

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84818**

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>
36-13968	WR/DECREED	12/31/1900	0.050 cfs	N/A	N/A	N/A	GROUND WATER
36-16859	WR/DECREED	7/5/1973	0.180 cfs	28.3 af	N/A	N/A	GROUND WATER
36-16861	WR/DECREED	3/12/1954	2.070 cfs	580.0 af	N/A	145.0	GROUND WATER
36-16862	WR/DECREED	3/12/1954	0.310 cfs	76.0 af	N/A	N/A	GROUND WATER
36-16887	WR/DECREED	7/5/1985	0.030 cfs	6.3 af	N/A	N/A	GROUND WATER
36-2264D	WR/DECREED	3/12/1954	0.380 cfs	81.0 af	N/A	N/A	GROUND WATER
36-2264F	WR/DECREED	3/12/1954	0.660 cfs	209.5 af	N/A	N/A	GROUND WATER
36-2539B	WR/DECREED	4/26/1962	0.850 cfs	218.0 af	N/A	N/A	GROUND 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>
36-13968	NO	NO	YES	NO	NO	NO
36-16859	NO	NO	YES	NO	NO	NO
36-16861	NO	YES	YES	NO	YES	YES
36-16862	NO	NO	YES	NO	NO	NO
36-16887	NO	NO	YES	NO	NO	NO
36-2264D	NO	NO	YES	NO	NO	NO
36-2264F	NO	NO	YES	NO	NO	NO
36-2539B	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>
36-13968	36-13968	0.050 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-16859	36-16859	0.180 cfs	28.3 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-16861	36-16861	2.070 cfs	343.7 af	N/A	145.0	N/A	N/A	N/A	N/A	N/A
36-16862	36-16862	0.310 cfs	76.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-16887	36-16887	0.030 cfs	6.3 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-2264D	36-2264D	0.380 cfs	81.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-2264F	36-2264F	0.660 cfs	209.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-2539B	36-2539B	0.850 cfs	218.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Transfer No. 84818

SUPPORT DATA

IN FILE # 36-2264D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84818

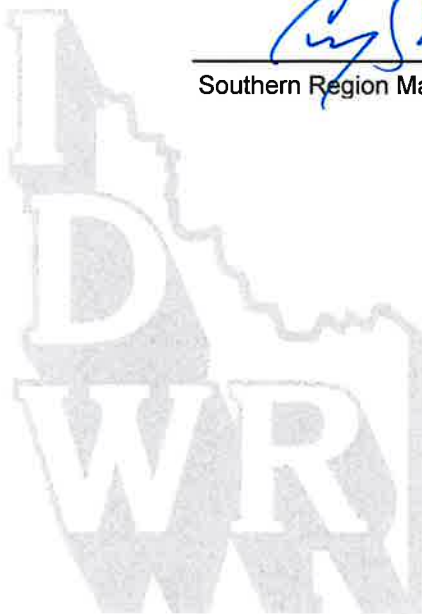
COMBINED TOTALS 4.500 cfs 962.8 af N/A N/A N/A N/A N/A N/A

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 7th day of June, 2021.



Southern Region Manager



WATER RIGHT NO. 36-2539B
As Modified by Transfer No. 84818

In accordance with the approval of Transfer No. 84818, Water Right No. 36-2539B is now described as follows:

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

Priority Date: 4/26/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.420 cfs	108.0 af
STOCKWATER	01/01	to 12/31	0.430 cfs	110.0 af
			0.850 cfs	218.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SWSE	Sec 17 Twp 09S Rge 18E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
																			0
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 84818

WATER RIGHT NO. 36-2539B
As Modified by Transfer No. 84818

CONDITIONS OF APPROVAL

2. 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.
3. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 2.43 cfs and a total annual maximum diversion volume of 619.1 af.
4. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 4.5 cfs and a total annual maximum diversion volume of 962.8 af.
5. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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. 36-2264D
As Modified by Transfer No. 84818

In accordance with the approval of Transfer No. 84818, Water Right No. 36-2264D is now described as follows:

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

Priority Date: 3/12/1954

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
STOCKWATER

From

01/01
01/01

To

to 12/31
to 12/31

Diversion Rate

0.190 cfs
0.190 cfs
0.380 cfs

Diversion Volume

41.0 af
40.0 af
81.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SWSE	Sec 17 Twp 09S Rge 18E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
																			0
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 84818

WATER RIGHT NO. 36-2264D
As Modified by Transfer No. 84818

CONDITIONS OF APPROVAL

2. 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.
3. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 2.43 cfs and a total annual maximum diversion volume of 619.1 af.
4. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 4.5 cfs and a total annual maximum diversion volume of 962.8 af.
5. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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. 36-2264F
As Modified by Transfer No. 84818

In accordance with the approval of Transfer No. 84818, Water Right No. 36-2264F is now described as follows:

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

Priority Date: 3/12/1954

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
 STOCKWATER

From

01/01
 01/01

To

to 12/31
 to 12/31

Diversion Rate

0.330 cfs
 0.330 cfs
 0.660 cfs

Diversion Volume

103.4 af
 106.1 af
 209.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SWSE	Sec 17 Twp 09S Rge 18E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
																			0
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 84818

WATER RIGHT NO. 36-2264F
As Modified by Transfer No. 84818

CONDITIONS OF APPROVAL

2. 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.
3. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 2.43 cfs and a total annual maximum diversion volume of 619.1 af.
4. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 4.5 cfs and a total annual maximum diversion volume of 962.8 af.
5. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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. 36-13968
As Modified by Transfer No. 84818

In accordance with the approval of Transfer No. 84818, Water Right No. 36-13968 is now described as follows:

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

Priority Date: 12/31/1900

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC
 STOCKWATER

From

01/01
 01/01

To

to 12/31
 to 12/31

Diversion Rate

0.050 cfs
 0.050 cfs
 0.050 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SWSE	Sec 17 Twp 09S Rge 18E	JEROME County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	17				X													

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

CONDITIONS OF APPROVAL

1. 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.
2. 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. 84818

WATER RIGHT NO. 36-13968
As Modified by Transfer No. 84818

CONDITIONS OF APPROVAL

3. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 2.43 cfs and a total annual maximum diversion volume of 619.1 af.
4. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 4.5 cfs and a total annual maximum diversion volume of 962.8 af.
5. The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
6. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
7. Domestic use is for 2 homes.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
9. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.

WATER RIGHT NO. 36-16859
As Modified by Transfer No. 84818

CONDITIONS OF APPROVAL

2. 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.
3. Rights 36-16859 and 36-16887 when combined shall not exceed a total diversion rate of 0.18 cfs.
4. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 2.43 cfs and a total annual maximum diversion volume of 619.1 af.
5. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 4.5 cfs and a total annual maximum diversion volume of 962.8 af.
6. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Right No. 36-16887 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 36-16859
As Modified by Transfer No. 84818

In accordance with the approval of Transfer No. 84818, Water Right No. 36-16859 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>
COMMERCIAL	01/01	to 12/31	0.090 cfs	14.1 af
STOCKWATER	01/01	to 12/31	0.090 cfs	14.2 af
			0.180 cfs	28.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SWSE	Sec 17 Twp 09S Rge 18E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
																			0
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	
																			0

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 84818

WATER RIGHT NO. 36-16861
As Modified by Transfer No. 84818

In accordance with the approval of Transfer No. 84818, Water Right No. 36-16861 is now described as follows:

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

Priority Date: 3/12/1954

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	01/01	to 12/31	2.070 cfs	343.7 af
COMMERCIAL	01/01	to 12/31	2.070 cfs	343.7 af
			2.070 cfs	343.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SWSE	Sec 17 Twp 09S Rge 18E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					0
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	0

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 84818

WATER RIGHT NO. 36-16861
As Modified by Transfer No. 84818

CONDITIONS OF APPROVAL

2. 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.
3. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 4.5 cfs and a total annual maximum diversion volume of 962.8 af.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 36-16862
As Modified by Transfer No. 84818

In accordance with the approval of Transfer No. 84818, Water Right No. 36-16862 is now described as follows:

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

Priority Date: 3/12/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.150 cfs	38.0 af
STOCKWATER	01/01	to 12/31	0.160 cfs	38.0 af
			0.310 cfs	76.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SWSE	Sec 17 Twp 09S Rge 18E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					0
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	0

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 84818

WATER RIGHT NO. 36-16862
As Modified by Transfer No. 84818

CONDITIONS OF APPROVAL

2. 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.
3. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 2.43 cfs and a total annual maximum diversion volume of 619.1 af.
4. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 4.5 cfs and a total annual maximum diversion volume of 962.8 af.
5. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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. 36-16887
As Modified by Transfer No. 84818

In accordance with the approval of Transfer No. 84818, Water Right No. 36-16887 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>
COMMERCIAL	01/01	to 12/31	0.010 cfs	2.1 af
STOCKWATER	01/01	to 12/31	0.020 cfs	4.2 af
			0.030 cfs	6.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SENE	Sec 17 Twp 09S Rge 18E	JEROME County
GROUND WATER	SWSE	Sec 17 Twp 09S Rge 18E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					0
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16					X	X	X	X	X	X	X	X					
09S	18E	17	X		X	X			X	X	X	X		X	X	X	X	X	0

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 84818

WATER RIGHT NO. 36-16887
As Modified by Transfer No. 84818

CONDITIONS OF APPROVAL

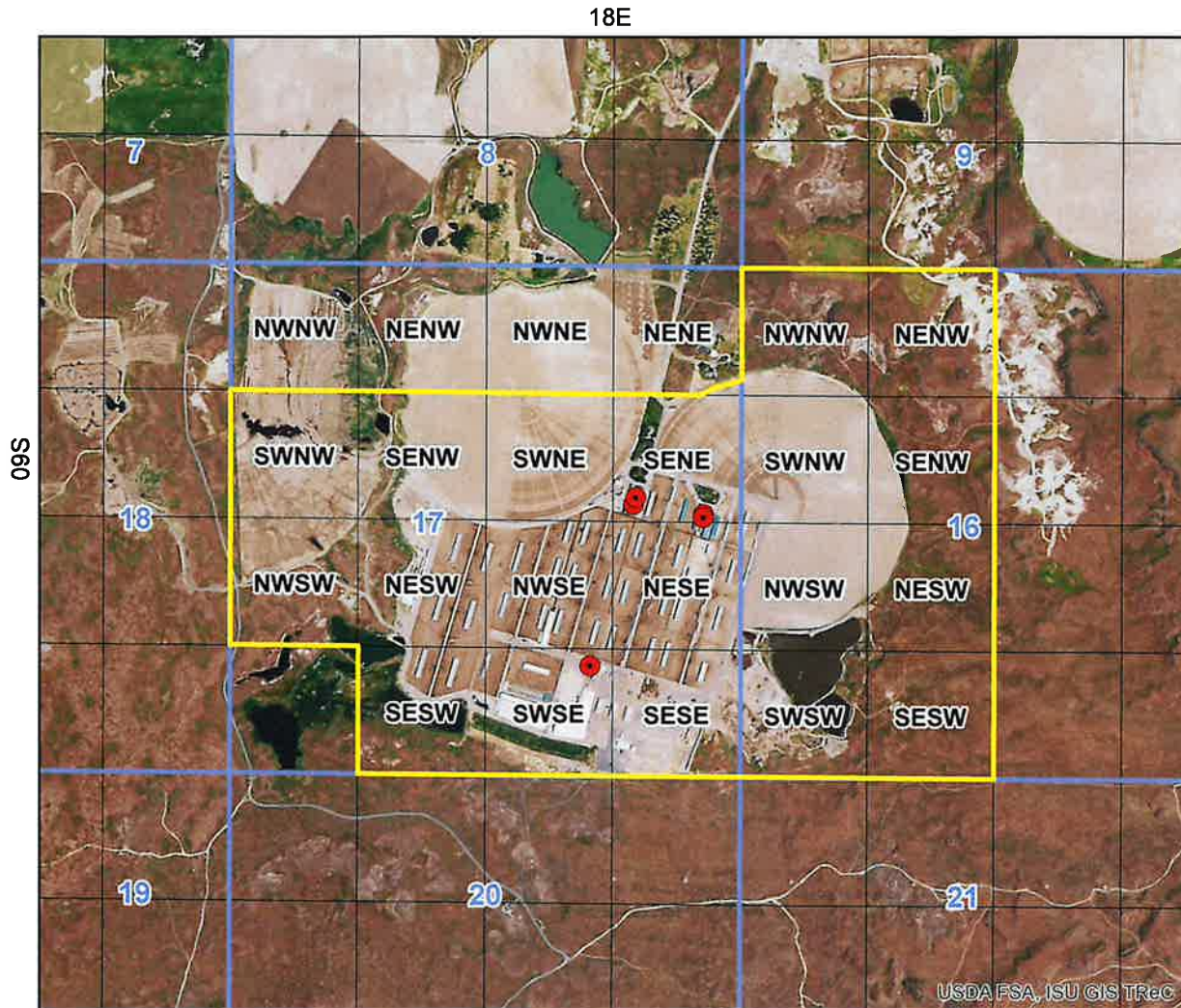
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
3. Rights 36-16859 and 36-16887 when combined shall not exceed a total diversion rate of 0.18 cfs.
4. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 2.43 cfs and a total annual maximum diversion volume of 619.1 af.
5. Rights 36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887 when combined shall not exceed a total diversion rate of 4.5 cfs and a total annual maximum diversion volume of 962.8 af.
6. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. This right is based upon an enlargement of Right No. 36-16859 pursuant to Section 42-1426, Idaho Code.
9. 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.
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.

State of Idaho
Department of Water Resources

Attachment to Transfer # 84818

36-2539B, 36-2264D, 36-2264F, 36-13968, 36-16859, 36-16861, 36-16862, and 36-16887

This map depicts the STOCKWATER & COMMERCIAL 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 0.225 0.45 0.9 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 14, 2021

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

Re: Transfer No: 84818

Water Right No(s): 36-2264D, 36-2264F, 36-2539B, 36-13968, 36-16859, 36-16861,
36-16862, 36-16887

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

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

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

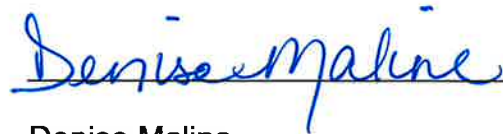
Re: Transfer No.: 84818

Water Right No(s): 36-2264D, 36-2264F, 36-2539B , 36-13968, 36-16859, 36-16861, 36-16862, 36-16887

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

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

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



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.

**** Proof of Publication ****

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

JENNY GREEN, 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

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 113300

Jenny Green
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 22 day of April in the year of 2021 before me, a Notary Public, personally appeared before me Jenny Green 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.

Amy Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-2026

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO

Section: Legals

Category: 50 Legal

PUBLISHED ON: 04/15/2021, 04/22/2021

TOTAL AD COST: 107.94

FILED ON: 4/22/2021

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84818**

ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338-6847 has filed Application No. 84818 for changes to the following water rights within JEROME County(s): Right No(s). 36-13968, 36-16859, 36-16861, 36-16862, 36-16887, 36-2264D, 36-2264F, 36-2539B; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion, place of use, nature of use and period of use for a 145 acre (2.07 cfs) irrigation ground water right that is diverted from a well within the place of use located approximately 8.1 to 8.8 miles east and 4.4 to 5.1 miles south of Jerome. The proposed change of nature of use will be from irrigation to commercial/stockwater use at an existing dairy facility. The application also proposes changing the place of use for seven existing commercial/stockwater ground water rights (totaling 2.43 cfs) and diverting the seven water rights and the converted irrigation water right (4.5 cfs total) from four existing wells at the dairy facility located approximately 6.7 to 8.2 miles east and 5.0 to 6.1 miles south of Jerome. For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 **May 3, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on April 15th & 22nd, 2021

RECEIVED

APR 26 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK bm 4/30/2021

MEMORANDUM

Date: May 6, 2021
To: Transfer 84818
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the point of diversion, place of use, nature of use and period of use for a 145 acre (2.07 cfs) irrigation ground water right that is diverted from a well within the place of use located approximately 8.1 to 8.8 miles east and 4.4 to 5.1 miles south of Jerome. The proposed change of nature of use will be from irrigation to commercial/stockwater use at an existing dairy facility. The application also proposes changing the place of use for seven existing commercial/stockwater ground water rights (totaling 2.43 cfs) and diverting the seven water rights and the converted irrigation water right (4.5 cfs total) from four existing wells at the dairy facility located approximately 6.7 to 8.2 miles east and 5.0 to 6.1 miles south of Jerome.

The change in nature of use analysis from irrigation to commercial/stockwater was completed utilizing the METRIC (Mapping Evapotranspiration) modeling available on the IDWR website. This model measures evapotranspiration (CIR) from irrigated crops and is considered to be synonymous with the actual consumptive use of water by the irrigated crops modeled. The provided results calculated a CIR of 2.37 acre feet per acre. I was able to duplicate the provided results by modeling the same acres. Using the calculated consumptive use value of 2.37 acre feet per acre for 145 acres results in a transferred volume of 343.7 acre feet. This reduces the volume through the change in nature of use process by 236.3 acre feet from the former irrigation volume of 580.0 acre feet.

The dairy facility and irrigated ground are located within the ESPA model boundary, but modeling was not required as the wells are all located in adjacent cells. All wells and POU's in the transfer are located within Water District 130. Watermaster comments were solicited and the Watermaster did not oppose approval of this application.

- **Authority to File:** Applicant is listed as the current owner of all water rights and properties associated with this transfer.
- **Water Right Validity:** All water rights in the transfer were decreed in the SRBA on or prior to 1/10/2002. Recent aerial imagery indicates water rights are in use as there is an active dairy facility at the current POU for the commercial/stockwater rights and ground appears irrigated at the current POU for the irrigation right that is to be used for nature of use conversion in this transfer.

- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
There is a decrease in volume as a result of the change in nature of use process which precludes potential enlargement of the converted water right.
- **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 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

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 84818
Water Right No: 36-2264D, etc.
Applicant Name: Roth Investments LLC

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: April 20, 2021

Water District 130



Nathan Erickson, Watermaster