

APR 07 2014

DEPT. OF WATER RESOURCES SOUTHERN REGION

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 79246 45-14456

1. Name of applicant(s) Albion 12 Investments, LLC Phone 480-947-3100
Name connector (check one): [] and [] or [] and/or
Mailing address 7595 East McDonald Dr. #130 City Scottsdale
State AZ Zip 85250 Email

2. Source of water supply Howell Creek which is a tributary of Marsh Creek

3. Location of point(s) of diversion:

Table with 10 columns: TWP, RGE, SEC, Govt Lot, 1/4, 1/4, 1/4, County, Source, Local name or tag #. Row 1: 12S, 25E, 21, [], SW, SE, NW, Cassia, Howell Creek, []

4. Water will be used for the following purposes:
Amount 2 cfs for Ground Water Recharge purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount [] for [] purposes from [] to [] (both dates inclusive)
(cfs or acre-feet per year)
Amount [] for [] purposes from [] to [] (both dates inclusive)
(cfs or acre-feet per year)
Amount [] for [] purposes from [] to [] (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) [] cubic feet per second (cfs) and/or (b) [] acre feet per year (af).

6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source. Existing headgate and measuring devices
b. Height of storage dam [] feet; active reservoir capacity [] acre-feet; total reservoir capacity [] acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? [] Yes [] No
c. Proposed well diameter is [] inches; proposed depth of well is [] feet.
d. Is ground water with a temperature of greater than 85°F being sought? [] Yes [] No
e. If well is already drilled, when? []; drilling firm []; well was drilled for (well owner) []; Drilling Permit No. []

7. Description of proposed uses (if irrigation only, go to item 8):
a. Hydropower; show total feet of head and proposed capacity in kW. []
b. Stockwatering; list number and kind of livestock. []
c. Municipal; complete and attach the Municipal Water Right Application Checklist.
d. Domestic; show number of households []
e. Other; describe fully. Groundwater recharge

8. Description of place of use:

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

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

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?
- _____
- _____

10. a. Who owns the property at the point of diversion? Albion 12 Investments
- b. Who owns the land to be irrigated or place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
- _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Using existing diversion and delivery system to provide recharge water, when water is available, to recharge the aquifer.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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

Signature of Applicant

Brian Merriman - Manager

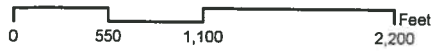
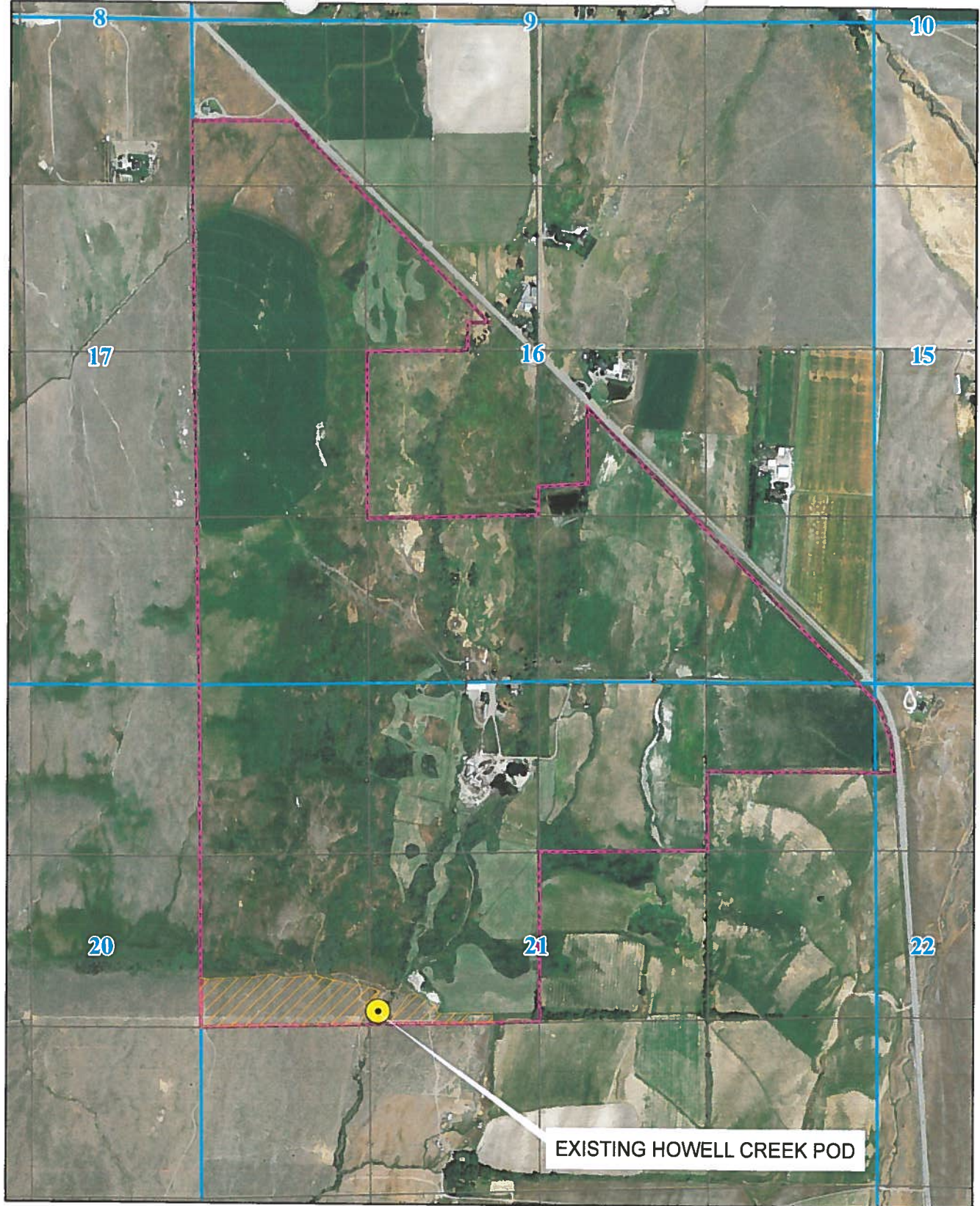
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by Jim B Date 4-7-14 Time _____ Preliminary check by Jim B

Fee \$ 290.00 Received by Jim B Receipt No. 5033938 Date 4-7-14



**ALBION 12 INVESTMENTS LLC.
WATER RIGHT PERMIT APPLICATION
NAIP 2013 AERIAL**

Legend

-  CLARK_WR_POD selection
-  Recharge Location
-  PPU BOUNDARY
-  ALBION 12 INVESTMENTS
-  township
-  Section Lines
-  QQ Lines

BROCKWAY ENGINEERING, PLLC.
GEP - APRIL 2, 2014





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

April 24, 2014

ALBION 12 INVESTMENTS LLC
7595 EAST MCDONALD DR #130
SCOTTSDALE, AZ 85250

RE: Application For Permit No. 45-14456

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS** on **5/1/2014** and **5/8/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**May 19, 2014**).

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, April 24, 2014 9:59 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on May 1st & 8th, 2014. 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
Idaho Dept of Water Resources
Administrative Assistant, 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

April 24, 2014

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 45-14456

RE: Transfer No. 79202

Water Right No(s): 36-8478

RE: Transfer No. 79270

Water Right No(s): 45-14376, 45-2625, 45-7021

RE: Transfer No. 79190

Water Right No(s): 37-415, 37-416

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 May 19, 2014. 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:

45-14456

ALBION 12 INVESTMENTS LLC
7595 EAST MCDONALD DR #130
SCOTTSDALE, AZ 85250

Point of Diversion SWSENW S21 T12S R25E CASSIA County Source HOWELL CREEK Tributary MARSH CREEK
Use: GROUND WATER RECHARGE

01/01 to 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 4/7/2014

Place Of Use: GROUND WATER RECHARGE

T12S R25E S21 SWNW SENW

Application intends to divert 2.00 cfs from Howell Creek for the purpose of groundwater recharge from a point of diversion located approximately 1.7 miles east and 3.27 miles south of Albion, Idaho. The water will be diverted into constructed recharge basins located approximately 1.4 to 1.83 miles east, and 3.2 to 3.28 miles south of Albion.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79202

TSK ENTERPRISES LLC, C/O GARY FUNDERBERG, 255 BLUE LAKES BLVD PMB 617, TWIN FALLS, ID 83301; has filed Application No. 79202 for changes to the following water rights within JEROME County(s): Right No(s). 36-8478. The purpose of the transfer is to change a portion of the above rights as follows: This application intends to change the place of use, period of use, point of diversion, and nature of use for a 0.06 cfs portion of water right 36-8478. The right is currently used for year round stockwater and commercial use at a dairy, located approximately 3.0 to 3.5 miles south and 2.5 to 3.0 miles west of the center of Jerome. The application proposes changing the use to irrigation (period of use from 3/15 to 11/15) with a proposed place of use and new point of diversion (an existing well) located approximately 4.0 miles south and 1.3 miles west of the center of Jerome.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79270

SIX S RANCH LLC, 1354 E SIX S RANCH RD, DECLO, ID 83323; has filed Application No. 79270 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14376, 45-2625, 45-7021. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding two new points of diversion to three groundwater rights used to irrigate up to 770.8 acres on the main Six S Ranch property located east of Declo. The new points of diversion will consist of two new wells to be drilled with both of the wells being located approximately 5.1 miles east of the 100 South and Highway 77 intersection in Declo. The application indicates that no more than 2.23 cfs will be diverted from the two new wells.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79190

SUN VALLEY CO, A WYOMING CORP, PO BOX 10, SUN VALLEY, ID 83353; has filed Application No. 79190 for changes to the following water rights within BLAINE County(s): Right No(s). 37-415, 37-416. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to change the place of use for irrigation use of water rights 37-415 and 37-416 from subdivided and developed lands of the original farm and resort to new irrigation of recent golf course development on the ridge west of Trail Creek. The rights were decreed for 22.2 cfs and 516.3 acres of irrigation along with 9.3 cfs of water for aesthetic and wildlife use within a 628.6 acre area that included Sun Valley Resort lands and some or all of approximately 17 subdivisions, including but not limited to the various Fairway, Prospector, Trail Creek, East Lake Subdivisions and New Villager, Dollar Meadows and Cottonwood Condominiums. The proposed 516.3 acre irrigation place of use are part of Sun Valley Resort, northeast of Ketchum along Trail Creek, but also include some of the above subdivisions and additional other lots, condominium areas and subdivisions. Published in the Idaho Mountain Express on April 30th & May 7th; and the Times News, Idaho Statesman, Post Register and Lewiston Tribune on May 1st & 8th, 2014.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. 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 May 19, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 1st & 8th, 2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 24, 2014

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

RE: Application For Permit No.(s): 45-14456

RE: Transfer No. 79270
Water Right No(s). 45-14376, 45-2625, 45-7021

Dear Mr. Gunderson:

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

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C.J. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 24, 2014

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

RE: Transfer No. 79190
Water Right No(s). 37-415, 37-416

RE: Application for Permit No. 45-14456

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.

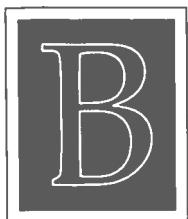
Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Southern Region

Enclosure(s)



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 2, 2014

Mr. Jim Bitzenburg
Idaho Department of Water Resources – Southern Region
650 Addison Ave. West, Suite 500
Twin Falls, Idaho 83301

RECEIVED
APR 07 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Water Right Permit Application for Groundwater Recharge
Project No. 909-01-2006

Dear Jim,

Since you are working on the Albion 12 Investments transfer, it seemed logical that I should submit this water right permit application directly to you. Albion 12 Investments is seeking a new water right permit to divert water from Howell Creek for groundwater recharge. This new permit will be non-consumptive.

Albion 12 Investments already has a diversion structure in Howell Creek that will be used when excess flow is available. It is anticipated that this water right permit will have a 2014 priority date and will only be delivered when all senior rights are fulfilled. The recharge water will be diverted into recharge basins that will be constructed on Albion 12 Investments property, as shown in the enclosed map.

If you have any questions please do not hesitate to contact me.

Regards,

G. Erick Powell, P.E.

enclosed

cc: Mike Merriman

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506