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DEC 06 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

December 5, 2016

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: Roth Investments LLC Transfers 80866 and 80867

Dear Mr. Skinner:

This letter is being submitted to the Idaho Department of Water Resources as an official petition or reconsideration contesting the action of IDWR regarding Transfer 80866 and Transfer 80867.

The Idaho Department of Water Resources approved Transfers 80866 and 80867 on November 21, 2016 and mailed the approval documents November 29, 2016. The documents were received December 1, 2016. However, upon review of the transfer approval documents it was discovered that the permissible place of use (PPU) of 36-16683 was reduced from the original 1,151.5 acres. The intent of the transfers was to transfer 40.0 acres and 2.3 acres from the allowed 988.3 acres of the place of use (POU) and leave the 1,151.5 acre PPU unchanged.

The 40.0 acres were identified at the designated location was to provide IDWR with sufficient FSA records of consumptive use of alfalfa crop. The 40.0 acres of irrigation was converted to stock and commercial water with transfer 80866.

The 2.3 acres were identified at a location in the POU that had been leased to the Idaho Water Supply Bank for the past several years. The 2.3 acres are intended to remain irrigation water.

Attached to this letter is the aerial maps that were submitted with Transfers 80866 and 80867. The maps clearly identify the 2.3 acres and the 40.0 acres to be transferred off. The maps also identify the location of the PPU and indicate that no change is to occur.

Amended Part 2 B for Transfer 80866 and Transfer 80867 are attached to this letter. The amended Part 2 B's now clearly indicate that the PPU of 1,151.5 acres is not to be reduced with Transfer 80866 and Transfer 80867.

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Please leave the PPU at 1,151.5 acres and reduce the POU of 36-16683 to 946.0 acres to accommodate for Transfer 80866 and Transfer 80867.

Additional irrigation acres of 36-16683 will be adjusted by a new 206 map to fill the whole left behind by the 40.0 acres transferred off for stock and commercial water. There were 71.2 acres leased to the Idaho Water Supply Bank in 2015. It is anticipated that the 40.0 acres will remain as irrigation water for the foreseeable future.

The remaining 31.2 acres ($71.2 - 40.0 = 31.2$ acres) will be used as mitigation for all of Roth Investments LLC water rights and all other irrigation ground water rights owned or managed by entities owned by the Roth family. The North Snake Ground Water District (NSGWD) assesses required volume reductions based on the *Surface Water Coalition's and IGWA's Stipulated Mitigation Plan and Order Request* agreement. The mitigation plan was recognized by IDWR by an Order from Gary Spackman. The NSGWD does not have any agreements with individual water right owners to set aside acres from specific water rights. NSGWD is requiring members to reduce the total volume of water pumped annually from the general pool of water rights owned or managed by an individual entity or managed by the same entity.

Sincerely,



Greg Sullivan, M.S., Engineer

Cc: Roth Investments LLC

Enc: Aerial Maps, Part 2 B for Transfer 80866 and Transfer 80867

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APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

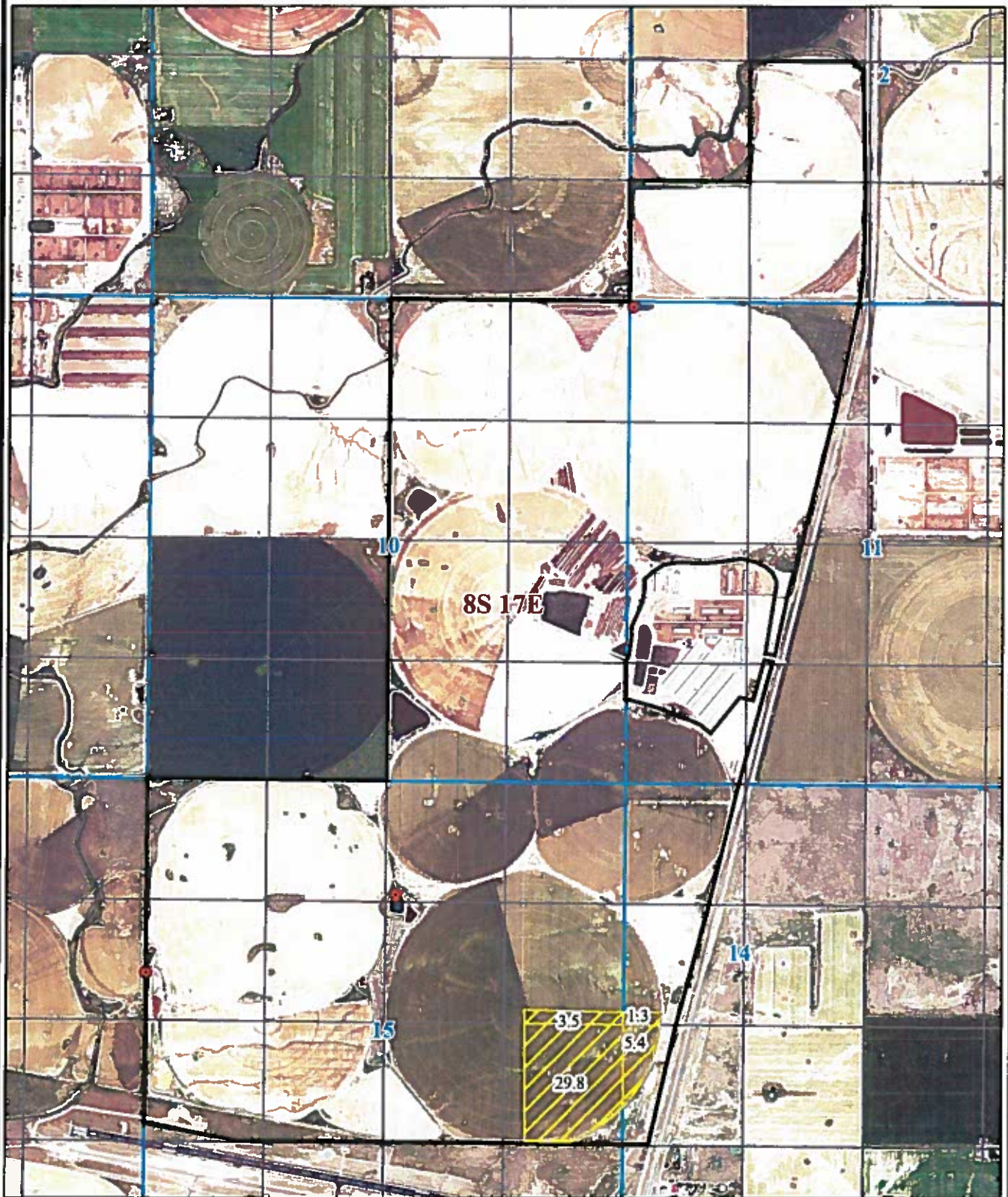
B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 36-16683

1. amount 0.74/160.0 (cfs/ac-ft) for Irrigation purposes from 4/01 to 10/31
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]



0 500 1,000 2,000 Feet

**WHITE CLOVER DAIRY
TRANSFERING 40 ACRES TO DAIRY
2015 NAIP AERIAL**

BROCKWAY ENGINEERING PLLC
ALR - Date: 3/8/2016

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- Legend**
- 36-16683_POD
 - TRANSFERING AC
 - PPU
 - wnshp
 - Sections
 - ladesc



DEC 06 2016 TRANSFER 80866

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