

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 37-23157

Priority: September 20, 1990

Maximum Diversion Rate: 0.50 CFS

Maximum Diversion Volume: 21.1 AF

It is hereby certified that:

NORTHWEST FARM CREDIT SERVICES FLCA
815 N COLLEGE RD
TWIN FALLS ID 83301-3484

AND

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 20, 1990, and has submitted Proof of Beneficial Use on July 18, 1991. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
COMMERCIAL	05/01 to 11/01	0.50 CFS	21.1 AF

Location of Point(s) of Diversion

GROUND WATER SW¼ SE¼, Sec. 1, Twp 06S, Rge 13E, B.M. GOODING County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06S	13E	1												X				X		

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 diversion(s).
3. Commercial use is for dust control at a feedlot.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 37-23157

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 26th day of April, 20 19.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources

Attachment to Water Right License 37-23157

This map depicts the COMMERCIAL 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 0.075 0.15 0.3 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

Brad Little
Governor

Gary Spackman
Director

April 30, 2019

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

NORTHWEST FARM CREDIT SERVICES FLCA
815 N COLLEGE RD
TWIN FALLS ID 83301-3484

RE: License No. 37-8685 & 37-23157

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right Licenses 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 water master in a water district. Also enclosed is a copy of the approved application for amendment.

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. Failure to report these changes could result in a \$100 late filing fee. 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)

CERTIFICATE OF SERVICE

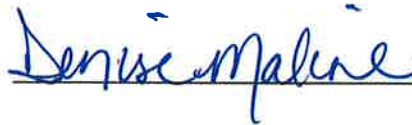
I hereby certify that on April 30, 2019, I served a true and correct copy of Water Right License No. 37-8685 & 37-23157 by U.S. Mail, postage prepaid, to the following:

ROTH INVESTMENTS LLC (Current Owner)
539 S 800 E
JEROME ID 83338

NORTHWEST FARM CREDIT SERVICES FLCA (Current Owner)
815 N COLLEGE RD
TWIN FALLS ID 83301-3484

BROCKWAY ENGINEERING PLLC (Representative)
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT #130 *via e-mail*
NATHAN ERICKSON (Water master)
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301



Denise Maline
Administrative Assistant 1

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.

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 37-23157

RECEIVED

APR 19 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

Priority: September 20, 1990

Maximum Diversion Rate: 0.50 CFS

Maximum Diversion Volume: 21.1 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-23157

NORTHWEST FARM CREDIT SERVICES FLCA 815 N COLLEGE RD TWIN FALLS ID 83301-3484

ROTH INVESTMENTS LLC 539 S 800 E JEROME ID 83338

requests the permit be changed as follows:

Source : GROUND WATER

Beneficial Use

COMMERCIAL

Period of Use

05/01 to 11/01

Rate of Diversion

0.50 CFS

Annual Volume

21.1 AF

Location of Point(s) of Diversion

GROUND WATER SW¼ SE¼, Sec. 1, Twp 06S, Rge 13E, B.M. GOODING County

Place of Use: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06S	13E	1												X				X		

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 16 day of April, 2019.


(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 37-23157

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by DM # 5037276 Date 4-19-2019

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 37-23157 with the following:

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 diversion.
3. Commercial use is for dust control at a feedlot.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 25th day of April, 20 19.



COREY SKINNER
Southern Regional Manager



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

Brad Little
Governor

Gary Spackman
Director

April 10, 2019

RECEIVED

APR 19 2019

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

DEPT OF WATER RESOURCES
SOUTHERN REGION

NORTHWEST FARM CREDIT SERVICES FLCA
815 N COLLEGE RD
TWIN FALLS ID 83301-3484

RE: Water Right Permit No. 37-8685 (split into Water Rights 37-8685 & 37-23157)

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing water right licenses. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Idaho Code § 42-211. Before licenses can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

 X Points of Diversion (37-8685, adding points of diversion)

 X Place of Use (37-8685, adding to place of use)

 X Other (37-23157, for change in nature of use from stockwater to commercial use)

The enclosed Applications for Amendment forms depict the elements of the water rights as they will appear on the licenses when issued. Please review the amendment forms carefully. If you concur with the information presented, please sign and return the forms with the filing fee of \$200.00 (\$100.00 fee per application) within fourteen (14) days.

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

Sincerely,

William Mills
Water Resource Agent, Senior

Enclosures: Applications for Amendment



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 26, 2002

Mike Roth
17400 N E 88th St
Vancouver, WA
98682

RE: Water Permit 37-8685, Los Caballeros Ltd.

Dear Mr. Roth;

This letter is being written per your request regarding the above-referenced permit. This permit allows 0.84 cfs to be diverted for stockwater and industrial (dust control) purposes in a 5000-head feedlot. I examined this property last fall in order to determine the extent of development for licensing purposes. By reading the flow meters on the four wells in the system, I determined that 0.61 cfs can be diverted for industrial use and that 0.26 cfs can be diverted for stockwater use. Although this facility has had as many as 7000 600-800 lb animals according to Mr. Davenport, I can only recommend the stockwater volume for 5000 animals (44.2 acre feet in this case).

There is an unusual situation with this permit, in that it showed 0.74 cfs for stockwater use and 0.10 cfs for industrial use. This is just the opposite of what it should have been, so in my exam I have recommended the capacity of each system for the appropriate use (up to the limits of the permit). I have only recommended 0.10 cfs for stockwater for this reason.

Mr. Davenport is not satisfied with my recommendations, so has asked me to hold off on sending my exam to our main office in Boise. He has hired a local engineering firm to check out his water systems for possible problems. I expect to hear from them later this spring, and will consider their findings at that time.

There are two existing decreed water rights on this system, 37-12778 & 12779, which cover stockwater and domestic uses at this facility with earlier priority dates. Each right is for 0.23 cfs, and part of my licensing recommendation is that stockwater be limited to 0.26 cfs for all rights combined on this property. So between the three rights, the full measured capacity of the stock wells would be covered. The earlier rights do not include annual volume limits.

Regards,

James E. Stanton
Sr. Water Resource Agent



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 03 2001

Department of Water Resources
Southern Region

November 28, 2001

Mr. Jim Stanton
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Subject: Licensing for Permit 37-8685 Los Caballeros Ltd

Dear Jim:

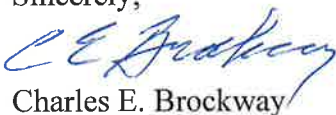
As we discussed on the telephone this morning, Brockway Engineering has been retained by L.M. Davenport of Los Caballeros Ltd. to review the water rights for their feedlot in Gooding County and particularly to evaluate the water use and water measurements relative to licensing of permit 37- 8685. We are proceeding with our analysis but it will be necessary to wait until at least April or May, 2002 to fully evaluate the pumping and distribution systems since all of the facilities have been winterized at this time. We plan to fully evaluate the pumps and meters relative to capacities and accuracy. It will be necessary to operate the well pumps, sprinklers in the dust abatement facilities, and distribution system in order to complete the analysis.

I am therefore requesting that you postpone processing of the licensing procedure for permit 37-8685 until at least May 2002 to provide time for further analysis.

If there is a problem with this request please let me know as soon as possible.

Thanks for your assistance.

Sincerely,


Charles E. Brockway

Cc: L.M. Davenport
G. Slette

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506