

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85109**

This is to certify that: **ROTH INVESTMENTS LLC**
539 S 800 E
JEROME, ID 83338-6847

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16860	WR/DECREED	7/5/1973	2.670 cfs	718.8 af	179.7	220.0	GROUND WATER
36-16886	WR/DECREED	7/5/1985	0.490 cfs	161.2 af	40.3	220.0	GROUND WATER
36-7235	WR/DECREED	4/19/1972	5.000 cfs	1416.0 af	N/A	354.0	GROUND WATER
36-7931A	WR/DECREED	8/4/1980	0.320 cfs	64.0 af	N/A	16.0	WASTE WATER
36-7931C	WR/DECREED	8/4/1980	0.780 cfs	156.0 af	N/A	39.0	WASTE WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16860	NO	NO	YES	YES	NO	NO
36-16886	NO	NO	YES	YES	NO	NO
36-7235	NO	NO	YES	YES	NO	NO
36-7931A	NO	NO	YES	NO	NO	NO
36-7931C	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-16860	36-16860	2.670 cfs	718.8 af	179.7	2126.0	N/A	N/A	N/A	N/A	N/A
36-16886	36-16886	0.490 cfs	161.2 af	40.3	2126.0	N/A	N/A	N/A	N/A	N/A
36-7235	36-7235	5.000 cfs	1416.0 af	354.0	2126.0	N/A	N/A	N/A	N/A	N/A
36-7931A	36-7931A	0.320 cfs	64.0 af	16.0	2126.0	N/A	N/A	N/A	N/A	N/A
36-7931C	36-7931C	0.780 cfs	156.0 af	39.0	2126.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.770 cfs	2516.0 af	629.0	2126.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-7235

Transfer No. 85109

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85109

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 15th day of December, 2021.



Southern Region Manager



WATER RIGHT NO. 36-7931A
As Modified by Transfer No. 85109

In accordance with the approval of Transfer No. 85109, Water Right No. 36-7931A is now described as follows:

Right Holder: ROTH INVESTMENTS LLC
539 S 800 E
JEROME, ID 83338-6847

Priority Date: 8/4/1980

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 3/15 **To** 11/15

Diversion Rate
0.320 cfs
0.320 cfs

Diversion Volume
64.0 af
64.0 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER NWSWSE Sec 8 Twp 09S Rge 18E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	18E	32											16.0	27.0					91.0
09S	18E	4		4.0	36.0	9.0	28.0	24.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0		27.0	420.0
09S	18E	5	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	18E	8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0	40.0	600.0
09S	18E	9		40.0	40.0		40.0	40.0		40.0	11.0				40.0	40.0	40.0	40.0	371.0
09S	18E	17	4.0																4.0

Right Acre Limit: 16.0
POU Total Acres: 2126.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.0 acres within the authorized place of use in a single irrigation season.
2. 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.130.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 85109

WATER RIGHT NO. 36-7931A
As Modified by Transfer No. 85109

CONDITIONS OF APPROVAL

5. Rights 36-7235, 36-7931A, 36-7931C, 36-16860 and 36-16886 are limited to the irrigation of a specific 629.0 acres within the 2126.0 acre place of use authorized by this right in a single irrigation season. The specific 629.0 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 629.0 acres to be irrigated within the 2126.0 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.
6. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-7931C
As Modified by Transfer No. 85109

In accordance with the approval of Transfer No. 85109, Water Right No. 36-7931C is now described as follows:

Right Holder: ROTH INVESTMENTS LLC
539 S 800 E
JEROME, ID 83338-6847

Priority Date: 8/4/1980

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 3/15 **to** 11/15

Diversion Rate
0.780 cfs
0.780 cfs

Diversion Volume
156.0 af
156.0 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER SENESW Sec 8 Twp 09S Rge 18E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	18E	32											16.0	27.0			27.0	21.0	91.0
09S	18E	4		4.0	36.0	9.0	28.0	24.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0			420.0
09S	18E	5	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	18E	8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0	40.0	600.0
09S	18E	9		40.0	40.0		40.0	40.0		40.0	11.0				40.0	40.0	40.0	40.0	371.0
09S	18E	17	4.0																4.0

Right Acre Limit: 39.0

POU Total Acres: 2126.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season.
2. 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. 130.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 85109

WATER RIGHT NO. 36-7931C
As Modified by Transfer No. 85109

CONDITIONS OF APPROVAL

5. Rights 36-7235, 36-7931A, 36-7931C, 36-16860 and 36-16886 are limited to the irrigation of a specific 629.0 acres within the 2126.0 acre place of use authorized by this right in a single irrigation season. The specific 629.0 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 629.0 acres to be irrigated within the 2126.0 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.
6. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-7235**As Modified by Transfer No. 85109**

In accordance with the approval of Transfer No. 85109, Water Right No. 36-7235 is now described as follows:

Right Holder: ROTH INVESTMENTS LLC
539 S 800 E
JEROME, ID 83338-6847

Priority Date: 4/19/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	5.000 cfs	1416.0 af
			5.000 cfs	1416.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWSW	Sec 4	Twp 09S Rge 18E	JEROME County
GROUND WATER	SESWNW	Sec 5	Twp 09S Rge 18E	JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	18E	32											16.0	27.0			27.0	21.0	91.0
09S	18E	4		4.0	36.0	9.0	28.0	24.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0			420.0
09S	18E	5	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	18E	8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0	40.0	600.0
09S	18E	9		40.0	40.0		40.0	40.0		40.0	11.0				40.0	40.0	40.0	40.0	371.0
09S	18E	17	4.0																4.0

Right Acre Limit: 354.0

POU Total Acres: 2126.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 354.0 acres within the authorized place of use in a single irrigation season.
2. 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. 130.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 85109

WATER RIGHT NO. 36-7235
As Modified by Transfer No. 85109

CONDITIONS OF APPROVAL

5. Rights 36-7235, 36-7931A, 36-7931C, 36-16860 and 36-16886 are limited to the irrigation of a specific 629.0 acres within the 2126.0 acre place of use authorized by this right in a single irrigation season. The specific 629.0 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 629.0 acres to be irrigated within the 2126.0 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.
6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
7. Use of this right is combined with water from North Side Canal Co., Ltd.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-16860
As Modified by Transfer No. 85109

In accordance with the approval of Transfer No. 85109, Water Right No. 36-16860 is now described as follows:

Right Holder: ROTH INVESTMENTS LLC
539 S 800 E
JEROME, ID 83338-6847

Priority Date: 7/5/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.670 cfs	718.8 af
			2.670 cfs	718.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWSW	Sec 4 Twp 09S Rge 18E JEROME County
GROUND WATER	SESWNW	Sec 5 Twp 09S Rge 18E JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	18E	32											16.0	27.0			27.0	21.0	91.0
09S	18E	4		4.0	36.0	9.0	28.0	24.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0			420.0
09S	18E	5	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	18E	8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0	40.0	600.0
09S	18E	9		40.0	40.0		40.0	40.0		40.0	11.0				40.0	40.0	40.0	40.0	371.0
09S	18E	17	4.0																4.0

Right Acre Limit: 179.7
POU Total Acres: 2126.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 179.7 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
3. Rights 36-16860, and 36-16886 when combined shall not exceed a total diversion rate of 2.67 cfs, a total annual maximum diversion volume of 880.0 af at the field headgate, and the irrigation of 220 acres.

Transfer No. 85109

WATER RIGHT NO. 36-16860
As Modified by Transfer No. 85109

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. Rights 36-7235, 36-7931A, 36-7931C, 36-16860 and 36-16886 are limited to the irrigation of a specific 629.0 acres within the 2126.0 acre place of use authorized by this right in a single irrigation season. The specific 629.0 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 629.0 acres to be irrigated within the 2126.0 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.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. Right No. 36-16886 is an enlargement of this right pursuant to Idaho Code § 42-1426.
8. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
9. Use of this right is combined with water from North Side Canal Co. Ltd.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-16886**As Modified by Transfer No. 85109**

In accordance with the approval of Transfer No. 85109, Water Right No. 36-16886 is now described as follows:

Right Holder: ROTH INVESTMENTS LLC
539 S 800 E
JEROME, ID 83338-6847

Priority Date: 7/5/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.490 cfs	161.2 af
			0.490 cfs	161.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWSW	Sec 4 Twp 09S Rge 18E JEROME County
GROUND WATER	SESWNW	Sec 5 Twp 09S Rge 18E JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	18E	32											16.0	27.0			27.0	21.0	91.0
09S	18E	4		4.0	36.0	9.0	28.0	24.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0			420.0
09S	18E	5	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	18E	8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0	40.0	600.0
09S	18E	9		40.0	40.0		40.0	40.0		40.0	11.0				40.0	40.0	40.0	40.0	371.0
09S	18E	17	4.0																4.0

Right Acre Limit: 40.3

POU Total Acres: 2126.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40.3 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Transfer No. 85109

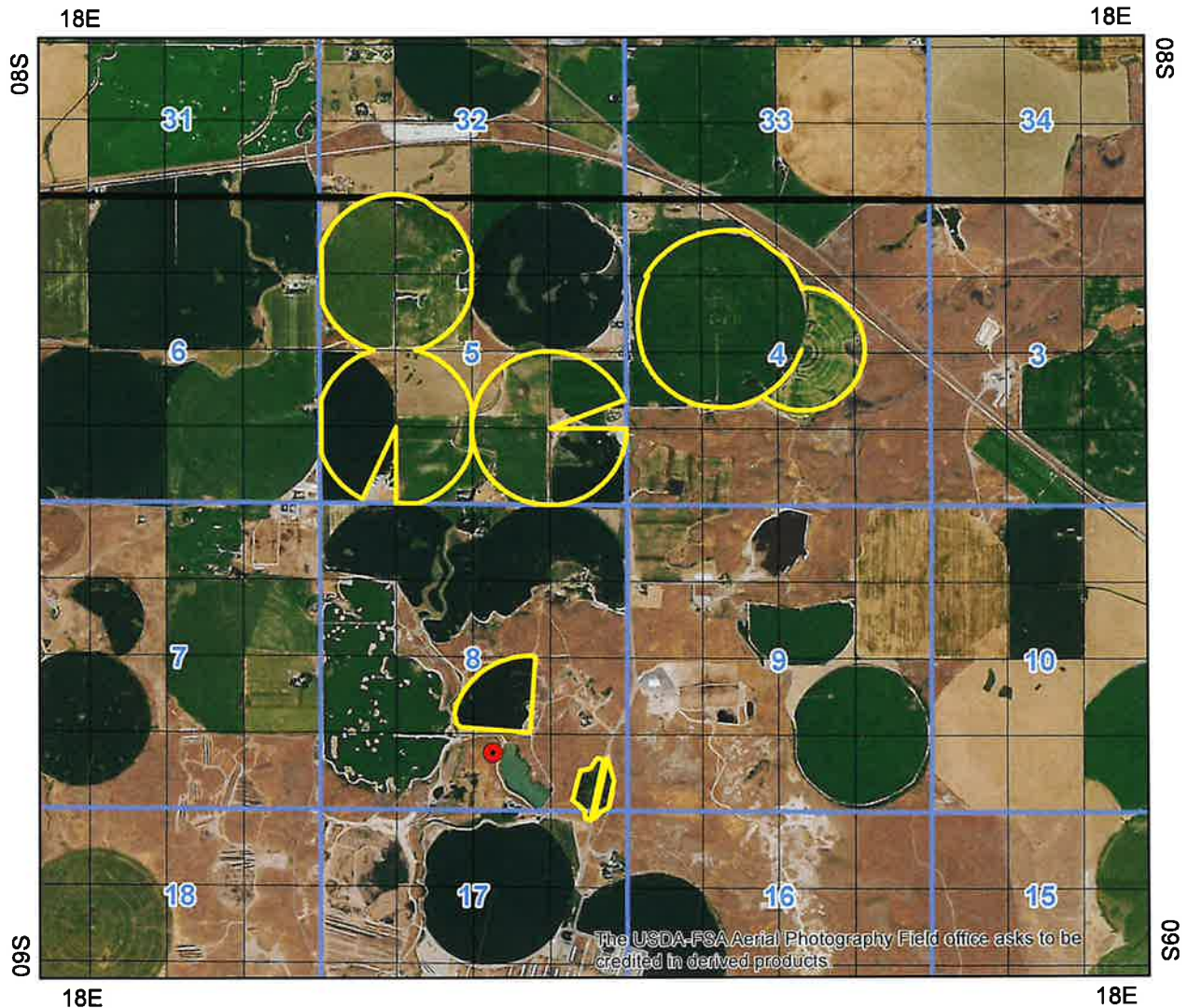
WATER RIGHT NO. 36-16886
As Modified by Transfer No. 85109

CONDITIONS OF APPROVAL

4. Rights 36-16860, and 36-16886 when combined shall not exceed a total diversion rate of 2.67 cfs, a total annual maximum diversion volume of 880.0 af at the field headgate, and the irrigation of 220 acres.
5. Rights 36-7235, 36-7931A, 36-7931C, 36-16860 and 36-16886 are limited to the irrigation of a specific 629.0 acres within the 2126.0 acre place of use authorized by this right in a single irrigation season. The specific 629.0 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 629.0 acres to be irrigated within the 2126.0 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.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
8. Use of this right is combined with water from North Side Canal Co., Ltd.
9. This right is based upon an enlargement of Right No. 36-16860 pursuant to Idaho Code § 42-1426.
10. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 85109
36-7931A

This map depicts the IRRIGATION 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.



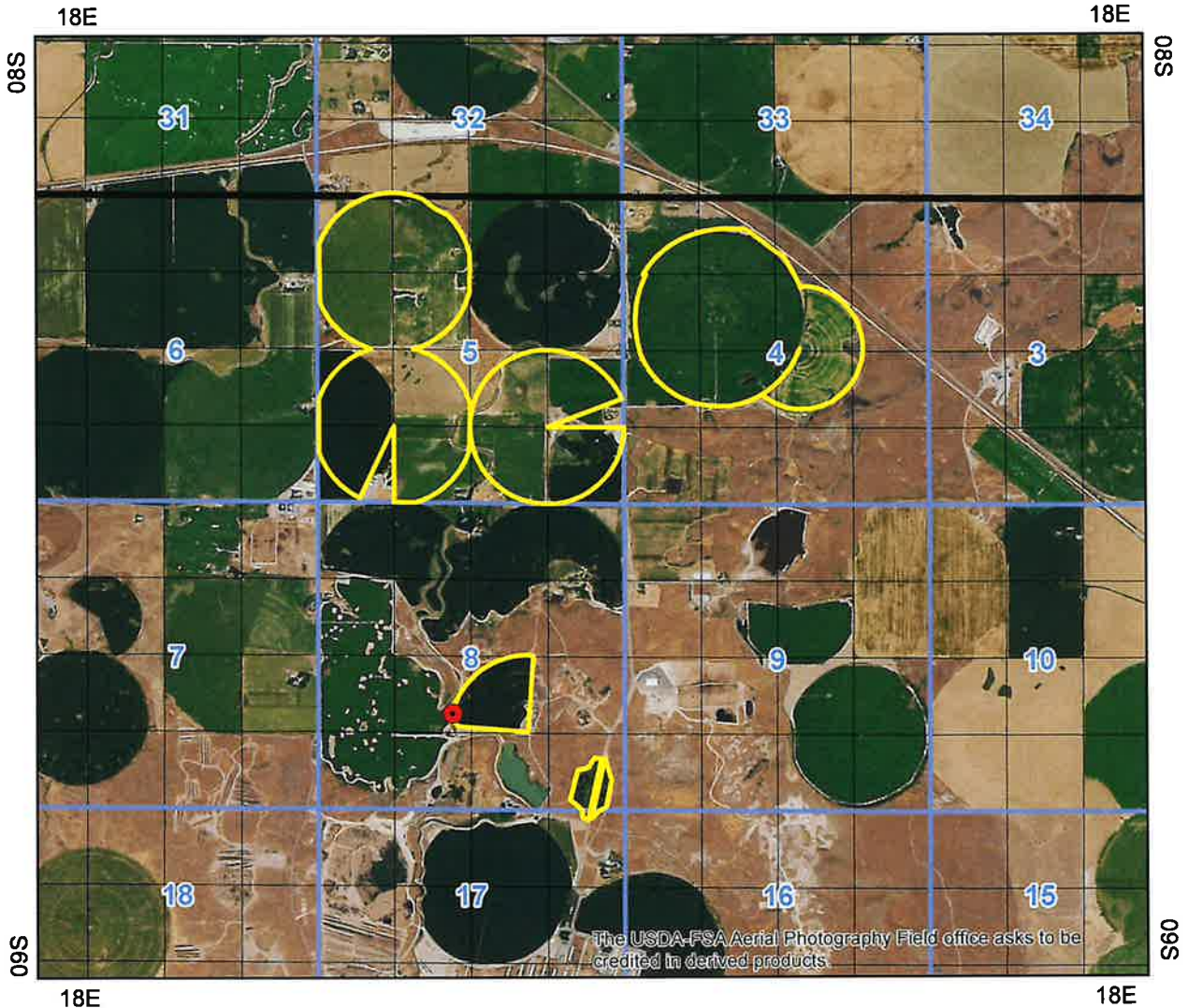
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.375 0.75 1.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 85109
36-7931C

This map depicts the IRRIGATION 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.



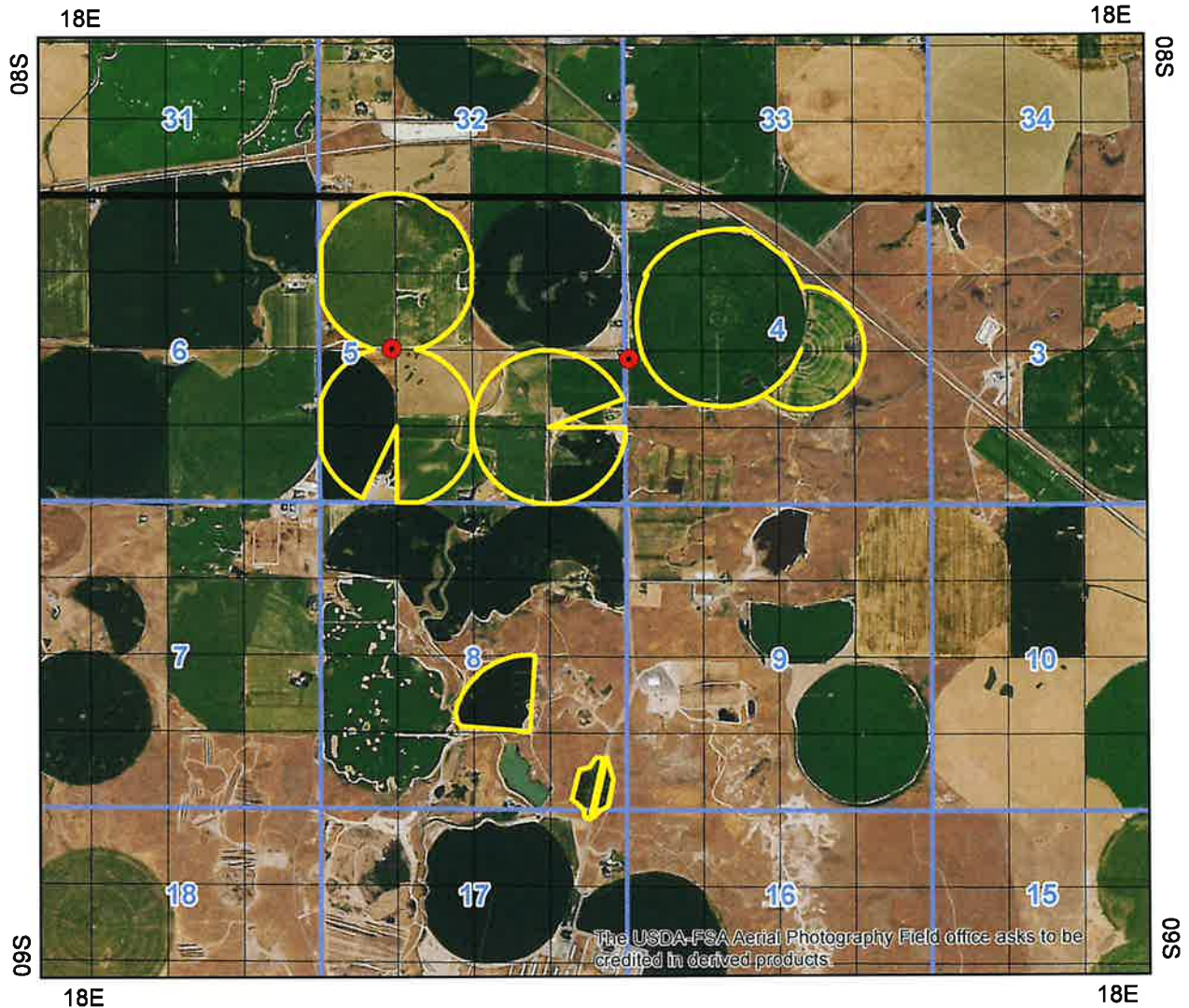
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.375 0.75 1.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 85109
36-7235, 36-16860, and 36-16886

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.375 0.75 1.5 Miles





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

December 16, 2021

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338-6847

Re: Transfer No: 85109

Water Right No(s): 36-7235, 36-7931A , 36-7931C , 36-16860, 36-16886

Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

C:

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

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

NORTHWEST FARM CREDIT SERVICES
406 PARK VIEW LOOP
TWIN FALLS ID 83301-3393

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85109

Water Right No(s): 36-7235, 36-7931A , 36-7931C , 36-16860, 36-16886

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338-6847

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

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

NORTHWEST FARM CREDIT SERVICES
406 PARK VIEW LOOP
TWIN FALLS ID 83301-3393



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

M E M O R A N D U M

Date: November 4, 2021
To: Transfer 85109 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes creating a 2126.0 acre permissible place of use (PPU) for three irrigation ground water rights (36-7235, 36-16860 and 36-16886) and two irrigation waste water rights (36-7931A and 36-7931C) for a total of 8.77 cfs that will be limited to the irrigation of 629.0 acres. Application also proposes adding the point of diversion (POD) from right 36-7235 to rights 36-16860 and 36-16886 and the POD from 36-16860 and 36-16886 to right 36-7235, to enable the diversion of all three ground water rights from the same two PODs. There will be no changes to the points of diversion (PODs) for the two wastewater rights. The PPU and PODs are located approximately 6.8 to 8.5 miles east and 3.0 to 5.0 miles south of the city center of Jerome.

PPU and PODs are located in Water District 130. Watermaster comments were solicited and watermaster did not object to the approval of this application.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water rights in this transfer and a deed was provided for portions of the properties within the PPU that were recently acquired by the applicant. IDWR records indicate the applicant owns the remainder of the properties contained within the PPU.
- **Water Right Validity:**
All water rights in this transfer were decreed in the SRBA on or before 12/17/2001. Recent aerial imagery indicates properties associated with these water rights appear to be irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No issues anticipated. Application was subject to public notice and protest.

- **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 on Agricultural Base of the Local Economy:**

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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 85109
Water Right No: 36-2539A, etc.
Applicant Name: ROTH INVESTMENTS

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: October 25, 2021

Water District 130



Nathan Erickson, Watermaster

*: **Proof of Publication** *:~k

RECEIVED

OCT 20 2021

WATER RESOURCES
WESTERN REGION

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES

Denise Lauerman

2735 AIRPORT WAY

BOISE ID 83705

RECEIVED

OCT 29 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

ORDER NUMBER 119785

Sherri Davis
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF TWIN FALLS)

On this 15th day of October in the year of 2021 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis
Notary Public FOR Idaho

Residing at: Twin Falls, Idaho

My Commission expires: 5/8/2026



→
✓ DM 10/29/2021

Section: Legals

Category: 50 Legal

PUBLISHED ON: 10/07/2021, 10/14/2021

TOTAL AD COST: 285.45

FILED ON: 10/14/2021

* **Proof of Publication** *

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

✓ 47-17747

HOT DIGGITY 5 LLC

1296 RIVER RD

BUHL, ID 83316-5100

Point of Diversion SENE S10 T09S R14E TWIN FALLS County

Source MUD CREEK Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 106 CFS

Total Diversion: 106 CFS

Date Filed: 07-13-2021

Place Of Use: POWER

T09S R14E S10 SENE

Application for permit proposes diversion of up to 106.0 cfs from Mud Creek for year-round Power use. The point of diversion and place of use are located approximately 4.2 miles north and 1.7 miles west of the intersection of Main Street and Broadway Avenue in Buhl. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85109

✓ ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338-6847 has filed Application No. 85109 for changes to the following water rights within JEROME County(s): Right No(s), 36-16860, 36-16886, 36-7235, 36-7931A, 36-7931C. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creating 2126.0 acre permissible place of use (PPU) for three irrigation ground water rights (36-7235, 36-16860 and 36-16886) and two irrigation waste water rights (36-7931A and 36-7931C) for a total of 8.77 cfs that will be limited to the irrigation of 629.0 acres. Application also proposes adding the point of diversion (POD) from right 36-7235 to rights 36-16880 and 36-16886 and the POD from 36-16880 and 36-16886 to right 36-7235, for a total of two PODs on the three ground water rights. There will be no changes to the points of diversion (PODs) for the two wastewater rights. The PPU and PODs are located approximately 6.8 to 8.5 miles east and 3.0 to 5.0 miles south of the city center of Jerome.

TRANSFER NO. 85116

✓ RITA S SHAW and HUBERT SHAW and ACEY RYAN SHAW and JALYN BELLE SHAW, 411 S 750 E, DIETRICH, ID 83324 has filed Application No. 85116 for changes to the following water rights within LINCOLN County(s): Right No(s), 37-21264, 37-21425, 37-7189, 37-7716. The purpose of the transfer is to change a portion of the above rights as follows: This transfer application proposes to create a permissible place of use (PPOU) for 4 ground water irrigation rights totaling 5.96 cfs for the irrigation of 353.5 acres. The transfer also proposes to identify two existing wells as authorized points of diversion (POD) for all four water rights. The PPOU and PODs are located approximately 0.1 to 2.6 miles south and 1.5 miles west to 0.5 miles east of the intersection of Main and First street in Dietrich.

TRANSFER NO. 85304

✓ ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338-6847 has filed Application No. 85304 for changes to the following water rights within JEROME County(s): Right No(s), 36-14247. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the legal description of the point of diversion for a 0.06 cfs stockwater and domestic ground water right to match the location of the existing well. Point of diversion and place of use are located approximately 6.9 to 7.2 miles east and 3.8 to 4.0 miles south of the city center of Jerome.

TRANSFER NO. 85339

✓ CODY MORGAN and KATHY MORGAN, 756 S 2800 E, HAZELTON, ID 83335 has filed Application No. 85339 for changes to the following water rights within JEROME County(s): Right No(s), 36-17090, 36-17091, 36-17092. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for three ground water rights with a total of 0.08 cfs used for commercial and stockwater purposes, that are currently diverted at a CAFO facility approximately 29.6 to 29.8 miles east and 12.4 to 12.6 miles south of the city center of Jerome. The application proposes moving the rights to a new place of use and diverting them from two existing wells at an existing CAFO facility located approximately 2.8 to 3.3 miles north and 1.2 to 1.7 miles east of the city center of Jerome. Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **October 25, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/7/2021 and 10/14/2021

✓ dm 10/29/2021

RECEIVED

OCT 29 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION