CASSIA County

SE1/4SW1/4SE1/4

Sec. 16, Twp 12S, Rge 25E B.M.

WASTE WATER

CASSIA County

SE1/4NW1/4NE1/4

Sec. 21, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 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.
2. 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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. X27 This right is limited to the irrigation of 55.3 acres within the authorized place of use in a single irrigation season.
6. 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.
7. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. 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).
9. 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.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-13589

Current Owner: ALBION 12 INVESTMENTS LLC

Priority Date: 3/18/1910

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRINGS

Tributary

HOWELL CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.56 CFS

0.56 CFS

Annual Volume

Location of Point(s) of Diversion

SPRINGS

CASSIA County

NE1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

SPRINGS

CASSIA County

NE1/4SW1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 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.
2. 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.
3. X27 This right is limited to the irrigation of 28 acres within the authorized place of use in a single irrigation season.
4. 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14452, 45-14451, 45-14450, and 45-14449 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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.
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. 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.
9. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-14449

Current Owner: ALBION 12 INVESTMENTS LLC
Priority Date: 4/1/1875
Origin: Water Right
Status: Active
Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.08 CFS

0.08 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK

CASSIA County

SW1/4SE1/4SW1/4

Sec. 16, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SE1/4NW1/4SW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

NW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 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.
2. 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).
3. 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.
4. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. 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.
7. X27 This right is limited to the irrigation of 5.2 acres within the authorized place of use in a single irrigation season.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. X35 Rights 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed a total irrigation of 21.2 acres.

Decreed Date: 2/3/2010

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

Current Water Right No.: 45-14450

Current Owner: ALBION 12 INVESTMENTS LLC
Priority Date: 9/1/1880
Origin: Water Right
Status: Active
Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/04 to 10/31

Total Diversion

Diversion Rate

0.2 CFS

0.2 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK

CASSIA County

SW1/4SE1/4SW1/4

Sec. 16, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SE1/4NW1/4SW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

NW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SW1/4SE1/4NW1/4

Sec. 21, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. X35 Rights 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed a total irrigation of 21.2 acres.
3. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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.
4. 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.
5. 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).
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. X27 This right is limited to the irrigation of 19.4 acres within the authorized place of use in a single irrigation season.
8. 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.
9. 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.

Decreed Date: 2/3/2010

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

Current Water Right No.: 45-14451

Current Owner: ALBION 12 INVESTMENTS LLC

Priority Date: 7/26/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 10/31

0.16 CFS

69 AF

Total Diversion

0.16 CFS

69 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4SE1/4

Sec. 16, Twp 12S, Rge 25E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

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 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: 480.2

Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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.
3. 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. 140.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. X35 Rights 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed a total irrigation of 21.2 acres.
7. 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.
8. 214 Prior to the diversion and use of water under Transfer approval 78891, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. 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.
10. X27 This right is limited to the irrigation of 21.2 acres within the authorized place of use in a single irrigation season.
11. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 12/7/2005

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

Current Water Right No.: 45-14452

Current Owner: ALBION 12 INVESTMENTS LLC

Priority Date: 4/12/1892

Origin: Water Right

Status: Active

Basis: Decreed

Source

ANTONE CREEK
HOWELL CREEK
PINE CREEK

Tributary

UNNAMED STREAM
MARSH CREEK
ANTONE CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.42 CFS

0.42 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK	SW1/4SE1/4NW1/4	Sec. 21,	Twp 12S,	Rge 25E B.M.
CASSIA County				
HOWELL CREEK	SW1/4SE1/4SW1/4	Sec. 16,	Twp 12S,	Rge 25E B.M.
CASSIA County				
HOWELL CREEK	NW1/4SE1/4NW1/4	Sec. 21,	Twp 12S,	Rge 25E B.M.
CASSIA County				
HOWELL CREEK	SE1/4NW1/4SW1/4	Sec. 21,	Twp 12S,	Rge 25E B.M.
CASSIA County				
ANTONE CREEK	SW1/4NW1/4SW1/4	Sec. 22,	Twp 12S,	Rge 25E B.M.
CASSIA County				
PINE CREEK	SW1/4NW1/4SW1/4	Sec. 22,	Twp 12S,	Rge 25E B.M.
CASSIA County	(Rediversion)			
PINE CREEK	SW1/4SW1/4NW1/4	Sec. 27,	Twp 12S,	Rge 25E B.M.
CASSIA County	(Rediversion)			
ANTONE CREEK	SW1/4SW1/4NW1/4	Sec. 27,	Twp 12S,	Rge 25E B.M.
CASSIA County				
ANTONE CREEK	SE1/4NE1/4NE1/4	Sec. 28,	Twp 12S,	Rge 25E B.M.
CASSIA County				
PINE CREEK	SE1/4SW1/4SE1/4	Sec. 28,	Twp 12S,	Rge 25E B.M.
CASSIA County	(Injection)			
PINE CREEK	SE1/4NE1/4NE1/4	Sec. 28,	Twp 12S,	Rge 25E B.M.
CASSIA County	(Rediversion)			
PINE CREEK	SE1/4NE1/4NE1/4	Sec. 28,	Twp 12S,	Rge 25E B.M.
CASSIA County	(Rediversion)			
ANTONE CREEK	SE1/4NE1/4NE1/4	Sec. 28,	Twp 12S,	Rge 25E B.M.
CASSIA County				
PINE CREEK	SW1/4NW1/4NW1/4	Sec. 33,	Twp 12S,	Rge 25E B.M.
CASSIA County				

Place of Use
IRRIGATION Within CASSIA County

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 S18	SWSE	40.00
T12S R25E S16	SESE	16.00	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: 480.2

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. 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).
3. 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.
4. 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.
5. X35 Rights 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed a total irrigation of 21.2 acres.
6. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. X27 This right is limited to the irrigation of 21.2 acres within the authorized place of use in a single irrigation season.
9. 206 Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 are limited to the irrigation of a specific 399.2 acres within the 480 acre place of use authorized by this right in a single irrigation season. The specific 399.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 399.2 acres to be irrigated within the 480 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.

Decreed Date: 2/3/2010

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

Current Water Right No.: 45-236

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 4/12/1892

Origin: Water Right

Status: Active

Basis: Decreed

Source

BROAD HOLLOW CREEK

Tributary

HOWELL CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

2.1 CFS

2.1 CFS

Annual Volume

Location of Point(s) of Diversion

BROAD HOLLOW CREEK

CASSIA County

NW1/4NE1/4SW1/4

Sec. 29, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
6. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 3/4/2011

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

Current Water Right No.: 45-706

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 4/15/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

BROAD HOLLOW CREEK

Tributary

HOWELL CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER

04/01 to 10/31

0.05 CFS

IRRIGATION

04/01 to 10/31

2.4 CFS

Total Diversion

2.4 CFS

Location of Point(s) of Diversion

BROAD HOLLOW CREEK

NW1/4NE1/4SW1/4

Sec. 29, Twp 12S, Rge 25E B.M.

CASSIA County

Place of Use

STOCKWATER Within CASSIA County

T12S R25E S8	NESE	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	NESW
T12S R25E S9	NWSW	T12S R25E S9	SWSW
T12S R25E S9	SESW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NWNW	T12S R25E S17	SWNW
T12S R25E S17	SENW	T12S R25E S17	NESW
T12S R25E S17	NWSW	T12S R25E S17	SWSW
T12S R25E S17	SESW	T12S R25E S17	NESE
T12S R25E S17	NWSE	T12S R25E S17	SWSE
T12S R25E S17	SESE	T12S R25E S20	NENE
T12S R25E S20	SENE		

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. S47 The use of water for Irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
7. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
8. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 3/4/2011

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

Current Water Right No.: 45-707

Current Owner: ROSE CREEK RANCH LLC
Priority Date: 4/15/1916
Origin: Water Right
Status: Active
Basis: Decreed

Source

BROAD HOLLOW CREEK

Tributary

HOWELL CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

4 CFS

4 CFS

Annual Volume

Location of Point(s) of Diversion

BROAD HOLLOW CREEK

CASSIA County

NW1/4NE1/4SW1/4

Sec. 29, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
6. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 3/4/2011

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

Current Water Right No.: 45-246B

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 4/12/1892

Origin: Water Right

Status: Active

Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

2.4 CFS

2.4 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK

CASSIA County

NW1/4NE1/4SW1/4

Sec. 16, Twp 12S, Rge 25E B.M.

HOWELL CREEK

CASSIA County

SE1/4NE1/4NE1/4

Sec. 29, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
T12S R25E S17	SWNW	41.00	T12S R25E S17	SENE	41.00
T12S R25E S17	NESW	40.00	T12S R25E S17	NWSW	41.00
T12S R25E S17	SWSW	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
4. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 12/7/2005

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

Current Water Right No.: 45-285a

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 4/1/1878

Origin: Water Right

Status: Active

Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

STOCKWATER

IRRIGATION

From To

04/01 to 10/31

04/01 to 10/31

Total Diversion

Diversion Rate

0.05 CFS

0.15 CFS

0.15 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK

CASSIA County

HOWELL CREEK

CASSIA County

SE1/4NE1/4NE1/4

Sec. 29, Twp 12S, Rge 25E B.M.

NW1/4NE1/4SW1/4

Sec. 16, Twp 12S, Rge 25E B.M.

Place of Use

STOCKWATER Within CASSIA County

T12S R25E S8	SESW	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	SENW
T12S R25E S9	NESW	T12S R25E S9	NWSW
T12S R25E S9	SWSW	T12S R25E S9	SESW
T12S R25E S16	SWNW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NENW	T12S R25E S17	NWNW
T12S R25E S17	SWNW	T12S R25E S17	SENW
T12S R25E S17	NESW	T12S R25E S17	NWSW
T12S R25E S17	SWSW	T12S R25E S17	SESW
T12S R25E S17	NESE	T12S R25E S17	NWSE
T12S R25E S17	SWSE	T12S R25E S17	SESE
T12S R25E S20	NENE		

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 12/7/2005

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

Current Water Right No.: 45-290

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 5/31/1881

Origin: Water Right

Status: Active

Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

STOCKWATER

From To

04/01 to 10/31

04/01 to 10/31

Total Diversion

Diversion Rate

0.53 CFS

0.05 CFS

0.53 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK

CASSIA County

HOWELL CREEK

CASSIA County

NW1/4NE1/4SW1/4

Sec. 16, Twp 12S, Rge 25E B.M.

SE1/4NE1/4NE1/4

Sec. 29, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

STOCKWATER Within CASSIA County

T12S R25E S8	SESW	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	SENW
T12S R25E S9	NESW	T12S R25E S9	NWSW
T12S R25E S9	SWSW	T12S R25E S9	SESW
T12S R25E S16	SWNW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NENW	T12S R25E S17	NWNW
T12S R25E S17	SWNW	T12S R25E S17	SENW
T12S R25E S17	NESW	T12S R25E S17	NWSW
T12S R25E S17	SWSW	T12S R25E S17	SESW
T12S R25E S17	NESE	T12S R25E S17	NWSE
T12S R25E S17	SWSE	T12S R25E S17	SESE
T12S R25E S20	NENE		

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 12/7/2005

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

Current Water Right No.: 45-291

Current Owner: ROSE CREEK RANCH LLC
Priority Date: 5/1/1884
Origin: Water Right
Status: Active
Basis: Decreed

Source

HOWELL CREEK

Tributary

MARSH CREEK

Beneficial Use

STOCKWATER
IRRIGATION

From To

04/01 to 10/31
04/01 to 10/31

Total Diversion

Diversion Rate

0.05 CFS
0.5 CFS
0.5 CFS

Annual Volume

Location of Point(s) of Diversion

HOWELL CREEK
CASSIA County
HOWELL CREEK
CASSIA County

SE1/4NE1/4NE1/4 Sec. 29, Twp 12S, Rge 25E B.M.

NW1/4NE1/4SW1/4 Sec. 16, Twp 12S, Rge 25E B.M.

Place of Use

STOCKWATER Within CASSIA County

T12S R25E S8	SESW	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	SENW
T12S R25E S9	NESW	T12S R25E S9	NWSW
T12S R25E S9	SWSW	T12S R25E S9	SESW
T12S R25E S16	SWNW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NENW	T12S R25E S17	NWNW
T12S R25E S17	SWNW	T12S R25E S17	SENW
T12S R25E S17	NESW	T12S R25E S17	NWSW
T12S R25E S17	SWSW	T12S R25E S17	SESW
T12S R25E S17	NESE	T12S R25E S17	NWSE
T12S R25E S17	SWSE	T12S R25E S17	SESE
T12S R25E S20	NENE		

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
8. S47 The use of water for Irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 12/7/2005

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

Current Water Right No.: 45-240

Current Owner: ROSE CREEK RANCH LLC
Priority Date: 4/12/1892
Origin: Water Right
Status: Active
Basis: Decreed

Source

ROSE CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

4.46 CFS

4.46 CFS

Annual Volume

Location of Point(s) of Diversion

ROSE CREEK

CASSIA County

NW1/4NE1/4NE1/4 Sec. 30, Twp 12S, Rge 25E B.M.

ROSE CREEK

CASSIA County

SE1/4NW1/4NE1/4 Sec. 20, Twp 12S, Rge 25E B.M.
(Injection)

ROSE CREEK

CASSIA County

SE1/4NW1/4SE1/4 Sec. 17, Twp 12S, Rge 25E B.M.
(Rediversion)

ROSE CREEK

CASSIA County

NE1/4NW1/4NE1/4 Sec. 20, Twp 12S, Rge 25E B.M.
(Rediversion)

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 223 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 3/4/2011

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

Current Water Right No.: 45-259

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 3/1/1875

Origin: Water Right

Status: Active

Basis: Decreed

Source

ROSE CREEK

Tributary

MARSH CREEK

Beneficial Use

STOCKWATER

IRRIGATION

From To

04/01 to 10/31

04/01 to 10/31

Total Diversion

Diversion Rate

0.05 CFS

0.6 CFS

0.6 CFS

Annual Volume

Location of Point(s) of Diversion

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

NW1/4NE1/4NE1/4 Sec. 30, Twp 12S, Rge 25E B.M.

NE1/4NW1/4NE1/4 Sec. 20, Twp 12S, Rge 25E B.M.
(Rediversion)

SE1/4NW1/4SE1/4 Sec. 17, Twp 12S, Rge 25E B.M.
(Rediversion)

SE1/4NW1/4NE1/4 Sec. 20, Twp 12S, Rge 25E B.M.
(Injection)

Place of Use

STOCKWATER Within CASSIA County

T12S R25E S8	NESE	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	NESW
T12S R25E S9	NWSW	T12S R25E S9	SWSW
T12S R25E S9	SESW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NWNW	T12S R25E S17	SWNW
T12S R25E S17	SENW	T12S R25E S17	NESW
T12S R25E S17	NWSW	T12S R25E S17	SWSW
T12S R25E S17	SESW	T12S R25E S17	NESE
T12S R25E S17	NWSE	T12S R25E S17	SWSE
T12S R25E S17	SESE	T12S R25E S20	NENE
T12S R25E S20	SENE		

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
9. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 3/4/2011

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

Current Water Right No.: 45-287

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 6/5/1875

Origin: Water Right

Status: Active

Basis: Decreed

Source

ROSE CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

STOCKWATER

From To

04/01 to 10/31

04/01 to 10/31

Total Diversion

Diversion Rate

1.4 CFS

0.05 CFS

1.4 CFS

Annual Volume

Location of Point(s) of Diversion

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

SE1/4NW1/4SE1/4	Sec. 17,	Twp 12S,	Rge 25E B.M.
	(Rediversion)		
NE1/4NW1/4NE1/4	Sec. 20,	Twp 12S,	Rge 25E B.M.
	(Rediversion)		
SE1/4NW1/4NE1/4	Sec. 20,	Twp 12S,	Rge 25E B.M.
	(Injection)		
NW1/4NE1/4NE1/4	Sec. 30,	Twp 12S,	Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S8	NESE	30.00	T12S R25E S8	NWSE	30.00
T12S R25E S8	SWSE	40.00	T12S R25E S9	NESW	35.00
T12S R25E S9	NWSW	35.00	T12S R25E S9	SWSW	35.00
T12S R25E S9	SESW	35.00	T12S R25E S17	NWNE	40.00
T12S R25E S17	SWNE	40.00	T12S R25E S17	SENE	40.00
T12S R25E S17	NWNW	35.00	T12S R25E S17	SWNW	40.00
T12S R25E S17	SENW	40.00	T12S R25E S17	NESW	40.00
T12S R25E S17	NWSW	40.00	T12S R25E S17	SWSW	40.00
T12S R25E S17	SESW	40.00	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	40.00
T12S R25E S20	SENE	40.00			

Total Acres: 875

STOCKWATER Within CASSIA County

T12S R25E S8	NESE	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	NESW
T12S R25E S9	NWSW	T12S R25E S9	SWSW
T12S R25E S9	SESW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NWNW	T12S R25E S17	SWNW
T12S R25E S17	SENW	T12S R25E S17	NESW
T12S R25E S17	NWSW	T12S R25E S17	SWSW
T12S R25E S17	SESW	T12S R25E S17	NESE
T12S R25E S17	NWSE	T12S R25E S17	SWSE
T12S R25E S17	SESE	T12S R25E S20	NENE
T12S R25E S20	SENE		

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
7. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
8. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
9. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 3/4/2011

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

Current Water Right No.: 45-518

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 4/1/1876

Origin: Water Right

Status: Active

Basis: Decreed

Source

ROSE CREEK

Tributary

MARSH CREEK

Beneficial Use

STOCKWATER

IRRIGATION

From To

04/01 to 10/31

04/01 to 10/31

Total Diversion

Diversion Rate

0.05 CFS

1.9 CFS

1.9 CFS

Annual Volume

Location of Point(s) of Diversion

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

NW1/4NE1/4NE1/4 Sec. 30, Twp 12S, Rge 25E B.M.

SE1/4NW1/4NE1/4 Sec. 20, Twp 12S, Rge 25E B.M.
(Injection)

SE1/4NW1/4SE1/4 Sec. 17, Twp 12S, Rge 25E B.M.
(Rediversion)

NE1/4NW1/4NE1/4 Sec. 20, Twp 12S, Rge 25E B.M.
(Rediversion)

Place of Use

STOCKWATER Within CASSIA County

T12S R25E S8	SESW	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	SENW
T12S R25E S9	NESW	T12S R25E S9	NWSW
T12S R25E S9	SWSW	T12S R25E S9	SESW
T12S R25E S16	SWNW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NENW	T12S R25E S17	NWNW
T12S R25E S17	SWNW	T12S R25E S17	SENW
T12S R25E S17	NESW	T12S R25E S17	NWSW
T12S R25E S17	SWSW	T12S R25E S17	SESW
T12S R25E S17	NESE	T12S R25E S17	NWSE
T12S R25E S17	SWSE	T12S R25E S17	SESE
T12S R25E S20	NENE		

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 124 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
5. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 3/4/2011

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

Current Water Right No.: 45-528

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 3/1/1875

Origin: Water Right

Status: Active

Basis: Decreed

Source

ROSE CREEK

Tributary

MARSH CREEK

Beneficial Use

STOCKWATER

IRRIGATION

From To

04/01 to 10/31

04/01 to 10/31

Total Diversion

Diversion Rate

0.05 CFS

0.6 CFS

0.6 CFS

Annual Volume

Location of Point(s) of Diversion

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

ROSE CREEK

CASSIA County

SE1/4NW1/4NE1/4 Sec. 20, Twp 12S, Rge 25E B.M.

(Injection)

NE1/4NW1/4NE1/4 Sec. 20, Twp 12S, Rge 25E B.M.

(Rediversion)

SE1/4NW1/4SE1/4 Sec. 17, Twp 12S, Rge 25E B.M.

(Rediversion)

NW1/4NE1/4NE1/4 Sec. 30, Twp 12S, Rge 25E B.M.

Place of Use

STOCKWATER Within CASSIA County

T12S R25E S8	NESE	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	NESW
T12S R25E S9	NWSW	T12S R25E S9	SWSW
T12S R25E S9	SESW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NWNW	T12S R25E S17	SWNW
T12S R25E S17	SENW	T12S R25E S17	NESW
T12S R25E S17	NWSW	T12S R25E S17	SWSW
T12S R25E S17	SESW	T12S R25E S17	NESE
T12S R25E S17	NWSE	T12S R25E S17	SWSE
T12S R25E S17	SESE	T12S R25E S20	NENE
T12S R25E S20	SENE		

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
8. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
9. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 3/4/2011

Page 64 of _____

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

Current Water Right No.: 45-519

Current Owner: ROSE CREEK RANCH LLC

Priority Date: 4/1/1875

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRINGS

Tributary

MARSH CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 10/31

0.04 CFS

STOCKWATER 04/01 to 10/31

0.04 CFS

Total Diversion

0.04 CFS

Location of Point(s) of Diversion

SPRINGS

SW1/4NW1/4NE1/4

Sec. 20, Twp 12S, Rge 25E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S8	NWSE	8.50	T12S R25E S8	SWSE	34.00
T12S R25E S9	NESW	38.00	T12S R25E S9	NWSW	41.00
T12S R25E S9	SWSW	32.00	T12S R25E S9	SESW	39.00
T12S R25E S17	NWNE	39.00	T12S R25E S17	SWNE	41.00
T12S R25E S17	SENE	40.00	T12S R25E S17	NWNW	36.00
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	19.00	T12S R25E S17	SESW	24.00
T12S R25E S17	NESE	40.00	T12S R25E S17	NWSE	40.00
T12S R25E S17	SWSE	38.00	T12S R25E S17	SESE	40.00
T12S R25E S20	NENE	20.00			

Total Acres: 732.5

STOCKWATER Within CASSIA County

T12S R25E S8	SESW	T12S R25E S8	NWSE
T12S R25E S8	SWSE	T12S R25E S9	SENW
T12S R25E S9	NESW	T12S R25E S9	NWSW
T12S R25E S9	SWSW	T12S R25E S9	SESW
T12S R25E S16	SWNW	T12S R25E S17	NWNE
T12S R25E S17	SWNE	T12S R25E S17	SENE
T12S R25E S17	NENW	T12S R25E S17	NWNW
T12S R25E S17	SWNW	T12S R25E S17	SENW
T12S R25E S17	NESW	T12S R25E S17	NWSW
T12S R25E S17	SWSW	T12S R25E S17	SESW
T12S R25E S17	NESE	T12S R25E S17	NWSE
T12S R25E S17	SWSE	T12S R25E S17	SESE
T12S R25E S20	NENE		

Page 66 of _____

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 124 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 732.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 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.
3. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 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.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 3/4/2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]**FOR DEPARTMENT USE ONLY**

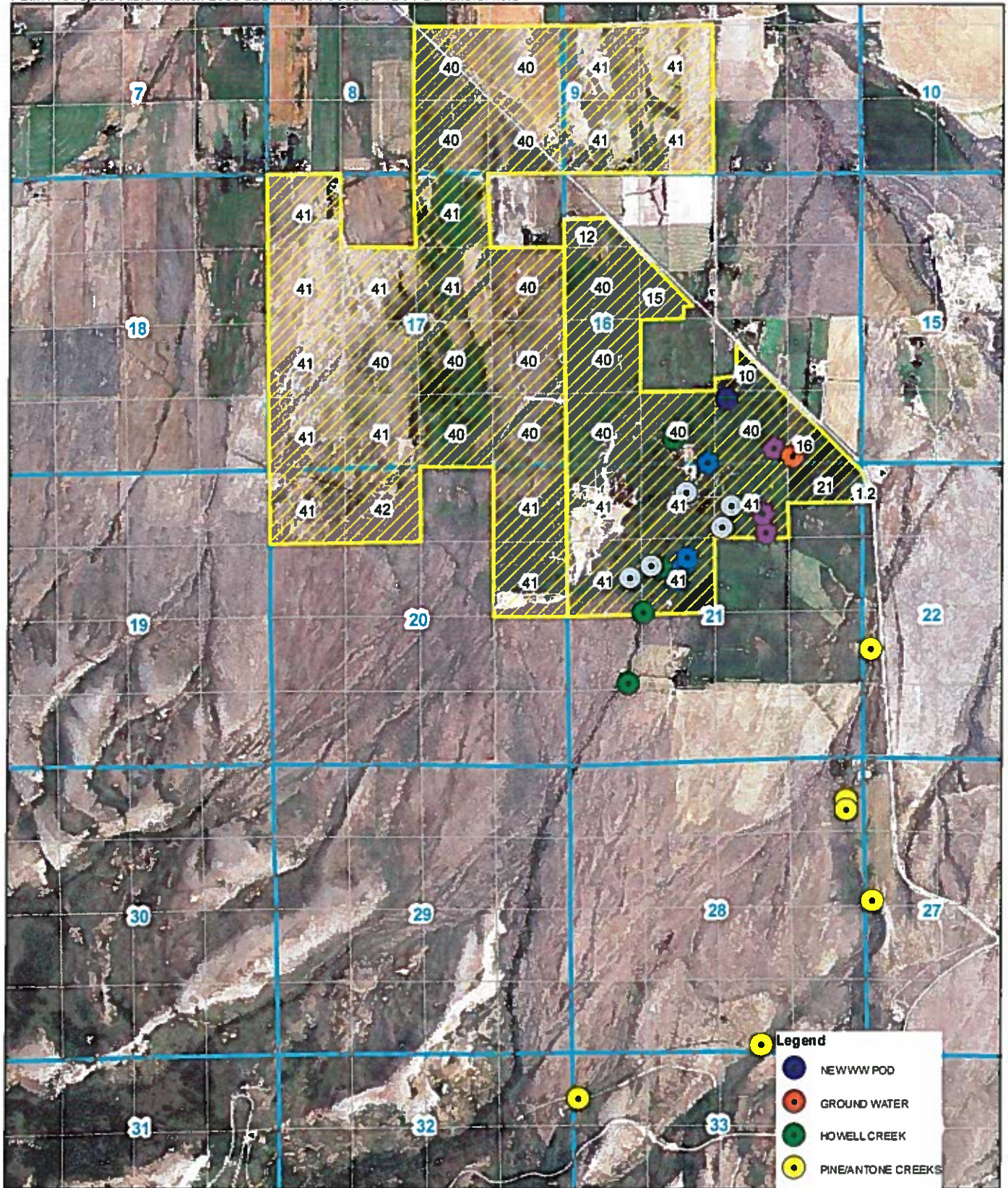
Transfer contains _____ pages and _____ attachments.

Received by DM Date 8-15-2016 Preliminary check by _____ Date _____

Fee paid \$2,260- Date 8-15-2016 Received by DM Receipt # 5035608

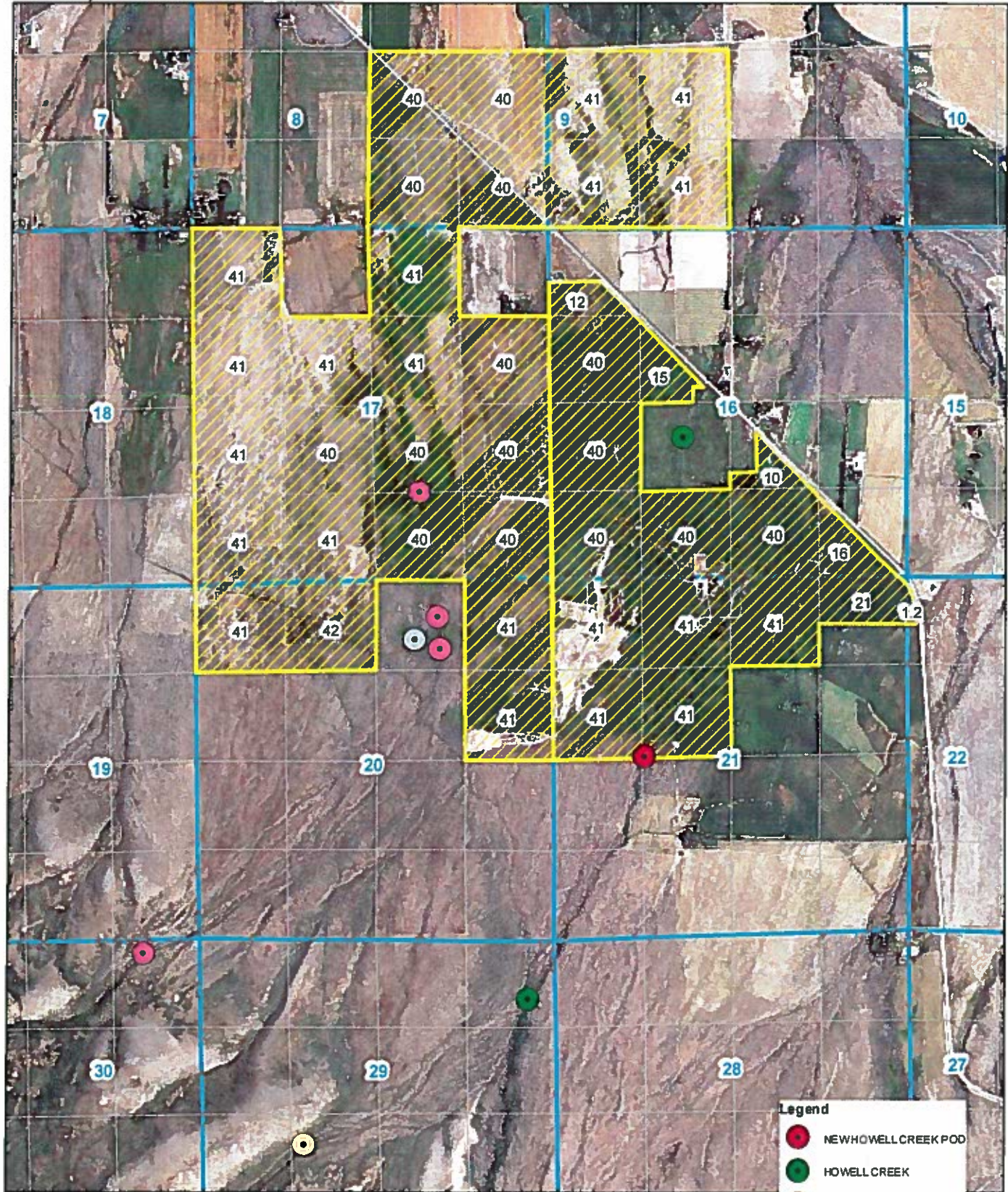
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



- Legend**
- NEWWW POD
 - GROUND WATER
 - HOWELL CREEK
 - PINE/ANTONE CREEKS
 - SPRINGS
 - SPRING CREEK
 - WASTE WATER
 - PPU BOUNDARY

**APPLICATION FOR TRANSFER
ALBION 12 INVESTMENTS, LLC
PERMISSIBLE PLACE OF USE
NAIP 2015 AERIAL**



0 500 1,000 2,000 Feet

**APPLICATION FOR TRANSFER
ROSE CREEK RANCH, LLC
PERMISSIBLE PLACE OF USE
NAIP 2015 AERIAL**

- Legend**
- NEWHOWELL CREEK POD
 - HOWELL CREEK
 - BROAD HOLLOW CREEK
 - ROSE CREEK
 - SPRINGS
 - PPU BOUNDARY



RECEIVED

AUG 15 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

CONTRACT OF AGREEMENT

To Whom It May Concern,

Rose Creek Ranch, LLC and Albion 12 Investments, LLC have entered into an agreement concerning the creation of an irrigation permissible place of use of land located at Township 12 South Range 25 East.

Rose Creek Ranch, LLC owns the following irrigation water rights, which are limited to 732.5 acres: 45-236, 45-706, 45-707, 45-246B, 45-285A, 45-290, 45-291, 45-240, 45-259, 45-287, 45-518, 45-528, 45-519.

Albion 12 Investments, LLC owns the following irrigation water rights, which are limited to 399.2 acres: 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, 45-14452.

The Permissible Place of Use to be formed will cover 1699.2 acres, but will be limited to 1131.7 acres of irrigation. The Permissible Place of Use is described as in Table 1.

Rose Creek Ranch, LLC and Albion 12 Investments, LLC jointly give permission to create the Permissible Place of use and allow irrigation water rights to irrigate 1131.7 acres within the place of use. Each entity will retain ownership of water rights listed above.

Rose Creek Ranch, LLC

 G. ERICK POWER

Title: REPRESENTATIVE

Date: 6/25/16

Albion 12 Investments, LLC

 G. ERICK POWER

Title: REPRESENTATIVE

Date: 6/25/16

RECEIVED

AUG 15 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Michael L. Merriman, hereby nominate and appoint
G. Erick Powell as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

All water rights involving Albion 12 Investments, LLC

All water rights involving Rose Creek Ranch, LLC

in Cassia County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 25th day of MARCH 2015.

Michael Merriman
Signature

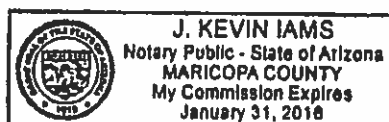
Signature

State of Arizona)
County of Maricopa) ss.

On this 25 Day of MARCH, 2015, before me, a Notary
Public in and for said County and State, personally appeared Michael Merriman
known or identified to me to be the individual whose name and subscription to the
within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



AJD
Notary Public
In and for said State and County

1/31/2016
My Commission Expires

TRANSFER 81125

FILED EFFECTIVE

CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

2015 JAN 26 PM 2:15

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Rose Creek Ranch, L.L.C.

2. The complete street and mailing addresses of the initial designated office:

1096 SOUTH HIGHWAY 77, ALBION, ID 83311

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Corporation Service Company

(Name)

12550 W. Explorer Drive, Suite 100, Boise, ID 83713

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

NameAddressPMTB Investments, LLC, a Nevada7595 E. McDonald Drive, Suite 130, Scottsdale, AZlimited liability company85250

5. Mailing address for future correspondence (annual report notices):

7595 E. McDonald Drive, Suite 130, Scottsdale, AZ 85250

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature

Michael L. MerrimanTyped Name: Michael L. Merriman, Manager

Signature _____

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE

01/26/2015 05:00

 CK: PREPAID CT: 1157 BH: 1458686
 1@ 100.00 = 100.00 ORGAN LLC #2
 1@ 20.00 = 20.00 EXPEDITE C #3

W146831

No. W 117958	Due no later than Oct 31, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		CORPORATION SERVICE COMPANY 12550 W EXPLORER DR STE 100 BOISE ID 83713			
	ALBION 12 INVESTMENTS, L.L.C. MICHAEL L MERRIMAN 7595 E MCDONALD DR STE 130 SCOTTSDALE AZ 85250		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	MICHAEL L MERRIMAN	7595 EAST MCDONALD DRIVE, #130	SCOTTSDALE	AZ	USA	85250
5. Organized Under the Laws of: ID W 117958		6. Annual Report must be signed.* Signature: Michael L. Merriman Name (type or print): Michael L. Merriman Date: 11/12/2015 Title: Manager				
Processed 11/12/2015		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 81125



**AXA Equitable
AgriFinance**

4333 Edgewood Road NE
Cedar Rapids, IA 52499-5223

July 14, 2016

RECEIVED

AUG 15 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Rose Creek Ranch, LLC
7595 E. McDonald Drive
Scottsdale, AZ 85250

RE: Rose Creek, AXA Loan No. 60715139 & 60716200

Dear Mr. Merriman:

Rose Creek Ranch, LLC (the "Borrower") has requested that AXA EQUITABLE LIFE INSURANCE COMPANY ("Lender") consent to co-mingle water rights from each parcel covered by that certain Mortgage, Security Agreement, Assignment of Rents and Fixture Filing, dated April 14, 2015 and recorded April 14, 2015, as Instrument No. 2015-001583 and that certain Mortgage, Security Agreement, Assignment of Rents and Fixture Filing, dated June 9, 2016 (the "Mortgage") securing payment of the indebtedness evidenced by two (2) Adjustable Interest Rate Promissory Notes Constant Payment Plan from Borrower to Lender: one dated April 24, 2015, in the original principal amount of [REDACTED] and one dated June 9, 2016, in the original principal amount of [REDACTED] (the "Note").

This letter is to advise you that Lender hereby consents to co-mingle water rights from each parcel covered by the Mortgage and allow it to be used anywhere on the property. This waiver is for this transaction only and does not constitute a waiver for any later transactions. Lender specifically reserves the right to insist on strict compliance with all provisions set forth in the original loan documents.

Please contact this office if you have any questions regarding this matter.

Very truly,

AXA EQUITABLE AGRIFINANCE, LLC

Stephen Noonan
Investment Officer *zdt*

cc: Lance Bethke

TRANSFER 81125

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

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	262.17
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	262.17
Fax			
Section	Legals	Start/End Dates	09/15/2016 - 09/22/2016
SubSection		Insertions	2
Category	50 Legal	Size	174
Ad Key	32057-1	Salesperson(s)	Ruby Aufderheide
Keywords	Permit No 45-14482/Transfer No 80972 & 81125	Taken By	Janet Cranney
Notes			

Ad Proof

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
 45-14482
 KURT CATMULL
 TERRIL CATMULL
 PO BOX 131
 ALBION, ID 83311
 Point of Diversion L1(NENE) S6 T12S R25E CASSIA County
 Source GROUND WATER Tributary
 Use: AESTHETIC STORAGE 01/01 to 12/31 3.4 AF
 Total Diversion: 3.4 AF
 Date Filed: 8/30/2016
 Place Of Use: AESTHETIC STORAGE
 T12S R25E S6 L1(NENE)
 Application proposes appropriating 3.4 acre feet of ground water for aesthetic use associated with an existing pond located north of Marsh Creek approximately 0.2 miles east of Albion City Park.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80972

RAY ROBINSON, 506 E 500 S, BURLEY, ID 83318; has filed Application No. 80972 for changes to the following water rights within CASSIA County(s): Right No(s). 45-280, 45-295, 45-322, 45-7288, 45-7349. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a 431.0 acre permissible place of use (PPU) for two ground water rights and three Howell Creek water rights that allow for the total combined diversion of 10.04 cfs and the irrigation of 431.0 acres. The proposed PPU is located approximately 0.9 to 1.9 miles east and 0.8 miles north to 0.7 miles south of the center of the City of Albion (Main and Market streets). In addition, the transfer proposes changing the three currently authorized points of diversion for the three Howell Creek rights to a single point of diversion location on Howell Creek. The currently authorized Howell Creek points of diversion are located approximately 0.3 miles north and 1.9 miles east; 0.47 miles south and 1.3 miles east; and 2.6 miles south and 1.8 miles east of the center of the City of Albion. The new proposed point of diversion is an existing Howell Creek diversion located approximately 0.5 miles south and 2.0 miles east of the center of the City of Albion and will be used to divert up to 4.8 cfs

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81125

ALBION 12 INVESTMENTS LLC and ROSE CREEK RANCH LLC, 7595 E MC DONALD DR STE 130, SCOTTSDALE, AZ 85250; has filed Application No. 81125 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-275, 45-284B, 45-285, 45-285A, 45-287, 45-290, 45-291, 45-327D, 45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707. The purpose of the transfer

✓ OK DM
9-9-2016
E-mail sent

Proof of legal notice
received from
Times News on
9/8/2016

(4 pgs. total)

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

is to change a portion of the above rights as follows: Application for transfer proposes the creation of a 1699.2 acre irrigation Permissible Place of Use (PPU) for 23 surface water rights and 1 ground water right which currently irrigate 1131.7 acres on ground located approximately 1.2 to 3.2 miles south and 0.4 to 2.4 miles east of the intersection of Market and Main Streets in Albion. The rights are currently irrigating ground on two separate farms and this transfer will consolidate the rights into a single PPU encompassing the two farms. One group of 11 rights currently irrigates 399.2 acres with a 4.33 cfs flow rate on Albion 12 Investments, LLC ground, and the other group currently irrigates 732.5 acres with a flow rate of 21.08 cfs on Rose Creek Ranch, LLC ground. After the transfer, 1131.7 acres will be irrigated within the proposed 1699.2 acre PPU.

The transfer also proposes to add a new point of diversion (POD) to an Albion 12 Investments, LLC waste water right, and add one existing Albion 12 Investments, LLC POD to four of the Rose Creek Ranch, LLC Howell Creek rights. These new points of diversion will be located within the proposed place of use.

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 www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. 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 together with a protest fee of \$25.00 for each application on or before October 3, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: September 15 and 22, 2016

✓ OK DM

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

Publication

Online

Contact ID DEPARTMENT OF WATER RESOURCES

Address 1 650 ADDISON AVE W, STE 500

Address 2

City St Zip TWIN FALLS ID 83301

Phone 2087363033

Fax

Section Legals

SubSection

Category 50 Legal

Ad Key 32057-1

Keywords Permit No 45-14482/Transfer No 80972 & 81125

Notes

PO Number

Rate

Order Price

Amount Paid

Amount Due

Legal Notice

262.17

0.00

262.17

Start/End Dates

Insertions

Size

09/15/2016 - 09/22/2016

2

174

Salesperson(s)

Taken By

Ruby Aufderheide

Janet Cranney

Ad Proof

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

45-14482

KURT CATMULL

TERRIL CATMULL

PO BOX 131

ALBION, ID 83311

Point of Diversion L1(NENE) S6 T12S R25E CASSIA County

Source GROUND WATER Tributary

Use: AESTHETIC STORAGE 01/01 to 12/31 3.4 AF

Total Diversion: 3.4 AF

Date Filed: 8/30/2016

Place Of Use: AESTHETIC STORAGE

T12S R25E S6 L1(NENE)

Application proposes appropriating 3.4 acre feet of ground water for aesthetic use associated with an existing pond located north of Marsh Creek approximately 0.2miles east of Albion City Park.

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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✓ OK
DM

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

for transfer proposes the creation of a 1699.2 acre irrigation Permissible Place of Use (PPU) for 23 surface water rights and 1 ground water right which currently irrigate 1131.7 acres on ground located approximately 1.2 to 3.2 miles south and 0.4 to 2.4 miles east of the intersection of Market and Main Streets in Albion. The rights are currently irrigating ground on two separate farms and this transfer will consolidate the rights into a single PPU encompassing the two farms. One group of 11 rights currently irrigates 399.2 acres with a 4.33 cfs flow rate on Albion 12 Investments, LLC ground, and the other group currently irrigates 732.5 acres with a flow rate of 21.08 cfs on Rose Creek Ranch, LLC ground. After the transfer, 1131.7 acres will be irrigated within the proposed 1699.2 acre PPU.

The transfer also proposes to add a new point of diversion (POD) to an Albion 12 Investments, LLC waste water right, and add one existing Albion 12 Investments, LLC POD to four of the Rose Creek Ranch, LLC Howell Creek rights. These new points of diversion will be located within the proposed place of use.

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 www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. 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 together with a protest fee of \$25.00 for each application on or before October 3, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: September 15 and 22, 2016

✓ OK DM



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 9, 2016

ALBION 12 INVESTMENTS LLC
ROSE CREEK RANCH LLC
7595 E MC DONALD DR STE 130
SCOTTSDALE, AZ 85250

RE: Transfer No. 81125

Water Right No(s). 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-275, 45-284B, 45-285, 45-285A, 45-287, 45-290, 45-291, 45-327D, 45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 9/15/2016 and 9/22/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**October 3, 2016**).

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 approval document.

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

Sincerely,


Denise Maline
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC
C/O ERICK POWELL
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301

AXA EQUITABLE LIFE INSURANCE CO
C/O AXA EQUITABLE AGRIFINANCE LLC
4333 EDGEWOOD RD NE
CEDAR RAPIDS, IA 52499-5223

Maline, Denise

From: Maline, Denise
Sent: Friday, September 09, 2016 9:12 AM
To: 'Brian Higgs'
Subject: Comment letters for T# 80972 (Robinson); T# 81125 (Albion 12 & Rose Creek Ranch); and 45-14482 (Catmull)
Attachments: Comment Letter to WM140 for 80972, 81125, 45-14482.docx; Transfer 80972 Ray Robinson.pdf; Transfer 81125 Albion & Rose Creek.pdf; 45-14485 Catmull.pdf

Good morning Brian,

Attached are copies of the (3) applications referenced above, which are currently being processed. Please review the information and provide any necessary comments within 21 days.

Thank you in advance & have a great weekend,

Denise @ IDWR

*Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 8, 2016

BRIAN HIGGS
WATER DISTRICT #140
355 W 500 S
BURLEY, ID 83318

via e-mail

RE: Application For Permit No. 45-14482

RE: Transfer No. 80972
Water Right No(s). 45-280, 45-295, 45-322, 45-7288, 45-7349

RE: Transfer No. 81125
Water Right No(s). 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240,
45-246B, 45-259, 45-275, 45-284B, 45-285, 45-285A, 45-287, 45-290, 45-291, 45-327D,
45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707

Dear Mr. Higgs:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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's regional offices 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
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 8, 2016

DONALD GUNDERSON
WATER DISTRICT #45F
1047 E 1000 S
ALBION, ID 83311

RE: Transfer No. 80972
Water Right No(s). 45-280, 45-295, 45-322, 45-7288, 45-7349

RE: Transfer No. 81125
Water Right No(s). 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236,
45-240, 45-246B, 45-259, 45-275, 45-284B, 45-285, 45-285A, 45-287, 45-290,
45-291, 45-327D, 45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707

Dear Don:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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.

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Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 8, 2016

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Transfer No. 81125

Water Right No(s). 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236,
45-240, 45-246B, 45-259, 45-275, 45-284B, 45-285, 45-285A, 45-287, 45-290,
45-291, 45-327D, 45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707

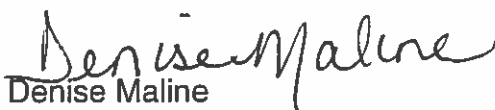
Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency 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.

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,


Denise Maline
Southern Region

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 08, 2016 12:28 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 September 15th & 22nd, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline
Administrative Assistant I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 8, 2016

LEGAL NOTICE DEPARTMENT

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

RE: Application For Permit No.(s): 45-14482

RE: Transfer No. 80972
Water Right No(s): 45-280, 45-295, 45-322, 45-7288, 45-7349

RE: Transfer No. 81125
Water Right No(s): 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240,
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45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707

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 October 3, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

45-14482

KURT CATMULL

TERRIL CATMULL

PO BOX 131

ALBION, ID 83311

Point of Diversion L1(NENE) S6 T12S R25E CASSIA County Source GROUND WATER Tributary

Use: AESTHETIC STORAGE 01/01 to 12/31 3.4 AF

Total Diversion: 3.4 AF

Date Filed: 8/30/2016

Place Of Use: AESTHETIC STORAGE

T12S R25E S6 L1(NENE)

Application proposes appropriating 3.4 acre feet of ground water for aesthetic use associated with an existing pond located north of Marsh Creek approximately 0.2 miles east of Albion City Park.

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**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
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GARY SPACKMAN, Director

Published on September 15th & 22nd, 2016

MEMORANDUM

Date: September 6, 2016
To: Transfer 81125, Albion 12/Rose Creek Ranch File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes the creation of a 1699.2 acre irrigation Permissible Place of Use (PPU) for 23 surface water rights and 1 ground water right which currently irrigate 1131.7 acres on ground located approximately 1.2 to 3.2 miles south and 0.4 to 2.4 miles east of the intersection of Market and Main Streets in Albion. The rights are currently irrigating ground on two separate farms and this transfer will consolidate the rights into a single PPU encompassing the two farms. One group of 11 rights currently irrigates 399.2 acres with a 4.33 cfs flow rate on Albion 12 Investments, LLC ground, and the other group currently irrigates 732.5 acres with a flow rate of 21.08 cfs on Rose Creek Ranch, LLC ground. After the transfer, 1131.7 acres will be irrigated within the proposed 1699.2 acre PPU.

The transfer also proposes to add a new point of diversion (POD) to an Albion 12 Investments, LLC waste water right, and add one existing Albion 12 Investments, LLC POD to four of the Rose Creek Ranch, LLC Howell Creek rights. These new points of diversion will be located within the proposed place of use.

Because the transfer proposes changing PODs with surface water sources, the transfer will be advertised and comments from the Watermasters of Water Districts 45F and 140 will be sought.

- **Authority to File:**
The Department's database indicates that the water rights involved are owned by the co-applicants. The application was signed by Erick Powell of Brockway Engineering, who has been given power of attorney by Mike Merriman, the manager of both LLCs. The POA document, Certificate of Organization for Rose Creek Ranch, LLC and the most recent Annual Report form for Albion 12 Ranch, LLC are included in the file.
- **Water Right Validity:**
The water rights for Albion 12 Investments, LLC and Rose Creek Ranch, LLC were all decreed in the SRBA. Recent aerial imagery appears to show irrigation on the two properties, so forfeiture is not likely.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Application will be advertised and subject to public comment.
- **Enlargement of Use:**
None anticipated. There will be no increase if irrigated acres or flow rate.
- **Local Public Interest:**
No issues anticipated. The application will be advertised.
- **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 of the Agricultural Base of the Area:**
None Anticipated

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

FEE MEMORANDUM

Date: August 18, 2016
To: Rose Creek Ranch/Albion12 transfer file #81125
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer has been filed after two similar transfers were returned in early July of this year for various reasons. In order to lower the fees for the customer, our office suggested that they file only application for both entities, instead of two. This resulted in a savings of \$660.00. The total transfer rate for both entities was 25.41. From the transfer fee schedule, the fee would be \$2020.00 for the first 20 cfs, and an additional \$40.00 for each cfs or portion thereof over the first 20 cfs. The total fee would then be \$2020.00 plus 6 cfs at \$40.00 per cfs (\$240.00), or \$2260.00, which was paid by check #13508, Brockway Engineering, on 8/15/2016, IDWR receipt S035668.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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AUG 15 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

August 9, 2016

Mr. Jim Bitzenburg
Idaho Department of Water Resources
650 Addison Ave. West, Suite 500
Twin Falls, Idaho 83301-5858

Re: Transfer for Albion 12 Investments and Rose Creek Ranch
Project No. 909-02-2015

Dear Jim,

Thank you for meeting with me recently to discuss the water right transfer applications for Rose Creek Ranch and Albion 12 Investments. I have revised the transfer, as we discussed and based on your letter dated July 11, 2016. The items discussed are as follows:

1. AXA Equitable AgriFinance holds a security interest in the Albion 12 and Rose Creek Ranches. Stephen Noonan, Investment Officer, wrote a letter agreeing to the proposed changes put forth in this transfer. This letter is included in the transfer.
2. The "206" map will be provided to IDWR after this transfer is advertised, prior to the transfer approval.
3. The proposed POD for water right no. 45-523A was revised to indicate the source is waste water and the location to the nearest 10-acre parcel.
4. The diversion rate for water right no. 45-13589 was incorrectly listed, and that flow rate has been changed.
5. The total diversion rate for Rose Creek Ranch is listed, as there is not a combined limit.
6. Given the reduced cost in combining the transfers, I revised the transfers to a single application for both ranches. The transfer fee of \$2260 is included.

If you have any questions, please let me know.

Sincerely,

G. Erick Powell, Ph.D., P.E.

enclosed

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

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

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208•736•8543

FAX: 736•8506

Bitzenburg, James

From: Erick Powell [erick.powell@brockwayeng.com]
Sent: Thursday, July 07, 2016 4:17 PM
To: Bitzenburg, James
Subject: RE: Rose Creek Ranch applications

Um, so I'm not sure where those other zip codes came from – entry error. 85250 should be correct.

Did you get all of the applications that I sent last week? I'm sorry.

I spoke with Mike Merriman today, and he is thinking about adding another POD onto one of the transfers. He was going to think about it some more and then confirm with me tomorrow or early next week.

On another matter, did you also get the 'Adams' transfer to add the POD to the domestic water right? The attorney for the Adams has asked me about that several times. Will that have to be advertised? Corey said that there might be some room for not-advertising.

Thanks,
Erick

From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Thursday, July 07, 2016 3:57 PM
To: Erick Powell
Subject: Rose Creek Ranch applications

Erick-

I'm doing data entry on the Rose Creek Ranch application for permit, and I want to confirm their zip code. Our records show the zip to be 85250, the app for permit shows 85340, and the transfer app shows 85450. I'm guessing our data base is correct

-The infamous "Agent of the Day" from all of the applications you sent in last week. At least you didn't name me.

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
James.bitzenburg@idwr.idaho.gov

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