

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80867

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

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>
36-16683	WR/LICENSE	2/26/1980	17.650 cfs	3793.2 af	948.3	1111.5	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>
36-16683	YES	YES	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>
36-16683	36-17075	0.040 cfs	9.2 af	2.3	240.4	36-16683	17.610 cfs	3784.0 af	946.0	1109.2
COMBINED TOTALS		0.040 cfs	9.2 af	2.3	240.4		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 28th day of November, 2016.


Southern Region Manager

SUPPORT DATA

IN FILE # 36-16683

Transfer No. 80867

WATER RIGHT NO. 36-16683
As Modified by Transfer No. 80867

In accordance with the approval of Transfer No. 80867, Water Right No. 36-16683 is now described as follows:

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

Priority Date: 2/26/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	17.610 cfs	3784.0 af
			17.610 cfs	3784.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 11 Twp 08S Rge 17E JEROME County
GROUND WATER	NWNE	Sec 15 Twp 08S Rge 17E JEROME County
GROUND WATER	SWNW	Sec 15 Twp 08S Rge 17E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	2									38.0		40.0	38.0					116.0
08S	17E	10	37.2	39.5	39.6	39.5									39.6	39.6	39.6	39.5	314.1
08S	17E	11					32.2	39.8	39.9	23.0	6.4	10.0	23.1	2.2					176.6
08S	17E	14						33.1	22.0				8.2						63.3
08S	17E	15	39.5	39.5	39.4	35.9	39.5	39.5	39.5	39.5	39.8	37.7			9.8	39.6			439.2

Right Acre Limit: 946.0

POU Total Acres: 1109.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 946 acres within the place of use described above in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 5, 2009.

Transfer No. 80867

WATER RIGHT NO. 36-16683

As Modified by Transfer No. 80867

CONDITIONS OF APPROVAL

4. 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.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under Transfer approval 75191 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-17075**As Modified by Transfer No. 80867**

In accordance with the approval of Transfer No. 80867, Water Right No. 36-17075 is now described as follows:

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

Priority Date: 2/26/1980

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.040 cfs

0.040 cfs

Diversion Volume

9.2 af

9.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NENE

Sec 11 Twp 08S Rge 17E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	1											1.8						1.8
08S	17E	2															6.1	3.5	9.6
08S	17E	11	40.0	29.0															69.0
08S	17E	12					40.0	40.0	40.0	40.0									160.0

Right Acre Limit: 2.3

POU Total Acres: 240.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.3 acres within the place of use described above in a single irrigation season.
2. This right is limited to the irrigation of a specific 2.3 acres within the 240.4 acre place of use authorized by this right in a single irrigation season. The specific 2.3 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2.3 acres to be irrigated within the 240.4 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 80867

WATER RIGHT NO. 36-17075

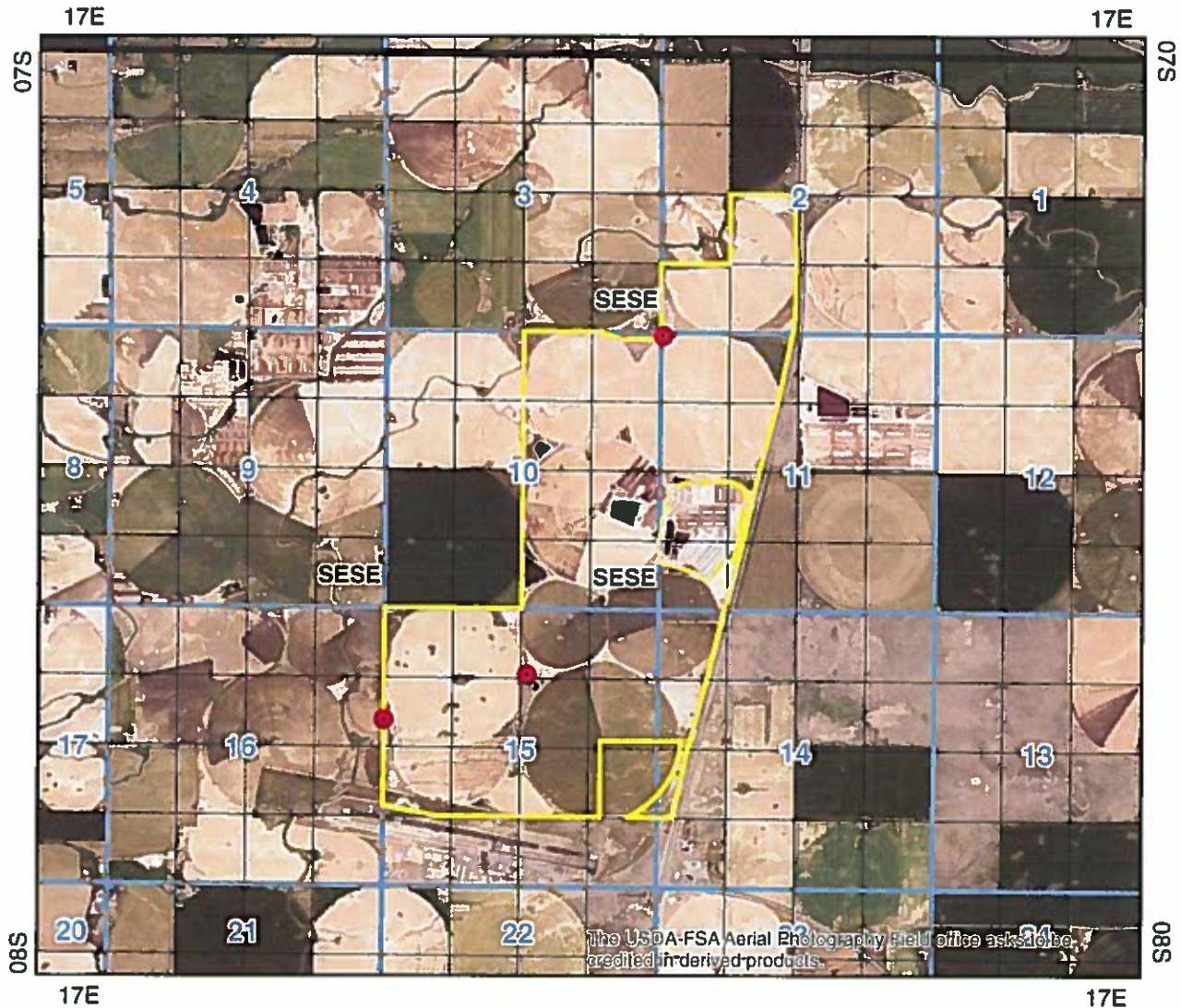
As Modified by Transfer No. 80867

CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 5, 2009.
5. 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.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 80867 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer # 80867
36-16683

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



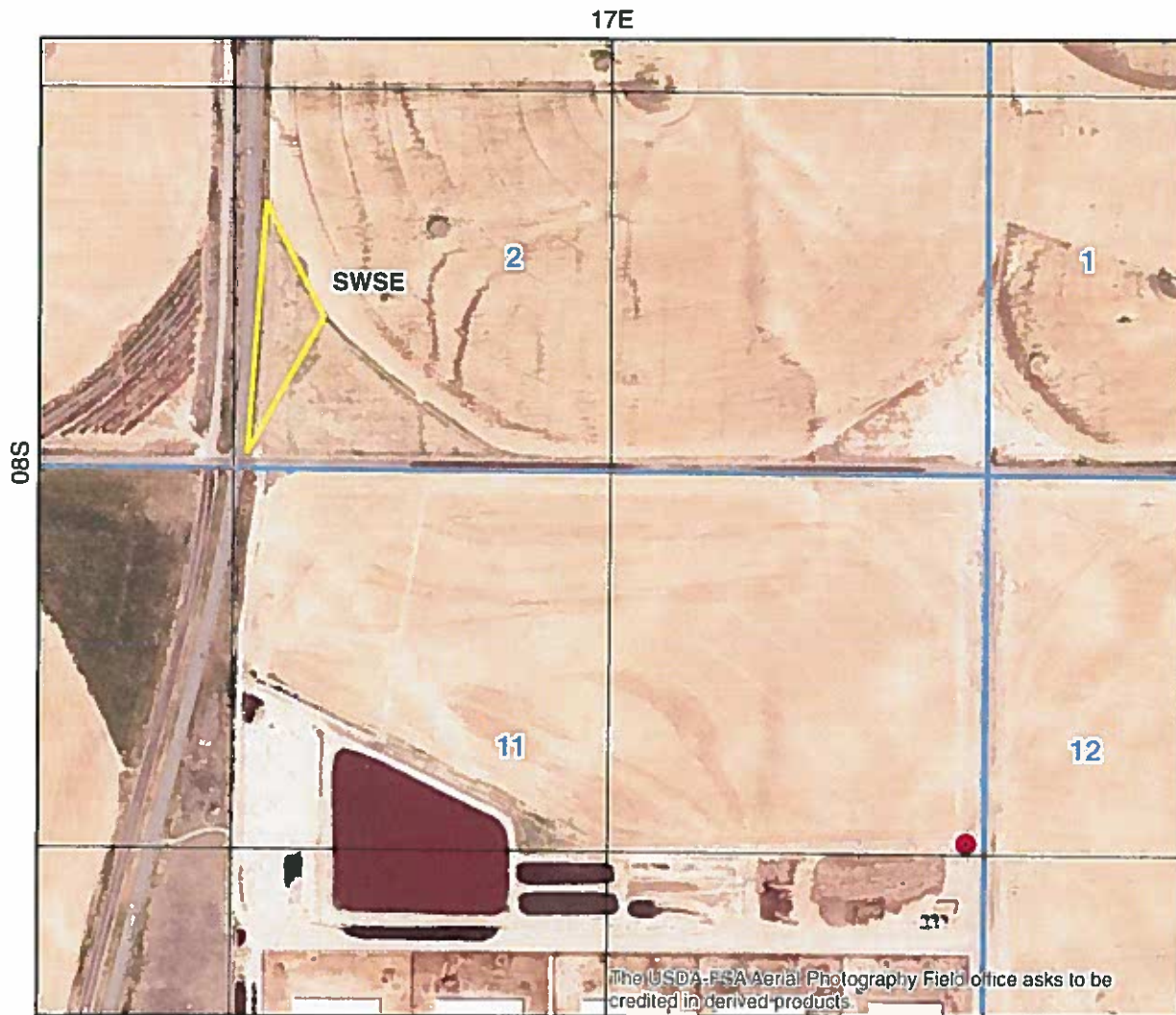
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.4 0.8 1.6 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 80867
36-17075

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



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

0 0.075 0.15 0.3 Miles





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

November 29, 2016

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

Re: Transfer No: 80866
Water Right No(s): 36-16683

Re: Transfer No: 80867
Water Right No(s): 36-16683

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,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a large initial "C" and a stylized "S".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

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

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

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80866
Water Right No(s): 36-16683**

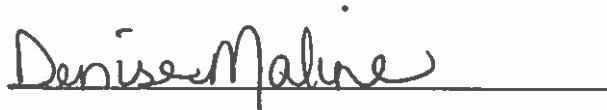
**Re: Transfer No.: 80867
Water Right No(s): 36-16683**

**ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338**

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

**NATHAN ERICKSON WATER MASTER
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301**

via e-mail

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**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.

JUN 06 2016

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

DEPT OF WATER RESOURCES
SOUTHERN REGION

RUBY AUFDERHEIDE, 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 24161

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

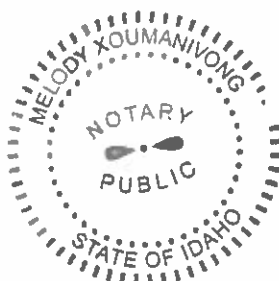
On this 26th day of May in the year of 2016 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Melody Xoumanivong
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/21/2017

PUBLISHED ON: 05/19/2016, 05/26/2016

TOTAL AD COST: 227.25
FILED ON: 5/26/2016

✓ OK AM
6/7/2016



NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80866

ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338; has filed Application No. 80866 for changes to the following water rights within JEROME County(s): Right No(s). 36-16683. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to convert a 40 acre portion (0.74 cfs) of a ground water irrigation right to stockwater and commercial use at an existing dairy facility, located on a farm approximately 2.8 to 4.3 miles east and 0.25 to 2.5 miles north of the center of the City of Jerome. The diversion of the 0.74 cfs will be from three existing wells at the dairy site.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80867

ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338; has filed Application No. 80867 for changes to the following water rights within JEROME County(s): Right No(s). 36-16683. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to move a 2.3 acre portion (0.04 cfs) of a ground water irrigation right located on a farm approximately 2.8 to 4.3 miles east and 0.25 to 2.5 miles north of the center of the City of Jerome, to an adjacent farm within an existing 240.4 acre permissible place of use located approximately 4.3 to 5.3 miles east and 1.5 to 2.0 miles north of the center of the City of Jerome. The diversion of the 0.04 cfs will be from an existing well at the proposed place of use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80864

KATHY J MORGAN and CODY G MORGAN, 756 S 2800 E, HAZELTON, ID 83335; has filed Application No. 80864 for changes to the following water rights within JEROME County(s): Right No(s). 36-14632, 36-16094, 36-16096, 36-16098, 36-16407, 36-16408, 36-16409, 36-16410, 36-16411, 36-16412. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 16.3 acre portion (0.24 cfs) of ground water irrigation rights 36-16407, 36-16409, and 36-16411 to stockwater and commercial use associated with an existing CAFO located approximately 9.0 miles west and 0.5 mile north of Paul. The transferred portions will be diverted from two existing wells at the CAFO site, a new well to be drilled at the CAFO site, and the existing irrigation well that currently serves as the point of diversion for the transferred portions. The application also proposes adding the new well to be drilled and the existing irrigation well as authorized points of diversion for the existing rights at the CAFO site, which divert 0.55 cfs. The total amount being transferred is 0.79 cfs.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80869

KATHY J MORGAN and CODY G MORGAN, 756 S 2800 E, HAZELTON, ID 83335; has filed Application No. 80869 for changes to the following water rights within JEROME County(s): Right No(s). 36-16407, 36-16409, 36-16411. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 5.6 acre portion (0.08 cfs) of ground water irrigation rights 36-16407, 36-16409, and 36-16411 to stockwater and commercial use associated with an existing calf rearing operation located approximately 9.7 miles west and 4.5 miles south of Paul. The transfer proposes to change the point of diversion of the converted rights to an existing well located on the site of the calf rearing facility.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. 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 together with a protest fee of \$25.00 for each application on or before June 6, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 19th & 26th, 2016

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 80867
Water Right No: 36-16683
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: May 19, 2016

Water District 130



Nathan Erickson, Watermaster