

OCT 23 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78891**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, LLCCheck 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 #1-9.

- ☐ ☒ #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 officer 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.
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Albion 12 Investments, LLC Phone (480) 947-3100

Mailing address 7595 East McDonald Dr. #130; Scottsdale, AZ 85250 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, Suite 4; Twin Falls, ID 83301 Email erick.powell@brockwayeng.com

- ☐ 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.

Michael Newman manager 10/16/13
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☒ Other Create PPU
Change ownership, split rights, and
- 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**.
A 22-acres parcel was purchased along with 21.2 acres of irrigation water rights. The proposed transfer seeks to add or change the POD (depending on water right), split water rights, change ownership, and create a PPU boundary of the Albion 12 Investment property, to allow the for better irrigation management and flexibility.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☐	See TABLE 1.B.1			to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.33 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 4.33 cubic feet per second and/or _____ acre-feet per annum.

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		
								TABLE 1.B.3		

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	16						12	40	15		40	40	40		10	40	16	253
12S	25E	21	21	41			41	41	41	41									226
12S	25E	22						1.2											1.2

PPU Total Acres (for irrigation use) **480.2**
 Irrigation limited to 399.2 acres

Table 1.B.1

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>	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All	Part	(cfs/ac-ft)			
X	45-275	0.24 cfs/ --	Irrigation	4/1 to 10/31	Springs & Summit Creek
X	45-284B	1.5 cfs/ --	Irrigation	4/1 to 10/31	Howell Creek & Marsh Creek
X	45-285	0.15 cfs/ --	Irrigation	4/1 to 10/31	Howell Creek & Marsh Creek
X	45-327D	0.7 cfs/ --	Irrigation	4/1 to 10/31	Howell Creek & Marsh Creek
X	45-517D	0.2 cfs/ --	Irrigation	4/1 to 10/31	Spring Creek & Howell Creek
X	45-523A	0.12 cfs/ --	Irrigation	4/1 to 10/31	Waste Water & Summit Creek
X	45-13589	0.56 cfs/ --	Irrigation	4/1 to 10/31	Springs & Howell Creek
X	45-256A	0.42 cfs/ --	Irrigation	4/1 to 10/31	Howell Creek & Marsh Creek Pine Creek & Antone Creek Antone Creek & Unnamed Stream
X	45-284C	0.08 cfs/ --	Irrigation	4/1 to 10/31	Howell Creek & Marsh Creek
X	45-286	0.20 cfs/ --	Irrigation	4/1 to 10/31	Howell Creek & Marsh Creek
X	45-2663	0.16 cfs/69 acft	Irrigation	4/1 to 10/31	Ground Water

Table 1.B.3: Points of Diversion as they will exist following transfer - per water right

Water Right 45-256A

<u>New</u>	<u>Lot</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Sec</u>	<u>TWP</u>	<u>RGE</u>	<u>County</u>	<u>Source</u>	<u>Local Name or Tag #</u>
		SE	NW	SW	21	12S	25E	Cassia	Howell Creek	Existing POD
X		SW	SE	SW	16	12S	25E	Cassia	Howell Creek	Proposed POD
X		NW	SE	NW	21	12S	25E	Cassia	Howell Creek	Proposed POD
X		NE	NW	SW	21	12S	25E	Cassia	Howell Creek	Proposed POD
		SW	NW	SW	22	12S	25E	Cassia	Antone Creek	Existing POD
		SW	NW	SW	22	12S	25E	Cassia	Pine Creek	Existing POD Rediversion
		SW	SW	NW	27	12S	25E	Cassia	Pine Creek	Existing POD Rediversion
		SW	SW	NW	27	12S	25E	Cassia	Antone Creek	Existing POD
		SE	NE	NE	28	12S	25E	Cassia	Antone Creek	Existing POD
		SE	NE	NE	28	12S	25E	Cassia	Pine Creek	Existing POD Rediversion
		SE	NE	NE	28	12S	25E	Cassia	Pine Creek	Existing POD Rediversion
		SE	NE	NE	28	12S	25E	Cassia	Antone Creek	Existing POD
		SE	SW	SE	28	12S	25E	Cassia	Pine Creek	Existing Point of Injection
		SW	NW	NW	33	12S	25E	Cassia	Pine Creek	Existing POD

Water Right 45-284C

<u>New</u>	<u>Lot</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Sec</u>	<u>TWP</u>	<u>RGE</u>	<u>County</u>	<u>Source</u>	<u>Local Name or Tag #</u>
		SE	NW	SW	21	12S	25E	Cassia	Howell Creek	Existing POD
X		SW	SE	SW	16	12S	25E	Cassia	Howell Creek	Proposed POD
X		NW	SE	NW	21	12S	25E	Cassia	Howell Creek	Proposed POD
X		NE	NW	SW	21	12S	25E	Cassia	Howell Creek	Proposed POD

Water Right 45-286

<u>New</u>	<u>Lot</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Sec</u>	<u>TWP</u>	<u>RGE</u>	<u>County</u>	<u>Source</u>	<u>Local Name or Tag #</u>
		SE	NW	SW	21	12S	25E	Cassia	Howell Creek	Existing POD
X		SW	SE	SW	16	12S	25E	Cassia	Howell Creek	Proposed POD
X		NW	SE	NW	21	12S	25E	Cassia	Howell Creek	Proposed POD
X		NE	NW	SW	21	12S	25E	Cassia	Howell Creek	Proposed POD

Water Right 45-2663

<u>New</u>	<u>Lot</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Sec</u>	<u>TWP</u>	<u>RGE</u>	<u>County</u>	<u>Source</u>	<u>Local Name or Tag #</u>
X		SW	SE	SE	16	12S	25E	Cassia	Groundwater	Existing 8" Well

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:

System includes diversions from several sources, including surface water and groundwater. Irrigation is accomplished by flood irrigation and sprinkler. All surface water PODs have existing, lockable headgates and measuring devices as currently required.

- b. Who owns the property at the point(s) of diversion? Applicant, BLM, or David Bell

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Existing PODs for Howell Creek used by other Howell Creek water rights owned by the applicant are located on property owned by applicant, BLM, or David Bell. No new POD will be constructed.

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

Attached map shows the place of use within the PPU boundary. Area outside of the POU map will not be irrigated.

- e. 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:

The total allowed irrigation with the PPU boundary will be 399.2 acres.

- f. 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:

Page _____ of _____

**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

Total Diversion

Diversion Rate

0.24 CFS

0.24 CFS

Annual Volume

Location of Point(s) of Diversion

SPRINGS

CASSIA County

SW1/4NW1/4NE1/4

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

SPRINGS

CASSIA County

SW1/4NW1/4NE1/4

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

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S16	NWNW	1.70	T12S R25E S16	SWNW	28.00
T12S R25E S16	NWSW	33.00	T12S R25E S16	SWSW	39.00
T12S R25E S16	SESW	28.00	T12S R25E S16	NWSE	8.30
T12S R25E S16	SWSE	29.00	T12S R25E S16	SESE	18.00
T12S R25E S21	NWNE	40.00	T12S R25E S21	NENW	39.00
T12S R25E S21	NWNW	41.00	T12S R25E S21	SWNW	36.00
T12S R25E S21	SENW	37.00			

Total Acres: 378

Page _____ of _____

Conditions of Approval:

1. 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.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 55.3 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 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, AND 45-13589
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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

NE1/4NW1/4SW1/4

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

SW1/4SE1/4SW1/4

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

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S16	NWNW	1.70	T12S R25E S16	SWNW	28.00
T12S R25E S16	NWSW	33.00	T12S R25E S16	SWSW	39.00
T12S R25E S16	SESW	28.00	T12S R25E S16	NWSE	8.30
T12S R25E S16	SWSE	29.00	T12S R25E S16	SESE	18.00
T12S R25E S21	NWNE	40.00	T12S R25E S21	NENW	39.00
T12S R25E S21	NWNW	41.00	T12S R25E S21	SWNW	36.00
T12S R25E S21	SENW	37.00			

Total Acres: 378

Page _____ of _____

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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 90 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. 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. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, AND 45-13589

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

NE1/4NW1/4SW1/4

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

HOWELL CREEK

CASSIA County

NW1/4SE1/4NW1/4

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

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S16	NWNW	1.70	T12S R25E S16	SWNW	28.00
T12S R25E S16	NWSW	33.00	T12S R25E S16	SWSW	39.00
T12S R25E S16	SESW	28.00	T12S R25E S16	NWSE	8.30
T12S R25E S16	SWSE	29.00	T12S R25E S16	SESE	18.00
T12S R25E S21	NWNE	40.00	T12S R25E S21	NENW	39.00
T12S R25E S21	NWNW	41.00	T12S R25E S21	SWNW	36.00
T12S R25E S21	SENW	37.00			

Total Acres: 378

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. 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.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 77 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, AND 45-13589
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

NE1/4NW1/4SW1/4

Sec. 21, 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

SW1/4SE1/4SW1/4

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

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S16	NWNW	1.70	T12S R25E S16	SWNW	28.00
T12S R25E S16	NWSW	33.00	T12S R25E S16	SWSW	39.00
T12S R25E S16	SESW	28.00	T12S R25E S16	NWSE	8.30
T12S R25E S16	SWSE	29.00	T12S R25E S16	SESE	18.00
T12S R25E S21	NWNE	40.00	T12S R25E S21	NENW	39.00
T12S R25E S21	NWNW	41.00	T12S R25E S21	SWNW	36.00
T12S R25E S21	SENW	37.00			

Total Acres: 378

Page _____ of _____

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, AND 45-13589
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. 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.
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: 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

SPRING CREEK

CASSIA County

SPRING CREEK

CASSIA County

SPRING CREEK

CASSIA County

NE 1/4SE 1/4NW 1/4

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

SE 1/4SE 1/4SW 1/4

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

SW 1/4SE 1/4NW 1/4

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

NE 1/4SE 1/4NW 1/4

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

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S16	NWNW	1.70	T12S R25E S16	SWNW	28.00
T12S R25E S16	NWSW	33.00	T12S R25E S16	SWSW	39.00
T12S R25E S16	SESW	28.00	T12S R25E S16	NWSE	8.30
T12S R25E S16	SWSE	29.00	T12S R25E S16	SESE	18.00
T12S R25E S21	NWNE	40.00	T12S R25E S21	NENW	39.00
T12S R25E S21	NWNW	41.00	T12S R25E S21	SWNW	36.00
T12S R25E S21	SENW	37.00			

Total Acres: 378

Page _____ of _____

Conditions of Approval:

1. 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.
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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, AND 45-13589
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.

Decreed Date: 5/6/2005

Page _____ of _____

**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

Diversion Rate

0.12 CFS

Annual Volume

0.12 CFS

Total Diversion

Location of Point(s) of Diversion

WASTE WATER

SE1/4NW1/4NE1/4

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

CASSIA County

WASTE WATER

SE1/4SW1/4SE1/4

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

CASSIA County

WASTE WATER

SE1/4NW1/4NE1/4

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

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S16	NWNW	1.70	T12S R25E S16	SWNW	28.00
T12S R25E S16	NWSW	33.00	T12S R25E S16	SWSW	39.00
T12S R25E S16	SESW	28.00	T12S R25E S16	NWSE	8.30
T12S R25E S16	SWSE	29.00	T12S R25E S16	SESE	18.00
T12S R25E S21	NWNE	40.00	T12S R25E S21	NENW	39.00
T12S R25E S21	NWNW	41.00	T12S R25E S21	SWNW	36.00
T12S R25E S21	SENW	37.00			

Total Acres: 378

Page _____ of _____

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 55.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, AND 45-13589
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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: 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	1.70	T12S R25E S16	SWNW	28.00
T12S R25E S16	NWSW	33.00	T12S R25E S16	SWSW	39.00
T12S R25E S16	SESW	28.00	T12S R25E S16	NWSE	8.30
T12S R25E S16	SWSE	29.00	T12S R25E S16	SESE	18.00
T12S R25E S21	NWNE	40.00	T12S R25E S21	NENW	39.00
T12S R25E S21	NWNW	41.00	T12S R25E S21	SWNW	36.00
T12S R25E S21	SENW	37.00			

Total Acres: 378

Page _____ of _____

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 28 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, AND 45-13589
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.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-256a

Current Owner: GRANT CLARK
DENISE EVERHEART CLARK

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

3.35 CFS

3.35 CFS

Annual Volume

Location of Point(s) of Diversion

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

Place of Use

Page _____ of _____

IRRIGATION Within CASSIA County

T12S R25E S21	NENE	40.00	T12S R25E S21	SENE	40.00
T12S R25E S21	NESE	40.00	T12S R25E S22	NWNW	3.30
T12S R25E S22	SWNW	3.30	T12S R25E S22	NWSW	3.30
T12S R25E S22	SWSW	8.90	T12S R25E S27	NWNW	14.00
T12S R25E S27	SWNW	4.10	T12S R25E S28	NENE	8.00
T12S R25E S28	SENE	2.80			

Total Acres: 167.7

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
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. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663.

Decreed Date: 2/3/2010

Page _____ of _____

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

Current Water Right No.: 45-284c

Current Owner: GRANT CLARK
DENISE EVERHEART CLARK

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

Diversion Rate

0.51 CFS

Annual Volume

Total Diversion

0.51 CFS

Location of Point(s) of Diversion

HOWELL CREEK

SE1/4NW1/4SW1/4

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

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S21	NENE	40.00	T12S R25E S21	SENE	40.00
T12S R25E S21	NESE	39.00	T12S R25E S22	NWNW	3.70
T12S R25E S22	SWNW	5.80	T12S R25E S22	NWSW	1.40
Total Acres: 129.9					

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 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 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, and 45-2663.
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: 2/3/2010

Total Acres (for irrigation use)	21.2
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Page _____ of _____

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

Current Water Right No.: 45-286

Current Owner: GRANT CLARK
DENISE EVERHEART CLARK
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

1.2 CFS

1.2 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.

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S21	NENE	40.00	T12S R25E S21	SENE	40.00
T12S R25E S21	NESE	39.00	T12S R25E S22	NWNW	3.70
T12S R25E S22	SWNW	5.80	T12S R25E S22	NWSW	1.40
Total Acres: 129.9					

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 119 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 129.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, and 45-2663.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663.
5. 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: 2/3/2010

Total Acres (for irrigation use) 21.2

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

Current Water Right No.: 45-2663

Current Owner: GRANT CLARK
DENISE EVERHEART CLARK

Priority Date: 7/26/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1 CFS	423.7 AF
	<u>Total Diversion</u>	1 CFS	423.7 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4NE1/4 Sec. 28, Twp 12S, Rge 25E B.M.
CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S21	NENE	40.00	T12S R25E S21	SENE	40.00
T12S R25E S21	NESE	39.00	T12S R25E S22	NWNW	3.70
T12S R25E S22	SWNW	5.80	T12S R25E S22	NWSW	1.40

Total Acres: 129.9

Conditions of Approval:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663.
2. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, and 45-2663.

Decreed Date: 12/7/2005

Total Acres (for irrigation use)	21.2
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Attachment #1
State of Idaho Business Documents

FILED EFFECTIVE

251



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

2012 OCT -9 AM 9:49

(Instructions on back of application)

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

ALBION 12 INVESTMENTS, L.L.C.

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

7595 E. McDonald Dr., Ste. 130, Scottsdale, AZ 85250

(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 Dr., Ste. 130, Scottsdale, AZ 85255limited liability company

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

7595 E. McDonald Dr., Ste. 130, Scottsdale, AZ 85250

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

Signature of a manager, member or authorized person.

Signature

Michael L. Merriman

Typed Name:

Michael L. Merriman, Manager

Signature _____

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
 10/09/2012 05:00
 CK: 1150179 CT: 172099 BH: 1342001
 1 @ 100.00 = 100.00 ORGAN LLC # 2
 1 @ 20.00 = 20.00 EXPEDITE C # 3

cert_org_llc Rev. 07/2010

W117958

No. W 93473	Due no later than May 31, 2013 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. MERRIMAN LAND AND CATTLE, L.L.C. MICHAEL L MERRIMAN 7595 E MCDONALD DR STE 130 SCOTTSDALE AZ 85250 USA		WILLAIM A PARSONS 137 W 13TH ST BURLEY ID 83318			
			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
MEMBER	PATRICIA J MERRIMAN	10365 E CHOLLA	SCOTTSDALE	AZ	USA	85260
MEMBER	MICHAEL L MERRIMAN	10365 E CHOLLA	SCOTTSDALE	AZ	USA	85260
5. Organized Under the Laws of: AZ W 93473		6. Annual Report must be signed.* Signature: Patricia J. Merriman Name (type or print): Patricia J. Merriman Date: 03/22/2013 Title: Member				
Processed 03/22/2013		* Electronically provided signatures are accepted as original signatures.				

Attachment #2
Water Right Ownership Documents

QUITCLAIM DEED

For value received, Merriman Land and Cattle, L.L.C, an Idaho Limited Liability Company, as grantor hereby quitclaims unto Albion 12 Investments, L.L.C., an Idaho Limited Liability Company, the grantee whose current address is 7595 E. McDonald Drive, Suite 130, Scottsdale, Arizona 85250, all of the grantor's right, title, and interest in and to the following described water rights situated in Cassia County, Idaho, on record with the Idaho Department of Water Resources, to be made appurtenant to part of the NENE of Section 21 and part of the NWNW of Section 22, Township 12 South, Range 25 East, Boise Meridian:

Part of water right 45-256A, priority date of 4/12/1892, for 0.42 cfs;

Part of water right 45-284C, priority date of 4/1/1875, for 0.08 cfs;

Part of water right 45-286, priority date of 9/1/1880, for 0.20 cfs;

Part of water right 45-2663, priority date of 7/26/1961, for 0.16 cfs and 69 acft;

Combined together to irrigate 21.2 acre.

Grantor has caused this quitclaim deed to be executed this 16th day of October, 2013.

By: Michael Merriman
Michael L. Merriman, Member of Merriman Land and Cattle, L.L.C.

State of Idaho)
County of Twin Falls) S.S.

On this 16th day of October, in the year of 2013, before me, a Notary Public, personally appeared Michael L. Merriman, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Sheila D. Daniels

Notary Public

In and for said State and County

8/6/19

My Commission Expires on

S
E
A
L



WARRANTY DEED

#42096

For Value Received

GRANT MONROE CLARK and DENISE EVERHEART CLARK, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MERRIMAN LAND AND CATTLE, L.L.C., an Idaho Limited Liability Company
Address: 5705 N. Scottsdale Road, Ste. 130 Scottsdale, AZ 85250

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"**TOGETHER WITH:**

1. All water rights appurtenant to the subject property, including, but not necessarily limited to, the fractional shares of those rights identified and number by the Idaho Department of Water Resources:

12.62% of Water Right No. 45-256A

16.30% of Water Right No. 45-284C

16.30% of Water Right No. 45-286

16.30% of Water Right No. 45-2663

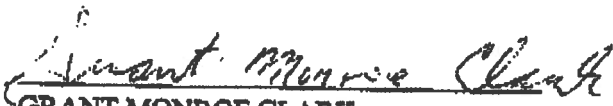
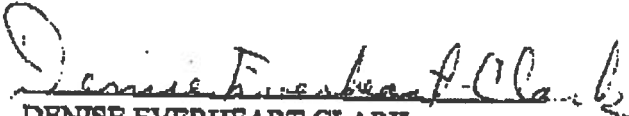
2. All of Seller's rights, title and interest in or to any ditches, flumes, pipelines, water diversion structure, wells, or similar structures, devices or equipment related to, or customarily used in connection with, the diversion and conveyances of appurtenant irrigation water to the subject property.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2006 and subsequent years, a lien, but not yet due or payable.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

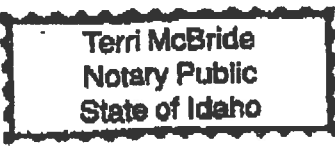
Dated: July 12, 2006
GRANT MONROE CLARK
DENISE EVERHEART CLARK

STATE OF IDAHO)

) ss.

COUNTY OF CASSIA)

On this 12th day of July, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **GRANT MONROE CLARK** and **DENISE EVERHEART CLARK**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Terri McBride
Notary Public
State of Idaho


Notary PublicResiding at: BoiseMy Commission expires: 2-5-08

EXHIBIT "A"**TOWNSHIP 12 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 21 and 22: Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 and part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, more particularly described as follows:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 21, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence South 89°57'20" East along the North line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 1243.40 feet to a 1/2 inch rebar on the West right of way of State Highway 77;
Thence along said right of way along a non-tangent curve to the right for a distance of 647.75 feet to a right of way marker, at Station P.T. 626+57.8, said curve having a radius of 1106.00 feet and a central angle of 33°33'23" and a long chord bearing of South 20°34'25" East for a distance of 638.53 feet;
Thence South 03°47'42" East continuing along said right of way for a distance of 59.83 feet to a 1/2 inch rebar;
Thence South 89°47'55" West for a distance of 145.29 feet to the Southeast corner of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 marked by a 5/8 inch rebar;
Thence South 89°47'55" West along the South line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 1324.44 feet to the Southwest corner of N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ marked by a 5/8 inch rebar;
Thence North 00°10'27" West along the West line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 663.64 feet to the Point of Beginning.

DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
45-286		X			
45-2663		X			
45-284C		X			
45-256A		X			

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Name and Address of Former Owner/Claimant(s)

GRANT MONROE CLARK and DENISE EVERHEART CLARK

New Owner/Claimant(s)

MERRIMAN LAND AND CATTLE, L.L.C.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

X 7995 McDonald Dr, Suite 130

City, State and ZIP Code

X Scottsdale, AZ 85250

New Telephone Number

X 480 947-3100

Date you acquired the property

7/14/06

Form 42-1-02-01 (Rev. 10/97)

5. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box; you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest DWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>45-286</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-foot per annum)	Description (acres, number and type of stock, horses, etc)
Irrigation	<u>26 cfs</u>	<u>21.17</u>
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>45-2663</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-foot per annum)	Description (acres, number and type of stock, horses, etc)
Irrigation		
Stock		
Domestic	<u>.158 cfs</u>	<u>21.17</u>
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Michael Merriman
(include title if applicable) MICHAEL L. MERRIMAN, Member

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish DWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____

Form 1-100 (2-1-07) 1000

5. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box; you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>45-284C</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>.083</u>	<u>21.17</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>45-256A</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>.4229</u>	<u>21.17</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Michael L. Merriman
MICHAEL L. MERRIMAN, Member

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

Change in Water Right Ownership from Grant Monroe Clark & Denise Clark to Mike Merriman.

<u>Water Right #</u>	<u>% of acres to Merriman of Total Water Right</u>	<u>cfs to be transferred to Merriman</u>
A) 45-286	16.29715	.26
B) 45-2663	15.79851	.158
C) 45-284C	16.29715	.083
D) 45-256A	12.62373	.4229

READ AND APPROVED:

Grant Monroe Clark
GRANT MONROE CLARK

Denise Everheart Clark
DENISE EVERHEART CLARK

MERRIMAN LAND AND CATTLE, L.L.C.

BY: Michael L. Merriman
MICHAEL L. MERRIMAN, Member

Jul. 19. 2007 3:58PM IDAH DEPT OF WATER RESOURCES

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COMBINED LAND RIGHTS
GROUND & CREEK WATER
07/18/2007

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2863

WATER RIGHT NUMBER: 45-2863

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DAVID M PETERSEN
	, ZZ
Original Owner	V E NEYMAN
	ALBION, ID 83311
Original Owner	GRANT CLARK
	PO BOX 20
	ALBION, ID 83311
	(208)873-6332
Previous Owner	DEBORAH D BROADIE
	3317 W 3700 N
	MOORE, ID 83255
	(208)731-9214
Previous Owner	JOLENE NORTHCOTT
	1838 S 2000 E #B
	GOODING, ID 83330-5129
	(208)934-4170
Previous Owner	ELIZABETH STUHLBERG
	938 4TH AVE DR
	JEROME, ID 83338
	(208)324-4855
Current Owner	GRANT CLARK
	1176 S HIGHWAY 77
	ALBION, ID 83311-9706
	(208)823-6678
Current Owner	DENISE EVERHEART CLARK
	1176 S HIGHWAY 77
	ALBION, ID 83311-9706
	(208)823-6678

Priority Date: 07/28/1961

Basis: Decreed

Status: Active

SourceTributaryGROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.000 CFS	423.70 AF
	<u>Total Diversion:</u>	1.000 CFS	423.70 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NE1/4NE1/4

Sec. 28, Twp 12S, Rge 25E, B.M.

CASSIA County

Place of Use

IRRIGATION

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2663

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	40.0			40.0									39.0				119.0
12S 26E 22					3.7	5.8			1.4								10.9

Total Acres: 129.9

Conditions of Approval:

1. 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.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-258A, and 45-2663.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, and 45-2663.

Remarks:Comments:Dates and Other Information:

Licensed Date:
 Decreed Date: 12/7/2005
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: \$
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres
		129.9

Combined Water Rights: 45-2663

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2663

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		167.7

Combined Water Rights: 45-2663

SubCase:

SubCase Number: 45-2663

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 10/4/2005

Attorney Assigned:

Adjudication Agent: Kelly Christensen

Basis of Claim: License

Date Filed: 1/3/2005 Objection Status: Active

Water Supply Bank:

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IDAHO DEPT OF WATER RESOURCES

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-256A V1

WATER RIGHT NUMBER: 45-256A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES H NEYMAN PO BOX 605 HAILEY, ID 83333 (208)788-2916
Directors Report Owner	MARY MAY POTTER PO BOX 993 KETCHUM, ID 83340 (208)788-3413
Directors Report Owner	JOLENE NORTHCOTT 1838 S 2000 E #B GOODING, ID 83330-5129 (208)834-4170
Original Owner	ELIZABETH NEYMAN ESTATE 1838 S 2000 E GOODING, ID 83330
Original Owner	ELIZABETH NEYMAN PO BOX 605 HAILEY, ID 83333 (208)788-2916
Directors Report Owner	ELIZABETH STUHLBERG 938 4TH AVE DR JEROME, ID 83338 (208)324-4855
Directors Report Owner	DEBORAH D BROADIE 3317 W 3700 N MOORE, ID 83255 (208)731-9214
Current Owner	GRANT CLARK 1178 S HIGHWAY 77 ALBION, ID 83311-9706 (208)623-8878
Current Owner	DENISE EVERHEART CLARK 1178 S HIGHWAY 77 ALBION, ID 83311-9706 (208)623-8878

Priority Date: 04/12/1892

Basis: Decreed

Status: Active

Source

ANTONE CREEK
HOWELL CREEK
PINE CREEK

Tributary

UNNAMED STREAM
MARSH CREEK
ANTONE CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

3.350 CFS

Annual VolumeTotal Diversion: 3.350 CFSLocation of Point(s) of Diversion

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 48-258A V1

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

Place of Use

IRRIGATION

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	40.0			40.0									40.0				120.0
12S	25E	22					3.3	3.3			3.3	8.9							18.8
12S	25E	27					14.0	4.1											18.1
12S	25E	28	8.0			2.8													10.8

Total Acres: 167.7

Conditions of Approval:

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-256A V1

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. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663.
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.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		167.7

Combined Water Rights: 45-284C, 45-286, 45-2663, 45-256A

Water Supply Bank:

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-284C V1

WATER RIGHT NUMBER: 45-284C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELIZABETH NEYMAN PO BOX 605 HAILEY, ID 83333 (208)788-2916
Original Owner	JAMES H NEYMAN PO BOX 605 HAILEY, ID 83333 (208)788-2916
Original Owner	ELIZABETH NEYMAN ESTATE 1836 S 2000 E GOODING, ID 83330
Directors Report Owner	MARY MAY POTTER PO BOX 983 KETCHUM, ID 83340 (208)788-3413
Directors Report Owner	ELIZABETH STUHLBERG 938 4TH AVE DR JEROME, ID 83338 (208)324-4855
Directors Report Owner	JOLENE NORTHCOTT 1838 S 2000 E #B GOODING, ID 83330-5129 (208)934-4170
Directors Report Owner	DEBORAH D BROADIE 3317 W 3700 N MOORE, ID 83266 (208)731-8214
Current Owner	GRANT CLARK 1176 S HIGHWAY 77 ALBION, ID 83311-9706 (208)623-6678
Current Owner	DENISE EVERHEART CLARK 1176 S HIGHWAY 77 ALBION, ID 83311-9706 (208)623-6678

Priority Date: 04/01/1975

Basis: Decreed

Status: Active

Source
HOWELL CREEK

Tributary
MARSH CREEK

Beneficial Use
IRRIGATION

From To
04/01 to 10/31

Diversion Rate
0.510 CFS

Annual VolumeTotal Diversion: 0.510 CFSLocation of Point(s) of Diversion

HOWELL CREEK

SE1/4NW1/4SW1/4

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

CASSIA County

Jul 19, 2007 3:59PM

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-284C V1

Place of Use**IRRIGATION**

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	40.0			40.0									39.0				119.0
12S	25E	22					3.7	5.8			1.4								10.9

Total Acres: 129.9

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
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. K08 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 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 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-288, 45-256A, and 45-2863.
6. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-288, and 45-2863.

Remarks:Comments:

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-284C V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number: 45F
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		129.9

Combined Water Rights: 45-284C , 45-286 , 45-2663

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		167.7

Combined Water Rights: 45-284C , 45-286 , 45-2663 , 45-256A

Water Supply Bank:

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-286 V1

WATER RIGHT NUMBER: 45-286 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELIZABETH NEYMAN PO BOX 805 HAILEY, ID 83333 (208)788-2918
Original Owner	JAMES H NEYMAN PO BOX 805 HAILEY, ID 83333 (208)788-2918
Original Owner	ELIZABETH NEYMAN ESTATE 1836 S 2000 E GOODING, ID 83330
Directors Report Owner	MARY MAY POTTER PO BOX 883 KETCHUM, ID 83340 (208)788-3413
Directors Report Owner	JOLENE NORTHCOTT 1836 S 2000 E #B GOODING, ID 83330-5129 (208)834-4170
Directors Report Owner	ELIZABETH STUHLBERG 938 4TH AVE DR JEROME, ID 83338 (208)324-4855
Directors Report Owner	DEBORAH D BROADIE 3317 W 3700 N MOORE, ID 83255 (208)731-8214
Current Owner	GRANT CLARK 1176 S HIGHWAY 77 ALBION, ID 83311-9706 (208)823-8878
Current Owner	DENISE EVERHEART CLARK 1176 S HIGHWAY 77 ALBION, ID 83311-9706 (208)823-8878

Priority Date: 09/01/1880

Basis: Decreed

Status: Active

Source
HOWELL CREEK

Tributary
MARSH CREEK

Beneficial Use
IRRIGATION

From To
04/04 to 10/31

Diversion Rate
1.200 CFS

Annual VolumeTotal Diversion: 1.200 CFSLocation of Point(s) of Diversion

HOWELL CREEK

SE1/4NW1/4SW1/4

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

CASSIA County

Page 2

07/19/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-286 V1

Place of Use

IRRIGATION

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	40.0			40.0									39.0				119.0
12S 25E 22					3.7	5.8			1.4								10.9

Total Acres: 129.9

Conditions of Approval:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, and 45-2863.
2. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-286A, and 45-2863.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 119 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.

Remarks:Comments:

Jul. 19. 2007 3:59PM IDAHO DEPT OF WATER RESOURCES

No. 6786 P. 12

Page 3

07/19/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-286 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number: 45F
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		129.9

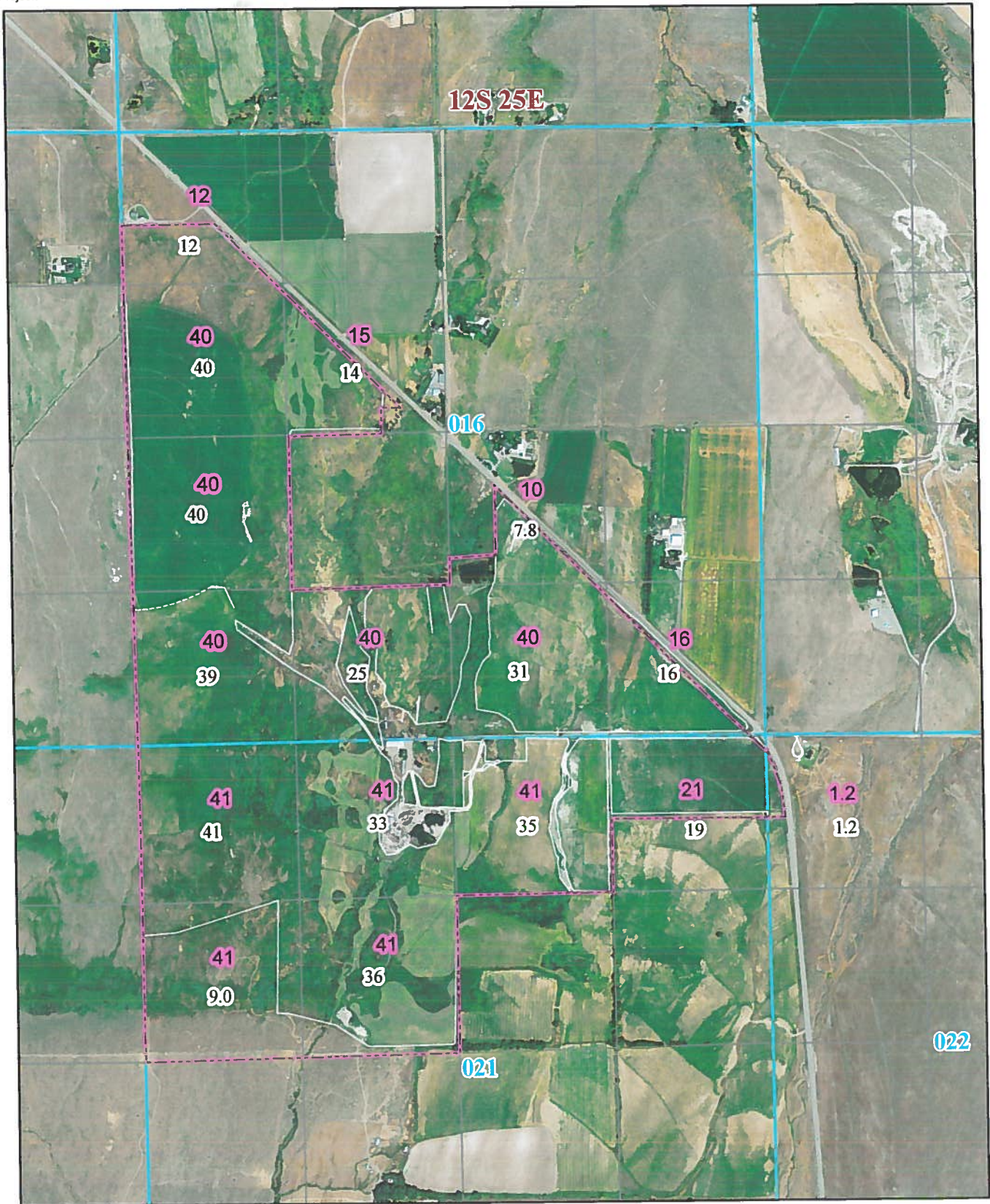
Combined Water Rights: 45-284C , 45-286 , 45-2863

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		167.7

Combined Water Rights: 45-284C , 45-286 , 45-2863 , 45-256A

Water Supply Bank:

Attachment #7
Transfer Maps



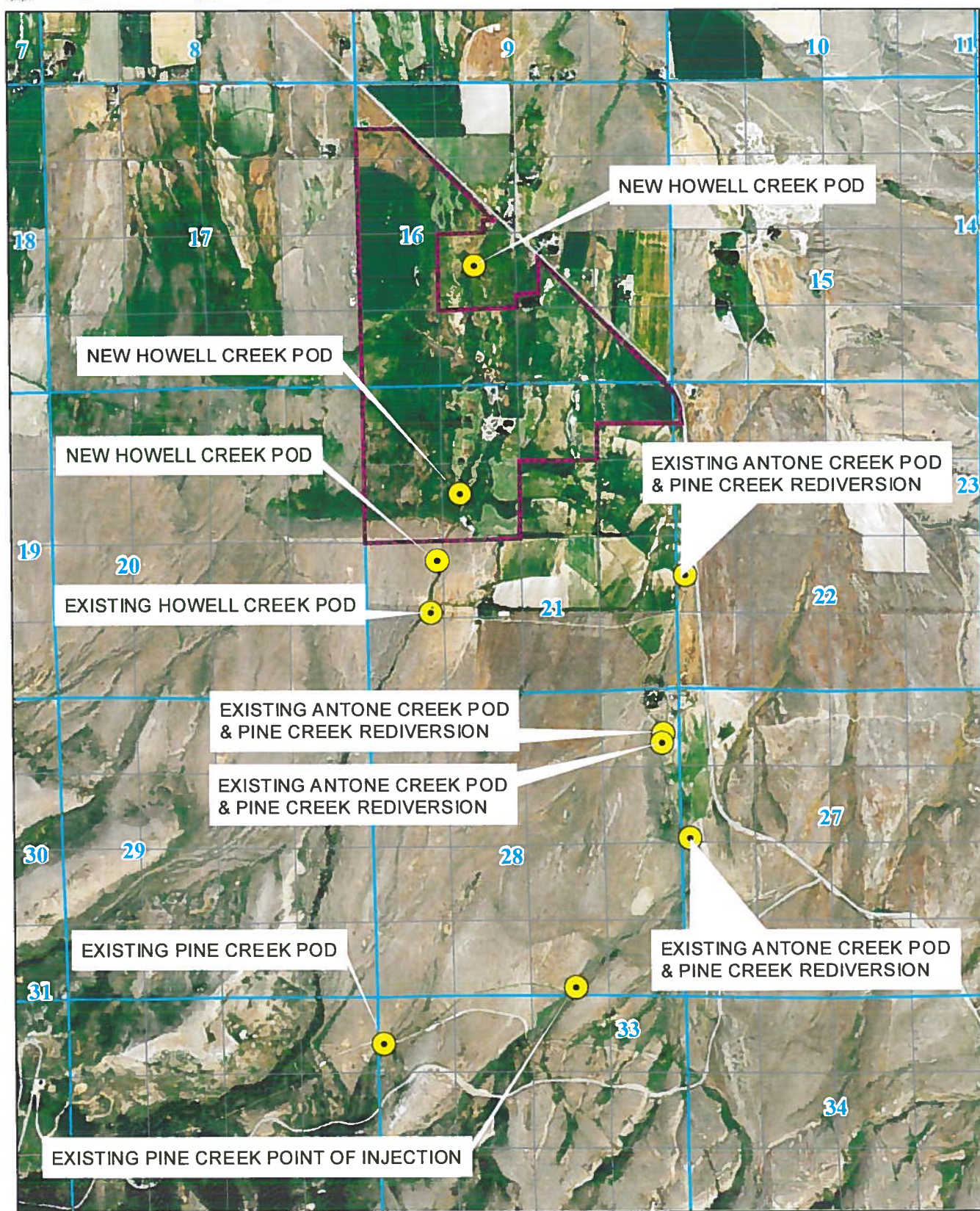
0 450 900 1,800 Feet

**ALBION 12 INVESTMENTS LLC.
WATER RIGHT TRANSFER
PPU BOUNDARY AND 2014 IRRIGATION
NAIP 2011 AERIAL**

Legend

- PPU BOUNDARY**
- ALBION 12 INVESTMENTS
2011 Irrigation = 399 AC
 - twnshp
 - Section Lines
 - QQ Lines





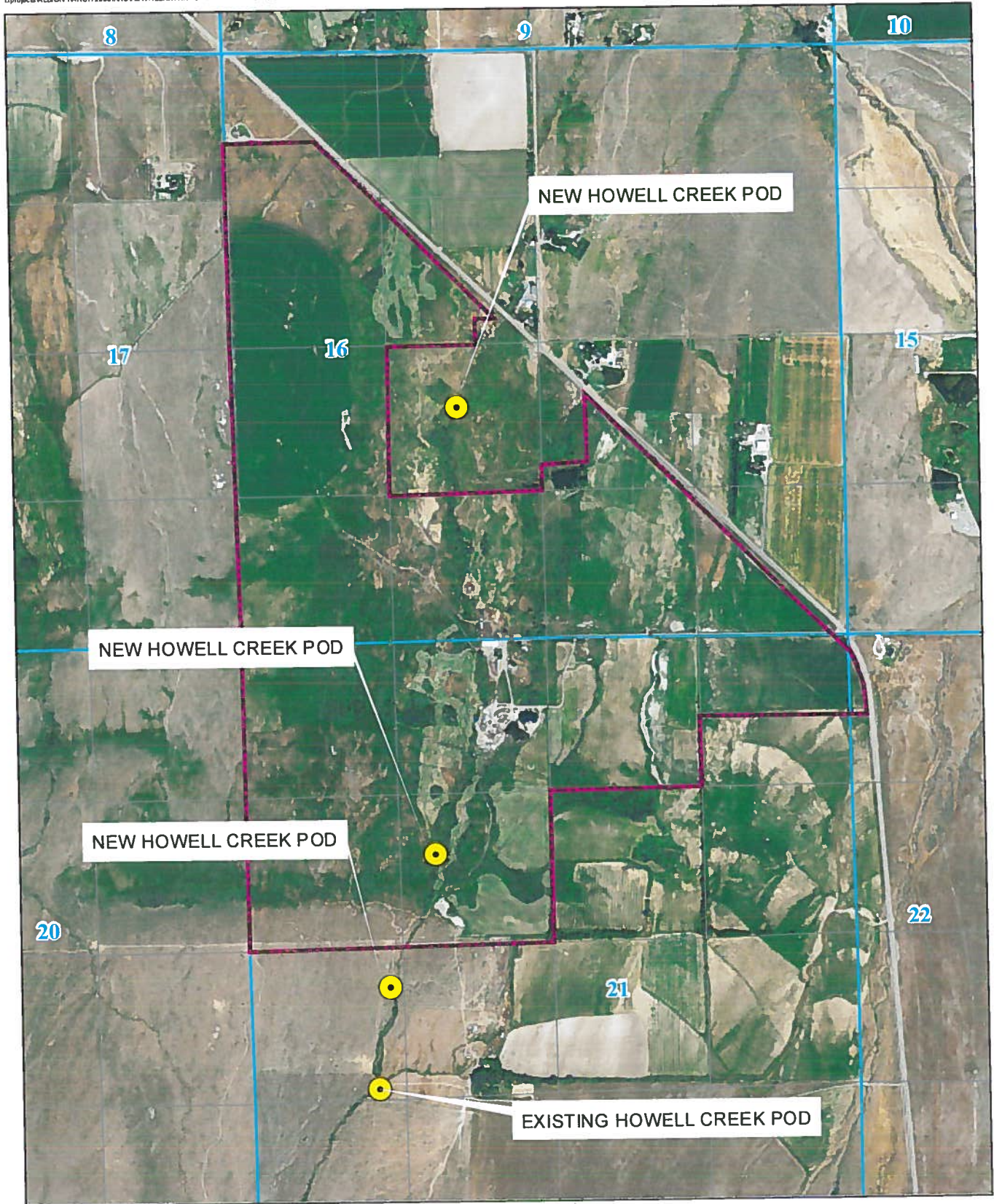
0 1,250 2,500 5,000 Feet

**ALBION 12 INVESTMENTS LLC.
WATER RIGHT TRANSFER 45-256A
NAIP 2011 AERIAL**

Legend

- PPU BOUNDARY
- ALBION 12 INVESTMENTS
- township
- Section Lines
- QQ Lines





0 625 1,250 2,500 Feet

**ALBION 12 INVESTMENTS LLC.
WATER RIGHT TRANSFER 45-284C & 45-286
NAIP 2011 AERIAL**

Legend

PPU BOUNDARY

- ALBION 12 INVESTMENTS
- township
- Section Lines
- QQ Lines





0 625 1,250 2,500 Feet

**ALBION 12 INVESTMENTS LLC.
WATER RIGHT TRANSFER 45-2663
NAIP 2011 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - JULY 17, 2013

Legend

- PPU BOUNDARY**
- ALBION 12 INVESTMENTS
 - hwsr hp
 - Section Lines
 - QQ Lines



TRANSFER 78891



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 15, 2013

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

RE: Transfer No. 78891
Water Right No(s): 45-13589, 45-256A, 45-2663, 45-275, 45-284B, 45-284C,
45-285, 45-286, 45-327D, 45-517D, 45-523A

Dear Mr. Higgs:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR'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, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 15, 2013

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

RE: Transfer No. 78891

Water Right No(s): 45-13589, 45-256A, 45-2663, 45-275, 45-284B, 45-284C,
45-285, 45-286, 45-327D, 45-517D, 45-523A

Dear Mr. Gunderson:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR'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, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 14, 2013

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

RE: Transfer No. 78891

Water Right No(s). 45-13589, 45-256A, 45-2663, 45-275, 45-284B, 45-284C, 45-285,
45-286, 45-327D, 45-517D, 45-523A

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 11/21/2013 and 11/28/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**December 9, 2013**).

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, November 14, 2013 4:08 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 November 21st & 28th, 2013. Please 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, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 14, 2013

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

RE: Application For Permit No.(s): 47-17616

RE: Transfer No. 78873
Water Right No(s): 36-16550, 36-16551, 36-16556, 36-16827

RE: Transfer No. 78891
Water Right No(s): 45-13589, 45-256A, 45-2663, 45-275, 45-284B, 45-284C, 45-285, 45-286,
45-327D, 45-517D, 45-523A

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 December 9, 2013. 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:

47-17616

ROCKLEDGE ESTATES HOA INC

1200 OVERLAND AVE

BURLEY, ID 83318

Point of Diversion NESESE S15 T10S R18E TWIN FALLS County Source GROUND WATER Tributary

Point of Diversion NESESE S15 T10S R18E TWIN FALLS County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.36 CFS 52 AF

Total Diversion: 0.36 CFS 52 AF

Date Filed: 11/8/2013

Place Of Use: DOMESTIC

T10S R18E S15 NESE SESE

Application for permit proposes to divert 0.36 CFS (52 AFA) for domestic in-house use on 58 lots within a subdivision, located approximately 1 - 1.5 mi. N & 1 - 1.25 mi. W of Hansen, locally known as Rockledge Estates. Application proposes to utilize an existing well and a proposed well, within the development, to supply water to homes on the lots. Irrigation within the development is currently and will continue to be supplied by shares of Twin Falls Canal Company.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78873

SHIRLEY S JENTZSCH and RODNEY A JENTZSCH, 20106 5TH ST, RUPERT, ID 83350; has filed Application No. 78873 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16550, 36-16551, 36-16556, 36-16827. The purpose of the transfer is to change a portion of the above rights as follows: Transfer application proposes to convert a 6.2 acre portion (0.11 cfs and 11.8 af) of two ground water irrigation rights to year round commercial use at a nursery located approximately 4.0-4.3 miles east and 3.3-4.0 miles north of the city of Rupert. The application also proposes to create a permissible place of use for the commercial use and the irrigation of 51.7 acres. Four existing wells will be used for the commercial use and irrigation of the 51.7 acres and to divert up to a total of 0.9 cfs and 218.6 af.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78891

ALBION 12 INVESTMENTS LLC, 7595 EAST MCDONALD DR #130, SCOTTSDALE, AZ 85250; has filed Application No. 78891 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13589, 45-256A, 45-2663, 45-275, 45-284B, 45-284C, 45-285, 45-286, 45-327D, 45-517D, 45-523A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and add points of diversion (PODs) for a portion of the following irrigation water rights: 45-284C (Howell Creek, 0.51 CFS), 45-286 (Howell Creek, 1.2 CFS), 45-2663 (Groundwater, 1.0 CFS), and 45-256A (Antone Creek, Pine Creek, Howell Creek, 3.35 CFS). These rights are currently authorized to irrigate 167.7 acres on ground located approximately 2.2 – 2.4 mi. E and 2.8 – 4.3 mi. S of Albion, Idaho. Applicant has recently purchased 21.2 acres within the authorized POU for these rights and seeks to change the POU and add PODs to allow more flexible usage with rights on adjacent ground owned by the applicant, located approximately 1.4 – 2.4 mi. E and 2.0 – 4.7 mi. S of Albion. Rights on this adjacent ground are currently authorized to irrigate 378 acres under the following rights: 45-275 (Springs, 0.24 CFS), 45-284B (Howell Creek, 1.5 CFS), 45-285 (Howell Creek, 0.15 CFS), 45-327D (Howell Creek, 0.70 CFS), 45-517D (Spring Creek, 0.20 CFS), 45-523A (Waste Water, 0.12 CFS), and 45-13589 (Springs, 0.56 CFS). Application proposes to create a permissible place of use (PPU) with all these rights to include adjacent grounds, owned by the applicant, equivalent to 480 acres. If approved, when combined with the split portion of rights 45-284C (45-14449), 45-286 (45-14450), 45-2663 (45-14451), and 45-256A (45-14452) the total allowed irrigation would be 399.2 acres. Additionally, application proposes to add three additional PODs on Howell Creek approximately located the following distances from Albion: 1.8 mi. E and 2.7 mi. S, 1.7 mi. E and 3.2 mi. S, and 1.6 mi. E and 3.4 mi. S, currently authorized under rights 45-284B, 45-285, and 45-327D, to the split portion of rights authorized to be diverted from Howell Creek (45-14449, 45-14450, and 45-14452). In addition, the application proposes to change the point of diversion for the split portion of right 45-2663 (45-14451) to an existing well located approximately 2.2 mi. E and 2.8 mi. S of Albion.

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before December 9, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 21st & 28th, 2013

MEMORANDUM

Date: November 7, 2013
To: Transfer 78891 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) and add points of diversion (PODs) for a portion of the following irrigation water rights: 45-284C (Howell Creek, 0.51 CFS), 45-286 (Howell Creek, 1.2 CFS), 45-2663 (Groundwater, 1.0 CFS), and 45-256A (Antone Creek, Pine Creek, Howell Creek, 3.35 CFS). These rights are currently authorized to irrigate 167.7 acres on ground located approximately 2.2 – 2.4 mi. E and 2.8 – 4.3 mi. S of Albion, Idaho. Applicant has recently purchased 21.2 acres within the authorized POU for these rights and seeks to change the POU and add PODs to allow more flexible usage with rights on adjacent ground owned by the applicant, located approximately 1.4 – 2.4 mi. E and 2.0 – 4.7 mi. S of Albion. Rights on this adjacent ground are currently authorized to irrigate 378 acres under the following rights: 45-275 (Springs, 0.24 CFS), 45-284B (Howell Creek, 1.5 CFS), 45-285 (Howell Creek, 0.15 CFS), 45-327D (Howell Creek, 0.70 CFS), 45-517D (Spring Creek, 0.20 CFS), 45-523A (Waste Water, 0.12 CFS), and 45-13589 (Springs, 0.56 CFS). Application proposes to create a permissible place of use (PPU) with all these rights to include adjacent grounds, owned by the applicant, equivalent to 480 acres. If approved, when combined with the split portion of rights 45-284C (45-14449), 45-286 (45-14450), 45-2663 (45-14451), and 45-256A (45-14452) the total allowed irrigation would be 399.2 acres. Additionally, application proposes to add three additional PODs on Howell Creek approximately located the following distances from Albion: 1.8 mi. E and 2.7 mi. S, 1.7 mi. E and 3.2 mi. S, and 1.6 mi. E and 3.4 mi. S, currently authorized under rights 45-284B, 45-285, and 45-327D, to the split portion of rights authorized to be diverted from Howell Creek (45-14449, 45-14450, and 45-14452). In addition, the application proposes to change the point of diversion for the split portion of right 45-2663 (45-14451) to an existing well located approximately 2.2 mi. E and 2.8 mi. S of Albion.

- **Authority to File:**

The Department's database indicates that water rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, and 45-13589 are owned by the applicants, Albion 12 Investments, LLC. Applicants submitted a warranty deed and a quitclaim deed which provide evidence that they own the portions of water rights 45-256A, 45-284C, 45-2663, and 45-286 that are being changed in this transfer. Application was signed by Michael Merriman, who is the manager for Albion 12 Investments. Documentation was provided indicating that Mr. Merriman has authority to sign for Albion 12.

- **Water Right Validity:**

Based on a review of aerial photography, it appears that forfeiture is not an issue.

- **Injury to Other Water Rights:**

None anticipated or foreseen.

- **Enlargement of Use:**

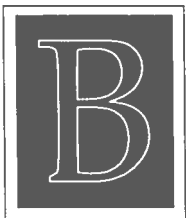
None anticipated.

- **Local Public Interest:**

No issues anticipated.

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 23 2013

**DEPT. OF WATER RESOURCES
SOUTHERN REGION**

October 17, 2013

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street North Suite 200
Twin Falls, Idaho 83301

Re: Albion 12 Investments, LLC Water Right Transfers
Project No. 909-01-2006

Dear Allen,

Enclosed with this letter is a water right transfer prepared for Albion 12 Investments, LLC. The Albion 12 Investments, LLC land and water rights are located south of Albion, Idaho. This transfer proposes to do several things, involving all, several, or just one water right(s).

1. Change ownership and split water right nos. 45-256A, 45-284C, 45-286, and 45-2663 that were purchased from Clarks in 2006:

Mr. Michael Merriman is a manager several companies including Albion 12 Investments and Merriman Land and Cattle. On July 12, 2006, Merriman Land and Cattle purchased 22 acres of land and 21.2 acres of irrigation water rights from Grant and Denise Clark. Mr. Merriman signed the change of ownership documents when the sale closed, but apparently the ownership change forms were never submitted to IDWR by the title company. Mr. Merriman then quitclaim deeded these rights to Albion 12 Investments. Documentation includes the warranty deed from Clark to Merriman Land and Cattle, followed by a quitclaim deed from Merriman Land and Cattle to Albion 12 Investments.

2. Change Point of Diversion for water right no. 45-2663: 74451

Water right no. 45-2663 is a ground water right appurtenant to 21.2 acres. The existing POD is located on ground owned by Grant Clark. Albion 12 Investments wishes to move the POD to an existing well located on their property and not be physically tied to the well residing on Clark's property.

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

3. Add Points of Diversion from Howell Creek for water right nos. 45-256A, 45-284C, and 45-286:

Albion 12 Investments has several water rights from Howell Creek. Three of the water rights (45-284B, 45-285, and 45-327D) list four PODs from Howell Creek. The Howell Creek water rights acquired from Grant Clark only list one of the four PODs. Albion 12 Investments desires to have all of the Howell Creek water rights to have the same PODs.

4. Create a PPU Boundary:

Albion 12 Investments desires to have all of their irrigation rights combined into a Permissible Place of Use. The water rights acquired from Grant Clark (45-256A, 45-284C, 45-286, and 45-2663) will be limited to a combined irrigated area of 21.2 acres. The other water rights (45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, and 45-13589) will be limited to a combined irrigated area of 378 acres (individual rights may have irrigated acre descriptions). The result of the PPU transfer will be a total area of 480 acres, but limited to irrigation of 399.2 acres. The map in Attachment 7 also includes the anticipated irrigated area for 2014 irrigation season.

If you have any question regarding these transfers, please do not hesitate to contact me. Mr. Merriman is in the process of signing a limited power of attorney for Brockway Engineering.

Sincerely,



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

cc: Michael Merriman
Brian Merriman

enclosure