Form 42-217 Rev. 6/22

RECEIVED
JAN 12 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
JAN 17 2023
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	125.00
Receipt No.	5039610
Receipted By	SG
Date Receipted	1/12/2023

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 45-14539 Name of Permit Holder(s) Albion 12 Investments, LLC

Telephone No. 602-524-1805 Email mike@americorig.com

Mailing Address 7595 E. McDonald Drive Suite 130 City Scottsdale State AZ Zip 85250

2. Source of Water Spring Creek/Unnamed Stream If Ground Water (well), Date Drilled mo. _____ / yr. _____

Drilling Permit/Tag No. _____ Drilling Company's Name _____

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) _____ Irrigation (No. acres) _____ Stockwater (No. and stock type) _____

Other Aesthetic/Wildlife Storage

4. Total diversion rate or volume (storage only) for which proof is submitted _____ cfs OR 121.2 af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

On stream ponds; Spring Creek and Unnamed Stream flow through Ponds

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☐	Ground water level data, pumping information, or other diversion data
☐	☐	☐	Mitigation plan
☐	☐	☐	Lockable controlling works
☐	☐	☐	Measuring device
☐	☐	☐	Fish screen
☑	☑	☐	Other requirements of the water right permit Condition 170
	☐	☐	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $ 125 or ☐ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Brian Merriman Telephone No. 480-332-8488 Email albionranch12@gmail.com

Mailing Address 1291 East 1100 South City Albion State ID Zip 83311

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE
	Brian Merriman - Ranch Manager	1-6-2023

*Attach power of attorney if completing on behalf of permit holder.

SCANNED
JAN 19 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 45-14539

Priority: October 28, 2021

Maximum Diversion Volume: 121.2 AF

It is hereby certified that:

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

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 27, 2021, and has submitted Proof of Beneficial Use on January 12, 2023. An examination confirms water is diverted from:

Source : SPRING CREEK **Tributary:** HOWELL CREEK
Source : UNNAMED STREAM **Tributary:** SUMMIT CREEK

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
AESTHETIC STORAGE	01/01 to 12/31		121.2 AF
WILDLIFE STORAGE	01/01 to 12/31		121.2 AF

Location of Point(s) of Diversion

SPRING CREEK SE¼ NE¼ NW¼, Sec. 21, Twp 12S, Rge 25E, B.M. CASSIA County
SPRING CREEK SE¼ NE¼ NW¼, Sec. 21, Twp 12S, Rge 25E, B.M. CASSIA County
UNNAMED STREAM SW¼ NW¼ SE¼, Sec. 16, Twp 12S, Rge 25E, B.M. CASSIA County

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16														X			
12S	25E	21					X												

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16														X			
12S	25E	21					X												

Conditions of Approval

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45F.
2. This right authorizes the total annual storage volume of 121.2 acre-feet, 7.6 acre-feet to be used for the initial filling or carryover storage of the three (3) ponds and 113.6 acre-feet for the replacement of losses caused by seepage and evaporation.

SCANNED
JUN 09 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 45-14539

3. The three (3) ponds established by the storage of water under this right shall not exceed a total capacity of 7.6 acre-feet or a total surface area of 1.5 acres.
4. If the ponds authorized by this right are depleted or drained for maintenance or other reasons, the right holder shall seek a separate authorization, such as a Water Supply Bank rental, to re-fill the ponds.
5. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water right for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right.

Right No.	Use Changed to Mitigation by Non-Use	Mitigation Rate (cfs)	Mitigation Acres
45-517D	Irrigation	0.01	1.5

The land that will no longer be irrigated under this right is located within the SWSE, Section 16, Township 12S, Range 25E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

6. In order to reflect the mitigation by non-use amounts identified in the condition above, the following condition will be changed on rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, and 45-13589 as follows:

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, and 45-13589 when combined shall not exceed a total irrigation of 376.5 acres.

In addition, the following condition will be changed on rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 to reflect the mitigation by non-use amount identified in the condition above as follows:

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed a total diversion rate of 4.32 cfs and the irrigation of 397.7 acres.

In addition, the following conditions will be changed on rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-285A, 45-287, 45-290, 45-291, 45-518, 45-519, 45-528, 45-706, and 45-707 to reflect the mitigation by non-use amount identified in the condition above as follows:

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-285A, 45-287, 45-290, 45-291, 45-518, 45-519, 45-528, 45-706, and 45-707 when combined shall not exceed a total diversion rate of 25.40 cfs and the irrigation of 1130.2 acres.

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14449, 45-14450,

SCANNED
JUN 09 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 45-14539

45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-285A, 45-287, 45-290, 45-291, 45-518, 45-519, 45-528, 45-706, and 45-707 are limited to the irrigation of a specific 1130.2 acres within the 1537.2 acre place of use authorized by this right in a single irrigation season. The specific 1130.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1130.2 acres to be irrigated within the 1537.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

In addition, the following conditions will be changed on right 45-14284 to reflect the mitigation by non-use amount identified in the condition above as follows:

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, and 45-14284 when combined shall not exceed a total irrigation of 376.5 acres.

Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14284, 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed the irrigation of 397.7 acres.

7. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 7th day of June, 2023.

COREY SKINNER
Southern Regional Manager

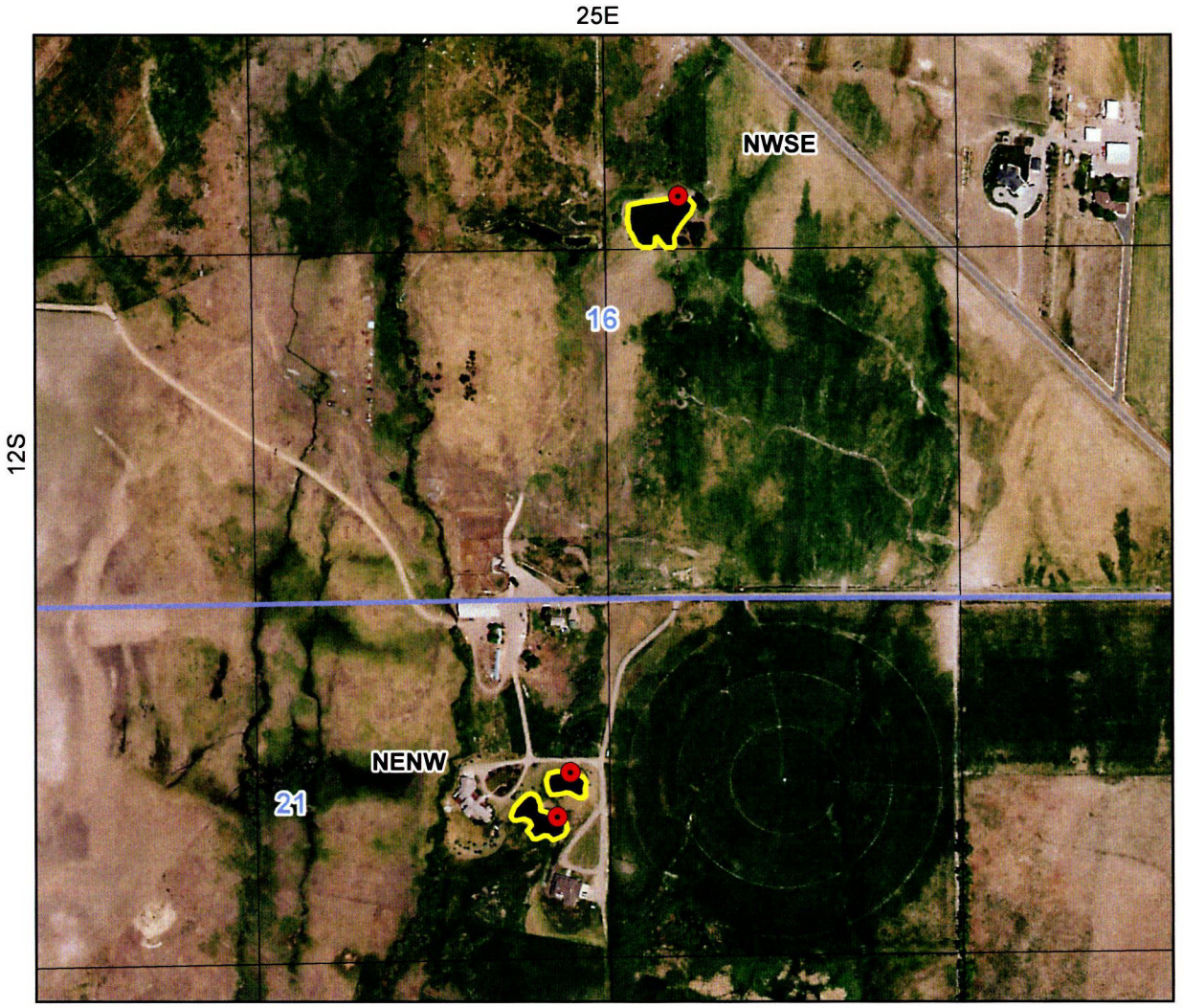
SCANNED
JUN 09 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

45-14539

This map depicts the AESTHETIC & WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



SCANNED
JUN 09 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2023, I served a true and correct copy of Water Right License No. 45-14539 by U.S. Mail, postage prepaid, to the following:

ALBION 12 INVESTMENTS LLC (Current Owner)
7595 E MCDONALD DR STE 130
SCOTTSDALE AZ 85250-6081

BROCKWAY ENGINEERING PLLC (Representative)
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT #45F
ALAN LLOYD (Watermaster)
939 S 950 E
ALBION ID 83311-9705

Denise Maline

Denise Maline
Administrative Assistant 1

SCANNED
JUN 09 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

SCANNED
JUN 09 2023

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

SCANNED
JUN 09 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 45-14539
Exam Date: 05/31/2023

1. Current Owner:
ALBION 12 INVESTMENTS LLC 7595 E MCDONALD DR STE 130 SCOTTSDALE AZ 85250-6081

2. Accompanied by:
Phone No: Brian Merriman
Address: 1291 East 1100 South, Albion ID 83311
Relationship to permit Holder: Albion 12 Ranch Manager

3. **SOURCE:**
SPRING CREEK
UNNAMED STREAM

Tributary
HOWELL CREEK
SUMMIT CREEK

Method of Determination: On-site inspection

B. OVERLAP REVIEW

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: No other water rights for aesthetic wildlife storage at the ranch.

2. Other water rights with the same point-of-diversion: NO Overlap

Water Right No.	Source	Purpose of Use	Basis
45-12906 (North Pond)	Unnamed Stream	Irrigation	Decreed

Comments:

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
SPRING CREEK SE¼ NE¼ NW¼, Sec. 21, Twp 12S, Rge 25E, B.M. CASSIA County
SPRING CREEK SE¼ NE¼ NW¼, Sec. 21, Twp 12S, Rge 25E, B.M. CASSIA County
UNNAMED STREAM SW¼ NW¼ SE¼, Sec. 16, Twp 12S, Rge 25E, B.M. CASSIA County

Method of Determination: On-site inspection

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16														X			
12S	25E	21					X												

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

SCANNED
JUN 09 2023

12S	25E	16													X			
12S	25E	21					X											

Method of Determination:

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
__X__ Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be
__X__ 1:24,000 or greater.

__X__ Aerial Photo Attached (required for irrigation of 10+ acres).

__X__ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
PODID 96200					
PODID 96201					
PODID 96202					

← permit POD id #'s

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: N/A

E. FLOW CALCULATIONS N/A

_____ Additional Computation Sheets Attached

Measured Method:

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) =

SCANNED
JUN 09 2023

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 =

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ =

2. Volume Calculations for Other Uses: Aesthetic & Wildlife Storage:

Pond #1(southern pond): Pond has a surface are of 0.43 acres and an average depth of 5 feet, volume = 2.15 af ≈ **2.2 af**

Pond #2 (middle pond): Pond has a surface area of 0.27 acres and an average depth of 5 feet, volume = 1.35 af ≈ **1.4 af**

Pond #3 (north pond): Pond has a surface area of 0.79 acres and an average depth of 5.0 feet, volume = 3.95 af ≈ **4.0 af**

Total Storage = 7.6 af

Evaporative losses were calculated utilizing data from the Malta 1NE weather station on the U of I's ETIdaho website for open water - small stock ponds, with an annual precipitation deficit estimated at 974 mm or 3.2 afa:

Pond #1: 0.43 acre surface area x 3.2 afa = 1.376 ≈ **1.4 afa**

Pond #2: 0.27 acre surface area x 3.2 afa = 0.864 ≈ **0.9 afa**

Pond #3: 0.79 acre surface area x 3.2 afa = 2.258 ≈ **2.5 afa**

Total evaporative loss = 4.8 af

Seepage was calculated using GW soil type based on data obtained from NRCS Soil Survey for eastern Cassia County and resulted in seepage loss of rate 0.2000 ft/day and results in a yearly seepage loss from all three ponds of **108.8 af** (see attached Seepage Loss Calculations from IDWR's pond-loss-calculation spreadsheet)

Totals:

7.6 af storage + 4.8 af evaporative loss + 108.8 af seepage loss = **121.2 af**

G. NARRATIVE/REMARKS/COMMENTS

On 5/31/2023 I met with Brian Merriman, Albion 12 Ranch Manager, at the ranch to conduct a field exam for this permit. The on-stream ponds had been developed before an application for permit was filed with the Department and Mr. Merriman hired Greg Sullivan of Brockway Engineering PLLC, to estimate water use associated with the ponds and submit an application for permit to the Department. The storage calculations I used for the volume calculations were taken directly from the application for permit submitted by Greg Sullivan. I reviewed and verified that all the data utilized in the volume calculations was accurate and I also used the Department's pond-loss-calculation spreadsheet to calculate the volume, seepage and evaporative losses. The results were very similar with a difference of only 0.2 af (see attached storage calculations). Aerial imagery indicated there had been no change to pond surface area since the ponds were initially developed. I verified the pond depths and dimensions during the field exam, and I asked Mr. Merriman if any changes had been made to the ponds since they were developed, and he indicated there had been no changes. On the day of the exam, the area that had been selected to be dried up to mitigate for the ponds was inundated with water from spring runoff "sheeting" across the fields, so on-site verification wasn't possible that day as everything was green and muddy from the high spring runoff. When I asked Mr. Merriman about the mitigation he indicated he had complied with the mitigation requirements and had permanently dried up 1.5 acres under water right 45-517D. Aerial imagery in Google Earth from 2022 indicates the 1.5 acres selected appear to have been dried up (see attached mitigation for ponds map and 2022 Google Earth imagery). While these are clearly aesthetic ponds, I saw geese nesting at the north pond and Brian showed me pictures of cutthroat trout he caught from the middle pond, verifying the wildlife use as well.

Recommend licensing water right 45-14539 as permitted.

SCANNED

JUN 09 2023

Have conditions of permit approval been met? _X_ Yes ____ No

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
AESTHETIC STORAGE	01/01 to 12/31		121.2 AF
WILDLIFE STORAGE	01/01 to 12/31		121.2 AF
	Totals:		121.2 AF

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above _X_ None

____ Change P.U. as reflected above ____ Add P.U. as reflected above _X_ None

I. AUTHENTICATION Bill Mills -

Field Examiner's Name Bill Mills Date 6-2-2023

Reviewer Ray Simon Date 6/7/2023

SCANNED
JUN 09 2023



Figure 1: North pond looking north from inlet



Figure 2: looking east across middle pond

SCANNED

JUN 09 2023



Figure 3: looking west across south pond

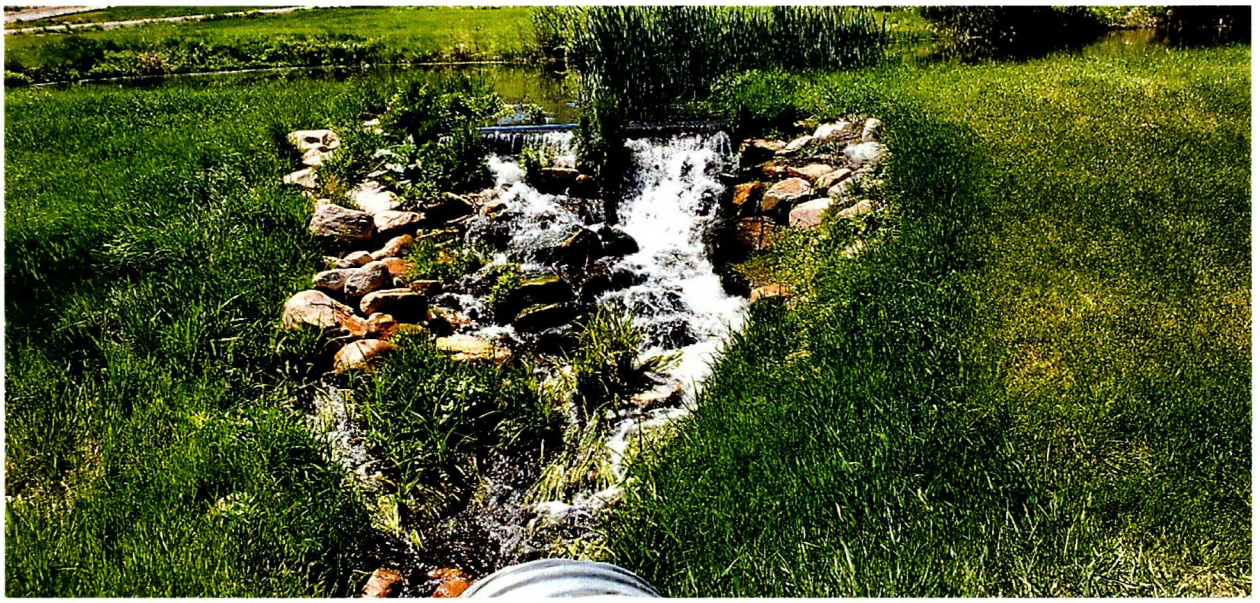


Figure 4: Waterfall from south pond going into middle pond

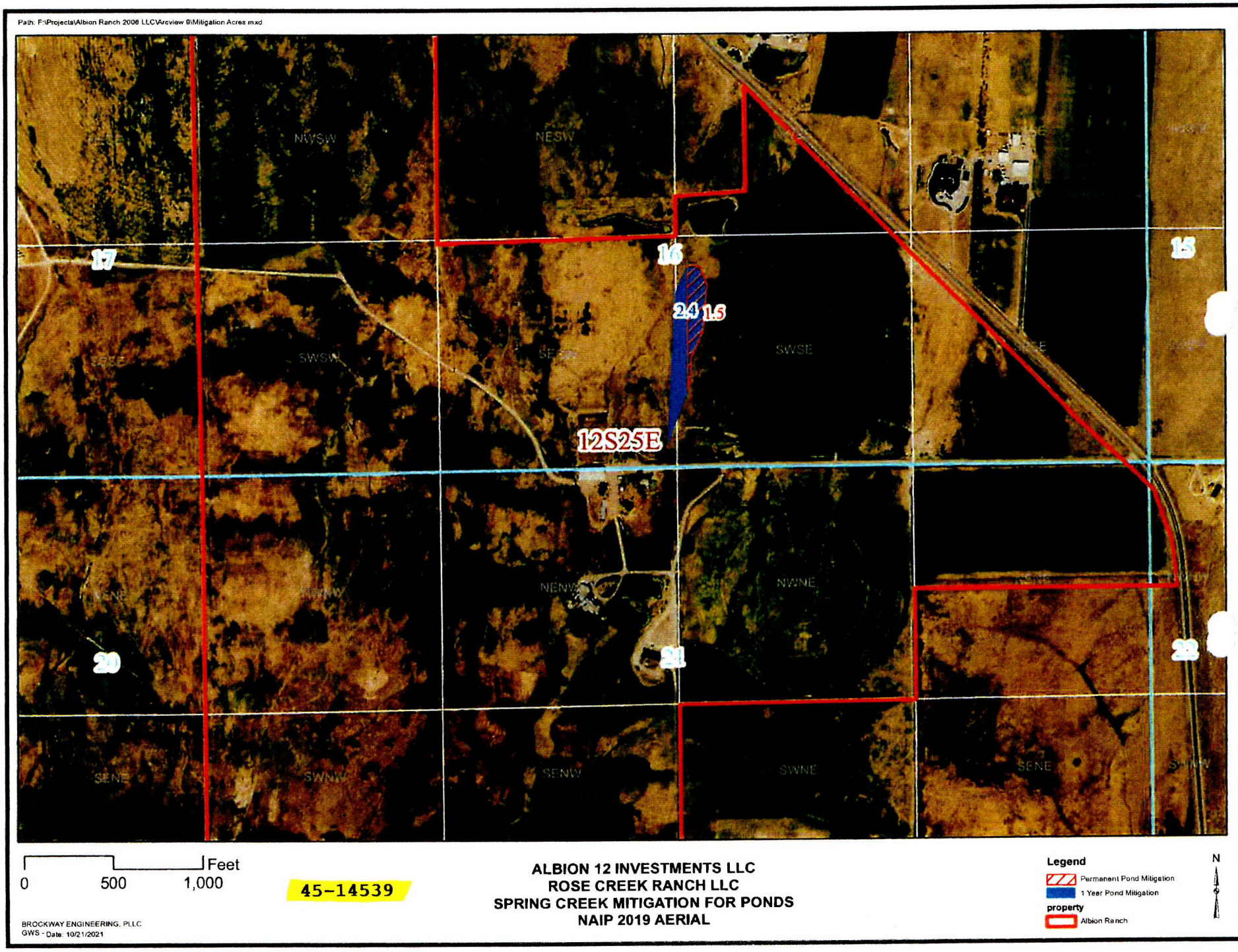
SCANNED
JUN 09 2023

System Diagram

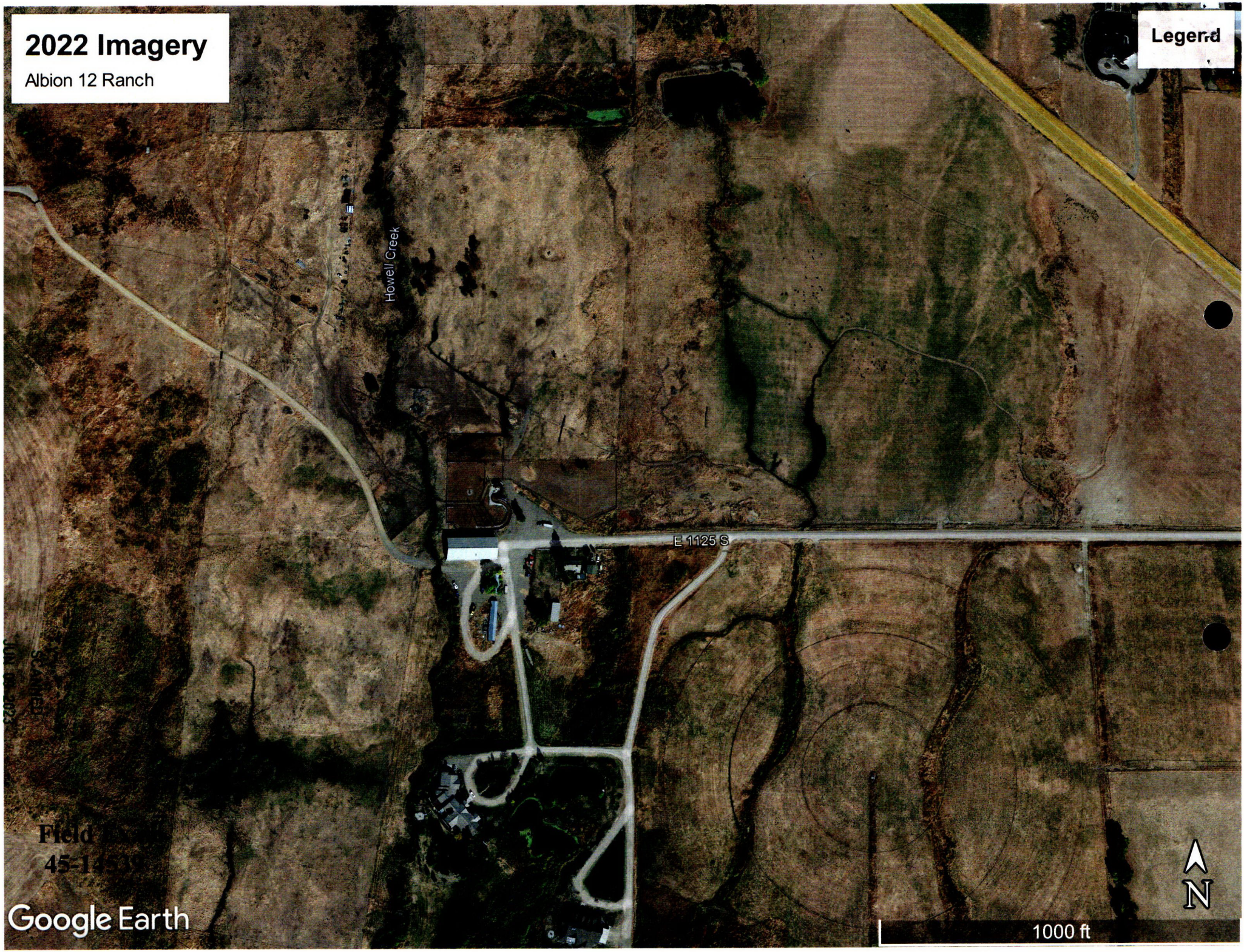


Field Exam 45-14539

SCANNED
JUN 09 2023



SCANNED
JUN 09 2023


2022 Imagery
Albion 12 Ranch
Legend
Howell Creek
E 1125 S
Field
45-14
Google Earth
1000 ft
N

SCANNED
JUN 09 2023

Albion 12
Mitigation Calculations
Brockway Engineering
GWS

Albion 12

Pond	Surface Area Acres	Depth (ft)	Volume (AF)	Pond Evap (AF)	Pond Seepage (AF)
				3.20 ft	0.2000 ft/day
1	0.43	5.0	2.2	1.4	31.4
2	0.27	5.0	1.4	0.9	19.7
3	0.79	5.0	4.0	2.5	57.7
4					

1.49 Acres

7.6 AF	4.8 AF	108.8 AF
Total Volume Required is 121.2 Acre Feet		

Acres needed to be dried up one time to fill the ponds	2.4 Acres		
Acres needed to be dried up permanently to offset evaporation losses		1.5 Acres	
Acres to be dried up permanently to offsett seepage losses			0.0 Acres

1 Time Dry Up Acres	Permanetly Dried Up Acres
2.4 Acres	**1.5 Acres**

Evaporation data collected from ETIdaho 2012 Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho.

http://data.kimberly.uidaho.edu/ETIdaho/stcvrstats.py?station=76&cover=2&stats=Deficit
Malta 1NE (NWS -- USC00105563)
alfalfa **958** mm 3.14 ft
http://data.kimberly.uidaho.edu/ETIdaho/stcvrstats.py?station=76&cover=57&stats=Deficit
Malta 1NE (NWS -- USC00105563)
pond **974** mm 3.20 ft

Pond **Not Lined**
Soil Type **GW** Seepage Loss 0.2000 ft/day

SCANNED
JUN 09 2023

Total Storage Calculations

FILE NUMBER	45-14539
REVIEWER	Joe Agent
DATE	6/2/2023

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	1.49	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	5	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	7.45	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a *from storage* component if the *from storage* component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	108.8	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	4.8	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	121.0	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

SCANNED
JUN 09 2023

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	63-34686
REVIEWER	Joe Agent
DATE	4/12/2023

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	1.49	AC.
Pond Surface Area (SQ. FT.)	64904	SQ. FT.
I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	GW	
Suggested Seepage Rate (FT./DAY)	0.2000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss

Convert to GPD	97097	GPD
Total Seepage Loss (AFA)	108.8	AFA

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = **0.2 ft per day**
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = **0.02 ft per day**
SC (clayey sands, sand clay mixtures) = **0.007 ft per day**
CL (Low to medium plasticity clays) = **0.003 ft per day**
MH, OH, PT and CH (high plasticity clays) = **0.0003 ft per day**
LINED PONDS (liners can be chemical, fabric, or bentonite) = **0 ft per day**
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = **0 ft per day**

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1) , an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2) . Use "0" if the pond fill relies on the water table.

SCANNED
JUN 09 2023

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	63-34686
REVIEWER	Joe Agent
DATE	4/12/2023

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P_d = Precipitation deficit
P_d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: http://data.kimberly.uidaho.edu/ETIdaho/

Precipitation Deficit

Station: Kuna (NWS -- USC00105038)

Month	mm/day[1]	*Days per month*	mm/Month
Jan	0.32	31	9.92
Feb	0.77	28	21.56
March	1.80	31	55.80
April	3.06	30	91.80
May	3.40	31	105.40
June	4.86	30	145.80
July	5.44	31	168.64
August	5.00	31	155.00
September	3.71	30	111.30
October	2.31	31	71.61
November	0.96	30	28.80
December	0.22	31	6.82
Total mm/year =			972.45

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

[(mm/yr) ÷ (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet

(972.45 ÷ 304.8) X 1.49 = 4.8 AFA

SCANNED
JUN 09 2023

University of Idaho
Kimberly Research and Extension Center

Water Resources Program

ETIdaho 2017

Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at uidaho dot edu

2023-06-01 11:04

Copyright 2018, University of Idaho.

Malta 1NE (NWS -- USC00105563)

Statistics based on thirty year normal spans 1981 to 2016 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Mircosoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - small stock ponds
Precipitation Deficit (Click here for a graph)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season[a]	Non Growing Season[b]	Annual
Mean[j]	mm/day												mm		
Monthly[c]	0.32	0.77	1.80	3.06	3.40	4.86	5.44	5.00	3.71	2.31	0.96	0.22	974	0	974
15-Day Moving Average[d]	0.30	0.65	1.81	3.10	3.32	4.97	5.45	5.01	3.68	2.44	0.98	0.22			
7-Day Moving Average[e]	0.31	0.70	1.82	3.08	3.36	4.89	5.42	5.01	3.69	2.40	0.99	0.21			
3-Day Moving Average[f]	0.32	0.75	1.80	3.07	3.38	4.87	5.43	5.00	3.70	2.32	0.99	0.22			

SCANNED
JUN 09 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

January 18, 2023

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

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 45-14539

Dear Permit Holder:

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

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

If you have any questions concerning the field examination, please contact the Southern Region Office of the Department located in Twin Falls at (208) 736-3033.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: BROCKWAY ENGINEERING PLLC – *via email*

SCANNED
JAN 19 2023

Beneficial Use Proof Evaluation

Permit Number: 45-14539 Reviewer: djudd Review Date: 1/17/2023

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? No
3) Proof Submitted Date: 1/12/2023
4) Proof Due Date: 2/1/2023
5) Days added for weekend due date? 0
6) Days added for holiday due date? 0
7) Number of days late: -20
8) Proof received timely? Yes

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
3) Are the required items installed?
    a. Measuring Device --
    b. Lockable Device --
    c. Fish Screen --
4) Is there a request to waive the required items?
5) Drilling Permit Number:
6) Is a drilling permit upgrade needed?
7) Was a well drillers report filed?
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? Yes
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $125.00
4) Filing fee submitted: $125.00
5) Remaining fee or (refund): $0.00

Receipt IDs

S038730, S038903

Comments

Proof acknowledged.

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

June 8, 2023

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

RE: License No. 45-14539

CORR. & Field Exam

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

SCANNED
JUN 09 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

November 30, 2022

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

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 45-14539

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **February 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a $50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: BROCKWAY ENGINEERING PLLC – via email

CERTIFIED MAIL
7016 1370 0000 2018 4004
NO.

SCANNED
NOV 30 2022