

RECEIVED**MAR 17 2017**DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81517**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) ROOST POTATO CO INCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 17 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant ROOST POTATO CO INC

Phone (208)825-5322

Mailing Address 1440 E 750 S, EDEN ID 83325

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____

Phone _____

Mailing Address _____

Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.

OR

- ☐ Send original correspondence to the applicant and copies to the representative.

- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Curtis Jones Sec.
Print Name and Title if applicable

3/17/2017
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	36-7000	No	Yes	No	No	No	No
	36-13931	No	Yes	Yes	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

POD change is a paper change to reflect the actual configuration of the system. The POU change for 36-13931 is to drop a domestic use that is no longer owned or served by the applicant and to match the stockwater place of use for right 36-7000.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-7000	0.560 cfs	134.0 af	N/A	N/A		N/A	N/A	N/A	N/A
36-13931	0.400 cfs	40.2 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.960 cfs	174.2 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.96 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Change

Proposed Water Right No. 36-7000

Current Water Right Owner ROOST POTATO CO INC
 1440 E 750 S
 EDEN, ID 83325

Priority Date: 6/14/1967

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.560 CFS	134.0 AFA	
Total Diversion			0.560 CFS	134.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SENW	Sec. 28 Twp 09S Rge 19E JEROME County

Describe the proposed diversion system

FOUR WELLS TIED INTO A BURIED MAINLINE SYS RUNNING THRU FEEDLOT
 FOUR WELLS TIED INTO A BURIED MAINLINE SYS RUNNING THRU FEEDLOT

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	19E	21											X						
09S	19E	28						X	X	X									
09S	19E	29	X																

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 36-13931

Current Water Right Owner
 ROOST POTATO CO INC
 1440 E 750 S
 EDEN, ID 83325

Priority Date: 3/1/1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.080 CFS		
STOCKWATER	1/01	12/31	0.320 CFS	40.2 AFA	
Total Diversion			0.400 CFS	40.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SENW	Sec. 28 Twp 09S Rge 19E JEROME County

Describe the proposed diversion system

4 WELLS TIED INTO A COMMON BURIED DELIVERY SYSTEM.

4 WELLS TIED INTO A COMMON BURIED DELIVERY SYSTEM.

Place of Use: DOMESTIC

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	19E	28							X	X									

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	19E	21											X						
09S	19E	28						X	X	X									
09S	19E	29	X																

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future
A meter is in place and additional meters can be installed if required.

- b. Who owns the property at the point(s) of diversion

Applicant.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Farm Credit Services.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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

NA

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes

☐

No

☒☐☐☐☒☒☒☒

undergone a period of five or more consecutive years of non-use,

currently leased to the Water Supply Bank,

currently used in a mitigation plan limiting the use of water under the right, or

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 36-7000

Current Water Right Owner ROOST POTATO CO INC
 1440 E 750 S
 EDEN, ID 83325

Priority Date: 6/14/1967

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.560 CFS	134.0 AFA	
Total Diversion			0.560 CFS	134.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWSENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SWSENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	NWSENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SWSENW	Sec. 28 Twp 09S Rge 19E JEROME County

Describe the proposed diversion system

FOUR WELLS TIED INTO A BURIED MAINLINE SYS RUNNING THRU FEEDLOT
 FOUR WELLS TIED INTO A BURIED MAINLINE SYS RUNNING THRU FEEDLOT

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	19E	21											X						0.0
09S	19E	28						X	X	X									0.0
09S	19E	29	X																0.0

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.
2. TWO POINTS OF DIVERSION LOCATED IN T09S, R19E, S28, NWSNW.
TWO POINTS OF DIVERSION LOCATED IN T09S, R19E, S28, SWSNW.
3. STOCKWATER USE IN COMMERCIAL FEEDLOT.
4. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
5. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE: 36-13931, 36-02324, AND 36-15152.
STOCKWATER, 10,000 CATTLE.

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

Current Water Right No. 36-13931

Current Water Right Owner ROOST POTATO CO INC
 1440 E 750 S
 EDEN, ID 83325

Priority Date: 3/1/1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.080 CFS		
STOCKWATER	1/01	12/31	0.320 CFS	40.2 AFA	
Total Diversion			0.400 CFS	40.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWSNW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SWSENW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	NWSNW	Sec. 28 Twp 09S Rge 19E JEROME County
GROUND WATER	SWSENW	Sec. 28 Twp 09S Rge 19E JEROME County

Describe the proposed diversion system

4 WELLS TIED INTO A COMMON BURIED DELIVERY SYSTEM.

4 WELLS TIED INTO A COMMON BURIED DELIVERY SYSTEM.

Place of Use: DOMESTIC

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	19E	28							X	X									0.0
09S	19E	29				X													0.0

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	19E	28							X	X									0.0

Conditions/Remarks:

- ONE POINT OF DIVERSION LOCATED IN T09S, R19E, S28, NWSNW.
 ONE POINT OF DIVERSION LOCATED IN T09S, R19E, S28, SWSENW.
- THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02324, 36-15152 AND 36-07000.
 STOCKWATER, 3000 CATTLE

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

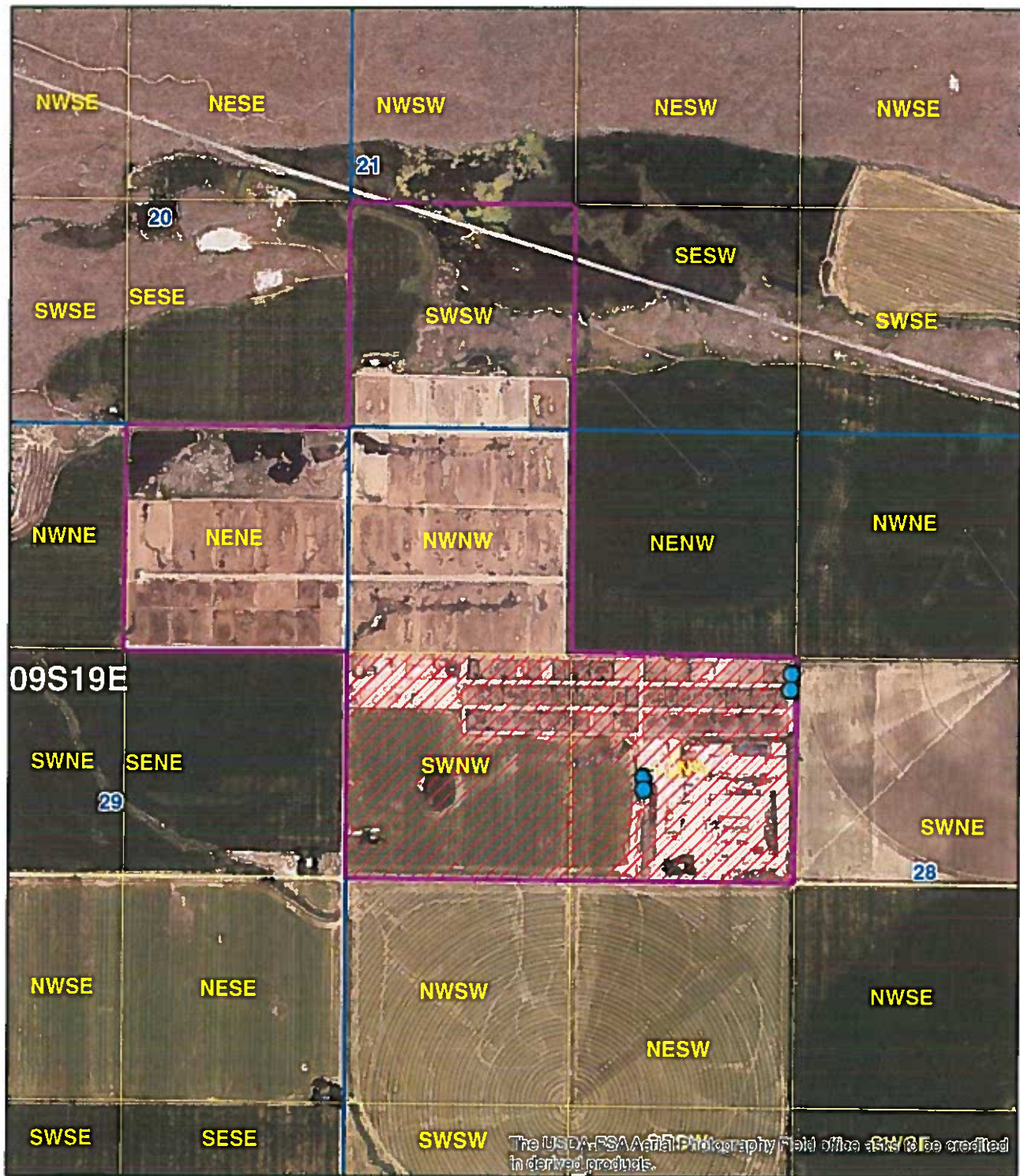
1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:_____

[illegible]

Transfer Contains **9** **pages and** **1** **attachments.**

Received By JB Date 3.17.2017 Prelim. Check By _____ Date _____
 Fee Paid \$500- Date 3.17.2017 Received By DM Receipt # SO36000
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

Roost Potato Co., Inc Transfer - 81517



Legend

Township/Range

Sections

QQ

Points of Diversion

Place of Use - Stockwater - 36-7000 and 36-13931

Place of Use - Domestic - 36-13931

0 0.075 0.15 0.3 Miles



TRANSFER 81517

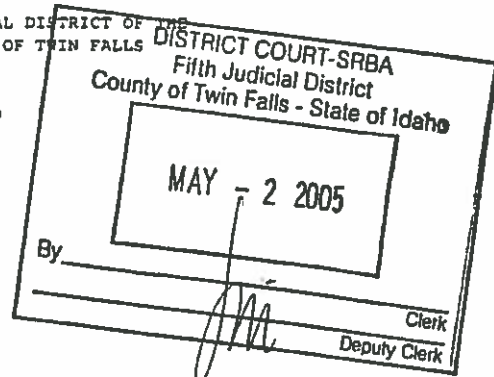
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-07000

In Re SRBA)
)
Case No. 39576)
_____)



NAME AND ADDRESS: ROOST POTATO CO
952 S 1400 E
EDEN, ID 83325

SOURCE: GROUNDWATER

QUANTITY: 0.56 CFS
134.00 AFY

PRIORITY DATE: 06/14/1967

POINT OF DIVERSION: T09S R19E S28 NWSNW Within Jerome County
SWSNW

TWO POINTS OF DIVERSION LOCATED IN T09S, R19E, S28, NWSNW.
TWO POINTS OF DIVERSION LOCATED IN T09S, R19E, S28, SWSNW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.56 CFS 134.00 AFY

PLACE OF USE:	Stockwater	Within Jerome County
	T09S R19E S21 SWSW	
	S28 NWNW	SNNW
	SENW	
	S29 NENE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

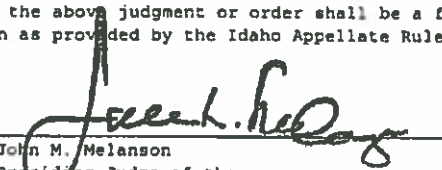
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKDS.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

No. C 49214	Due no later than Mar 31, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. ROOST POTATO COMPANY, INC. CEVIN JONES 1440 E 750 S EDEN ID 83325		CEVIN JONES 952 S 1400 E EDEN ID 83325			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
PRESIDENT	CEVIN JONES	952 S 1400 E	EDEN	ID	USA	83325
SECRETARY	CURTIS L JONES	2065 HWY 25	EDEN	ID	USA	83325
DIRECTOR	CURTIS L JONES	2065 HWY 25	EDEN	ID	USA	83325
5. Organized Under the Laws of: ID C 49214		6. Annual Report must be signed.* Signature: CEVIN JONES Name (type or print): CEVIN JONES Date: 02/15/2017 Title: PRESIDENT				
Processed 02/15/2017		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 81517

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81517
Water Right No: 36-7000, etc.
Applicant Name: ROOST Potato CO INC

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: March 29, 2017

Water District 130


Nathan Erickson, Watermaster



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 21, 2017

WATER DISTRICT #130
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

via hand delivery

RE: Transfer No. 81517
Water Right No(s). 36-7000, 36-13931

Dear Nathan:

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

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

IDWR's regional offices can finish reviewing an untested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: March 20, 2017
To: Transfer 81517, Roost Potato Co., Inc. File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the point of diversion description for 2 ground water stockwater and domestic rights, with a total flow rate of 0.96 cfs, to match the actual location of the 4 wells. The transfer also proposes to modify the place of use description for one of the rights to show the actual place of use for its domestic and stockwater components. The place of use is located approximately 0.5 to 1.3 miles north and 1.6 to 2.3 miles west of the intersection of Main Street and State Highway 25 in Eden. The points of diversion are located within the place of use.

Comments will be solicited from the Watermaster of Water District 130, but advertising is not required for these 'paper' changes.

The water right report for right 36-7000 shows a limitation of 2500 gallons per day; this was corrected by an amended Partial Decree in 2005 which was apparently was not reflected in the water right record, but will be corrected in the transfer process.

- **Authority to File:**
The applicant is listed as the current owner of the rights being transferred, according to IDWR records. Tax lot information shows the applicant is the owner of the lands involved in the transfer. Application was signed by Curtis Jones, who is shown to be the Director of Roost Potato Co., Inc. on the latest Annual Report form on file with the Idaho Secretary of State's office. The document is included with the application.
- **Water Right Validity:**
The rights involved in the transfer have been decreed in the SRBA. Aerial imagery shows the feedlots have been in use during the past 5 years. Forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated. The volume allowed to be pumped will not change.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect of the Agricultural Base of the Area:**
None Anticipated.

* Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

FEE MEMORANDUM

Date: March 20, 2017
To: Roost Potato Co., Inc. transfer #81517 file
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer proposes to change the points of diversion to reflect the actual location of the PODs and since the wells are all inter-connected, the fee is based upon the entire flow rate of the two water rights, which is 0.96 cfs. This equates to a fee of \$500.00 which was paid by Intermountain Beef with check #0153 on March 17, 2017, when the application was submitted. The receipt number was S036000.

MEMORANDUM

Date: March 17, 2017
To: Transfer 81517
From: James Bitzenburg
Re: Legal Notice Not Required

Legal Notice Not Required
3/17/2017

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.