

APR 14 2016DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80867**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 www.idwr.idaho.gov.

Name of Applicant(s) Roth Investments LLCCheck 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 #1-10.

- ☐ ☒ #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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APR 14 2016

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Roth Investments LLC Phone _____Mailing address 539 South 800 East Jerome, Idaho 83338 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 RepresentativeName of Representative Greg Sullivan , Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington St. Suite 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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.

James Roth
Signature of Applicant or Authorized Representative

James Roth
Print Name and Title if applicable

3-4-16
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

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**.

Provide irrigation water to corner areas of pivots. Mainlines are installed but not the delivery system for this transfer.

The POD diversion is an exiting well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	36-16683	0.04/9.2	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 18.39 cfs and/or 3953.2 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or 9.2 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	NE	11	08S	17E	Jerome	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	1											1.8						1.8
		2															6.1	3.5	9.6
		11	40	29															69.0
		12					40	40	40	40									160
Total Acres (for irrigation use)																			240.4*

*2.3 acres will be irrigated in the 08S17E Sec 2 SWSE

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:

Existing well and mainlines. Delivery system will be installed after the transfer is approved.

- b. Who owns the property at the point(s) of diversion? Roth Investments LLC

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?

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: Northwest Farm Credit

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

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

POU will be updated to reflect proposed irrigation and current irrigation.

- f. Describe the use of any other water right(s) for the same purpose or land, or the 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

- g. 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:

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DEPT OF WATER RESOURCES
SOUTHERN REGION

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 0.04/9.2 (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.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	10	2.3																2.3
The POU for 36-16683 will be reduced by 2.3 acres.																			
08S	17E	2									38		40	38					116
		10	39.5	39.5	39.6	39.5									39.6	39.6	39.6	39.5	316.4
		11					32.2	39.8	39.9	23	6.4	10	23.1	2.2					176.6
		14						33.1	23.3			13.6							70
		15	39.5	39.5	39.4	39.4	39.5	39.5	39.5	39.5	39.8	37.7			39.6	39.6			472.5
																			1151.5
The PPU for 36-16683 will not be changing with this transfer. It will remain 1,151.5 acres.																			
Total Acres (for irrigation use)																			2.3

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

Current Water Right No.: 36-16683

Current Owner: ROTH INVESTMENTS LLC

Priority Date: 2/26/1980

Origin: Water Right

Status: Active

Basis: License

Source**Tributary**

GROUND WATER

Beneficial Use**From To****Diversion Rate****Annual Volume**

IRRIGATION

04/01 to 10/31

18.39 CFS

3953.2 AF

Total Diversion

18.39 CFS

3953.2 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4NW1/4

Sec. 15, Twp 08S, Rge 17E B.M.

JEROME County

GROUND WATER

NW1/4NE1/4

Sec. 15, Twp 08S, Rge 17E B.M.

JEROME County

GROUND WATER

NW1/4NW1/4

Sec. 11, Twp 08S, Rge 17E B.M.

JEROME County

Place of Use**IRRIGATION Within JEROME County**

T08S R17E S2	NESW	38.00	T08S R17E S2	SWSW	40.00
T08S R17E S2	SESW	38.00	T08S R17E S10	NENE	39.50
T08S R17E S10	NWNE	39.50	T08S R17E S10	SWNE	39.60
T08S R17E S10	SENE	39.50	T08S R17E S10	NESE	39.60
T08S R17E S10	NWSE	39.60	T08S R17E S10	SWSE	39.60
T08S R17E S10	SESE	39.50	T08S R17E S11	NENW	32.20
T08S R17E S11	NWNW	39.80	T08S R17E S11	SWNW	39.90
T08S R17E S11	SENW	23.00	T08S R17E S11	NESW	6.40
T08S R17E S11	NWSW	10.00	T08S R17E S11	SWSW	23.10
T08S R17E S11	SESW	2.20	T08S R17E S14	NWNW	33.10
T08S R17E S14	SWNW	23.30	T08S R17E S14	NWSW	13.60
T08S R17E S15	NENE	39.50	T08S R17E S15	NWNE	39.50
T08S R17E S15	SWNE	39.40	T08S R17E S15	SENE	39.40
T08S R17E S15	NENW	39.50	T08S R17E S15	NWNW	39.50
T08S R17E S15	SWNW	39.50	T08S R17E S15	SENW	39.50
T08S R17E S15	NESW	39.80	T08S R17E S15	NWSW	37.70
T08S R17E S15	NESE	39.60	T08S R17E S15	NWSE	39.60

Total Acres: 1151.5

Conditions of Approval:

1. 214 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.
2. 213 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.
3. R05 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.
4. R64 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.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. X61 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 the date of this approval.
8. R02 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.
9. X27 This right is limited to the irrigation of 988.3 acres within the place of use described above in a single irrigation season.
10. X36 Right 36-16639 is also diverted through the point(s) of diversion described above.

Licensed Date: 5/6/1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ 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 any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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]**FOR DEPARTMENT USE ONLY**

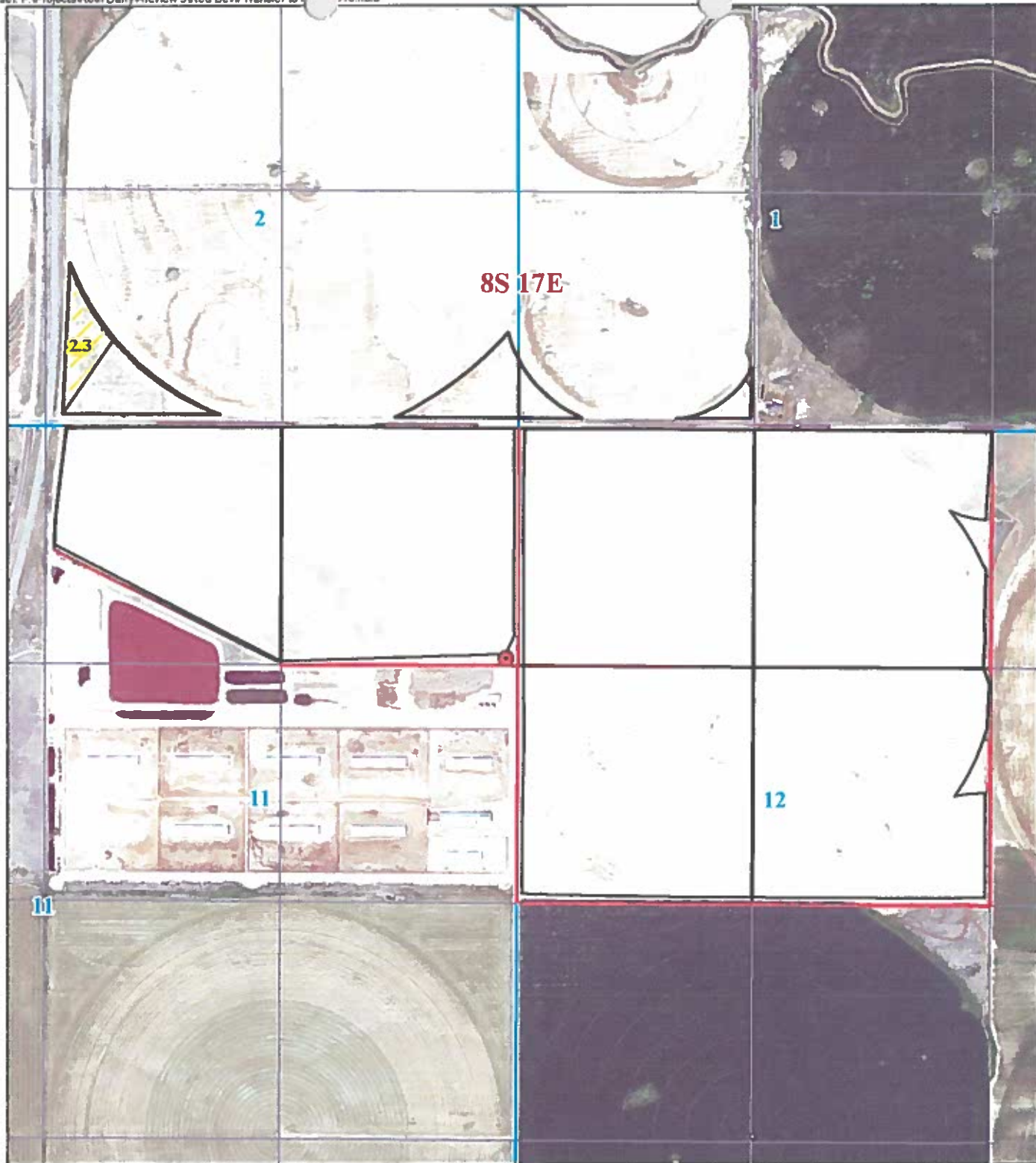
Transfer contains _____ pages and _____ attachments.

Received by AM Date 4-14-2016 Preliminary check by _____ Date _____

Fee paid \$200- Date 4-14-2016 Received by AM Receipt # SD35397

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



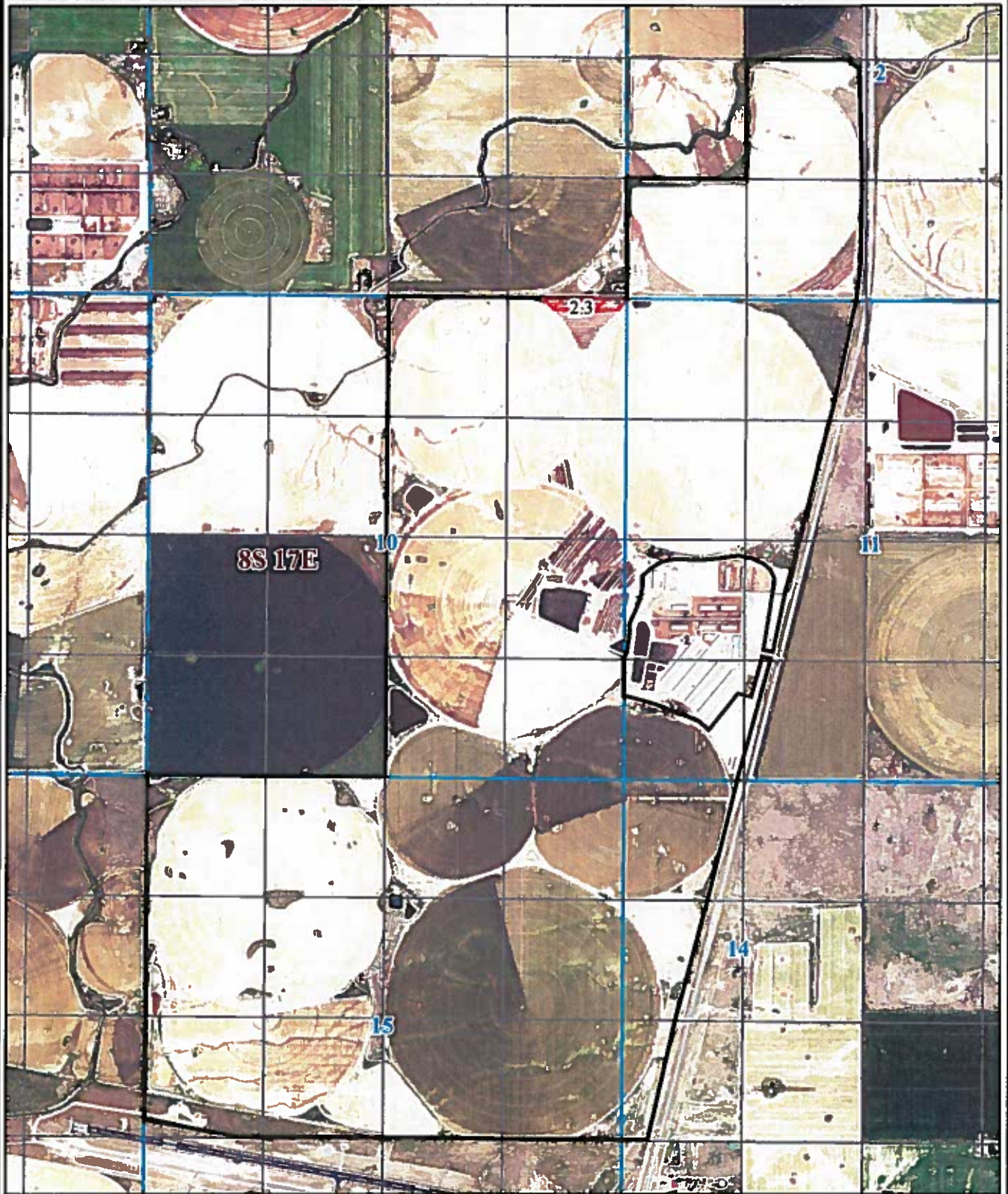
**ROTH INVESTMENT LLC
RED DEVIL TRANSFER TO POU
2015 NAIP AERIAL PHOTOGRAPH**

0 250 500 1,000 Feet

BROCKWAY ENGINEERING PLLC
ALR - Date: 1/19/2016

- Legend**
- WELL_POD
 - POU Trans-IN RD
 - POU 2016 229.1
 - PPU_8S17E
 - Sections
 - Tadesec
 - Township





0 500 1,000 2,000 Feet

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

BROCKWAY ENGINEERING PLLC
ALR - Date: 1/19/2016

Legend

	Transfer to RC		Township
	PPU		Sections
			Landsc

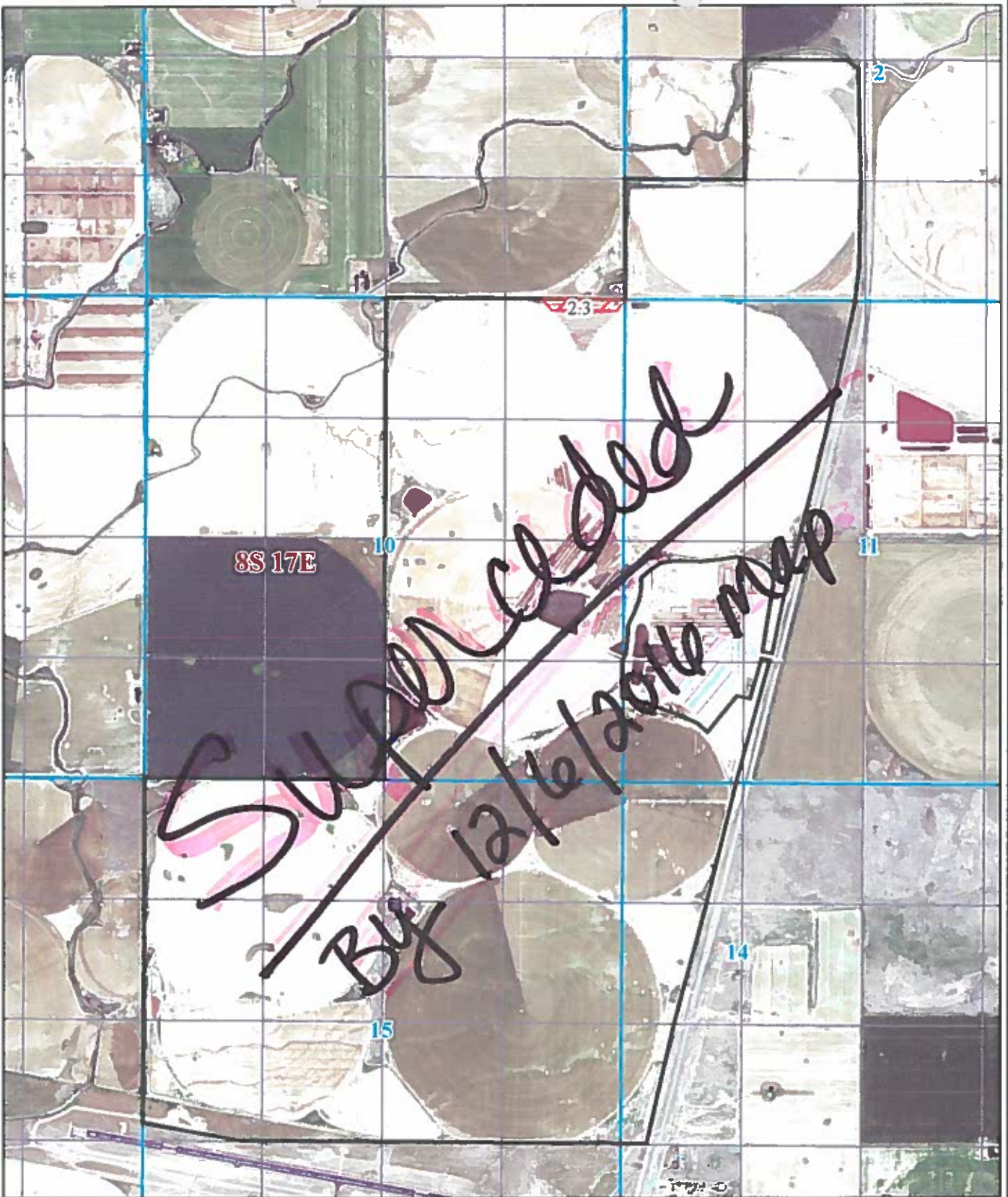


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TRANSFER 80867

DEPT OF WATER RESOURCES
SOUTHERN REGION



0 500 1,000 2,000 Feet

**WHITE CLOVER DAIRY
TRANSFERRING ACRES TO REDCLOVER
2015 NAIP AERIAL**

Legend

- Transfer to RC
- Township
- Sections
- Ladesc
- PPU

BROCKWAY ENGINEERING PLLC
ALR - Date: 1/19/2016



TRANSFER 80867

SCANNED
MAY 13 2016



815 N College Rd
Twin Falls, ID 83301-3484
Voice: 208.732.1000 Fax: 208.732.1005

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DEPT OF WATER RESOURCES
SOUTHERN REGION

April 11, 2016

Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

RE: Roth Investments LLC
Right #: 36-16683
Request: Provide irrigation water to pivot corners

To Whom It May Concern:

Northwest Farm Credit Services has reviewed the water transfer request for the above.

Please use this letter as consent in regards to the Application for Transfer of Water Right for Roth Investments LLC affecting Water Right 36-16683 which will transfer 2.3 acres from the White Clover farm to Red Clover Farm. While we approve this request, the terms and conditions of our lien does not change.

If you should have any questions, please feel free to phone me at 208.732.1044 or email at kay.clysdale@northwestfcs.com.

Sincerely,

A handwritten signature in black ink that reads "Kay Clysdale". The signature is fluid and cursive, with the first and last names being clearly legible.

Kay Clysdale
Financial Specialist III
Twin Falls Lending & Insurance

TRANSFER 80867

Here to Help You Grow

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 24161

Publication	Times News	PO Number	
Contact	ID DEPARTMENT OF WATER RESOURCES	Rate	Legal Notice
Address 1	650 ADDISON AVE W, STE 500	Order Price	227.25
Address 2		Amount Paid	0.00
City St Zip	TWIN FALLS ID 83301	Amount Due	227.25
Phone	2087363033	Start/End Dates	05/19/2016 - 05/26/2016
Fax		Insertions	2
Section	Legals	Size	150
SubSection		Salesperson(s)	Ruby Aufderheide
Category	50 Legal	Taken By	Ruby Aufderheide
Ad Key	24161-1		
Keywords	Roth Investments & Morgan water transfers		
Notes			

Ad Proof

Proof of legal notice received
from Time News 5/12/2016
(4 total pages)

✓ OK DM
5/13/2016.
E-mail sent to
newspaper.

**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 (0.74cfs) 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

✓ DM

Customer Ad Proof

#Error

Publication	Online		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	227.25
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	227.25
Fax			
Section	Legals	Start/End Dates	05/19/2016 - 05/26/2016
SubSection		Insertions	2
Category	50 Legal	Size	150
Ad Key	24161-1	Salesperson(s)	Ruby Aufderheide
Keywords	Roth Investments & Morgan water transfers	Taken By	Ruby Aufderheide
Notes			

Ad Proof

✓ DM

**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 (0.74cfs) 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

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

May 12, 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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS** on **5/19/2016** and **5/26/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 6, 2016**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 12, 2016 12:07 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on May 19th & 26th, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 12, 2016

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

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

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

RE: Transfer No. 80864
Water Right No(s): 36-14632, 36-16094, 36-16096, 36-16098, 36-16407, 36-16408, 36-16409,
36-16410, 36-16411, 36-16412

RE: Transfer No. 80869
Water Right No(s): 36-16407, 36-16409, 36-16411

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 6, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**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 (0.74cfs) 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.

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**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80864**

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



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 12, 2016

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

Via hand delivery

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

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

RE: Transfer No. 80864
Water Right No(s). 36-14632, 36-16094, 36-16096, 36-16098, 36-16407, 36-16408,
36-16409, 36-16410, 36-16411, 36-16412

RE: Transfer No. 80869
Water Right No(s). 36-16407, 36-16409, 36-16411

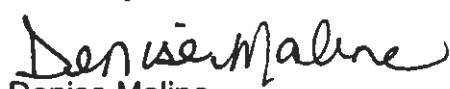
Dear Nathan:

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 watermaster, 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 unprotested 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: May 9, 2016
To: Transfer 80867 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to move a 2.3 acre portion (0.04 cfs and 9.2 af) 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. The wells involved with the transfer are located within the ESPA smooth model boundary area; a ground water model analysis was not required because one of the three irrigation wells are located within adjacent cells of the existing well at the proposed place of use. Note the irrigation water right allows for the entire diversion out of this well. These rights are within water district 130, therefore watermaster comments will be requested.

- **Authority to File:**
Applicant is listed as current owner on IDWR records. The applicant submitted a letter from the lien holder giving their consent for the transfer.
- **Water Right Validity:**
Right 36-16683 was licensed in 1995. Review of recent aerial photography indicates that the right appears to have been used in recent years. Therefore forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. The water right will be limited to 2.3 acres within the existing 240.4 acre permissible place of use.
- **Local Public Interest:**
No negative impacts anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local 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.

MEMORANDUM

TO: Transfer # 80867 File

FROM: Benny Walker

DATE: May 9, 2016

SUBJECT: Filing Fee

The filing fee, \$200.00, for this transfer is based on the total amount of water being transferred (0.04 cfs). The transfer fee schedule for a transfer involving 0.00 – 0.20 cfs indicates that the filing fee is \$200.00. The applicant's representative, Brockway Engineering PLLC submitted the filing fee, receipt #S035397.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

APR 14 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

April 12, 2016

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

Re: Roth Investments LLC

Dear Mr. Merritt:

Roth Investments LLC has prepared two water right transfer that are being submitted to IDWR at this time. The first transfer is an irrigation to irrigation transfer of 2.3 acres. The second transfer is an irrigation to stock and commercial water use for an existing dairy facility.

The first transfer propose to dry up 2.3 acres of water right 36-16683 and transfer the 2.3 acres to the SWSE Sec 2 08S 17E. A portion of 36-16683 has been under contract with the Idaho Water Supply Bank for several years. The new POU of the 2.3 acres will be included in an existing PPU for irrigation water rights 36-2612A and 36-7906A.

The second transfer proposes drying up 40.0 acres of 36-16683 to provide an additional 130.0 afa of stock and commercial water to the White Clover Dairy. A 40.0 acre tract of an existing pivot that has grown alfalfa will be dried up.

No ESPA modeling is required for both of these transfers because the From ESPA Model cell and the TO ESPA Model cell are either in the same cell or an adjacent to each other. The ownership of these water rights will not be changing. The existing POUs of water rights 36-16683, 36-2612A and 36-7906A will be updated within their allowed PPU areas after these two transfers are approved by IDWR.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Roth Investments

Enc: Transfer Applications, Annual Report, FSA Crop Reports, Aerial Maps, Brockway Engineering Check # 13294 for \$950.00.

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