

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76617

This is to certify that: ROTH INVESTMENTS LLC
 PO BOX 634
 JEROME ID 83338
 (208)324-9721

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16860	WR/Decreed	07/05/1973	2.67 cfs	N/A	179.7	235.0	GROUND WATER
36-16886	WR/Decreed	07/05/1985	0.49 cfs	N/A	40.3	235.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

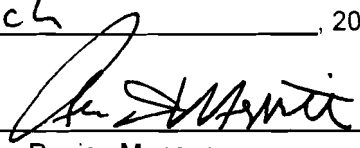
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16860	NO	NO	YES	NO	NO	NO
36-16886	NO	NO	YES	NO	NO	NO

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>
36-16860	36-16860	2.67 cfs	718.8af	179.7	220.0		N/A	N/A	N/A	N/A
36-16886	36-16886	0.49 cfs	161.2af	40.3	220.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.67 cfs	880 af	220	220		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of March, 2011


 Southern Region Manager

SUPPORT DATA

FILE # 36-16860

**WATER RIGHT NO. 36-16860
As Modified by Transfer No. 76617**

In accordance with the approval of Transfer No. 76617, Water Right No. 36-16860 is now described as follows.

Right Holder: ROTH INVESTMENTS LLC
PO BOX 634
JEROME ID 83338

Priority Date: July 05, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.67 CFS	718.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 4 Twp 09S Rge 18E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	4	1.7	32.5	1.6	21.2	12.0	36.2	40.0	27.3	16.8					1.7	29.0	220.0	

Total Acres: 220

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 179.7 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16860, and 36-16886 when combined shall not exceed a total diversion rate of 2.67 cfs, a total annual maximum diversion volume of 880.0 af at the field headgate, and the irrigation of 220 acres.
3. 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. 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 place of use.

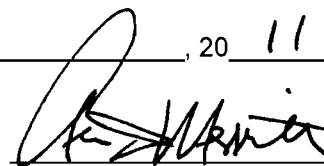
WATER RIGHT NO. 36-16860
As Modified by Transfer No. 76617

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. Use of this right is combined with water from North Side Canal Co. Ltd.
7. Right no. 36-16886 is an enlargement of this right pursuant to section 42-1426, Idaho Code.
8. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. 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.
10. Prior to the diversion and use of water under Transfer approval 76617, 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.
11. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 23rd day of March, 20 11



Southern Region Manager

WATER RIGHT NO. 36-16886
As Modified by Transfer No. 76617

In accordance with the approval of Transfer No. 76617, Water Right No. 36-16886 is now described as follows.

Right Holder: ROTH INVESTMENTS LLC
PO BOX 634
JEROME ID 83338

Priority Date: July 05, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.49 CFS	161.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 4 Twp 09S Rge 18E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 18E 4		1.7	32.5	1.6	21.2	12.0	36.2	40.0	27.3	16.8			1.7	29.0			220.0

Total Acres: 220

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40.3 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16860, and 36-16886 when combined shall not exceed a total diversion rate of 2.67 cfs, a total annual maximum diversion volume of 880.0 af at the field headgate, and the irrigation of 220 acres.
3. 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. 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 place of use.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

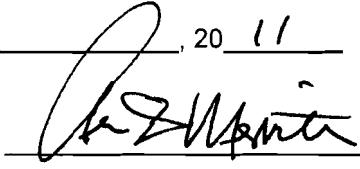
WATER RIGHT NO. 36-16886
As Modified by Transfer No. 76617

CONDITIONS OF APPROVAL

6. Use of this right is combined with water from North Side Canal Co., Ltd.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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. Prior to the diversion and use of water under Transfer approval 76617, 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.
10. This right is based upon an enlargement of right no. 36-16860 pursuant to section 42-1426, Idaho Code.
11. This right is for an enlargement of 40.3 acres within the place of use described for this right.
12. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to section 42-1426, Idaho Code, the earlier priority right is the superior right.
13. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 23rd day of March, 20 11


Southern Region Manager

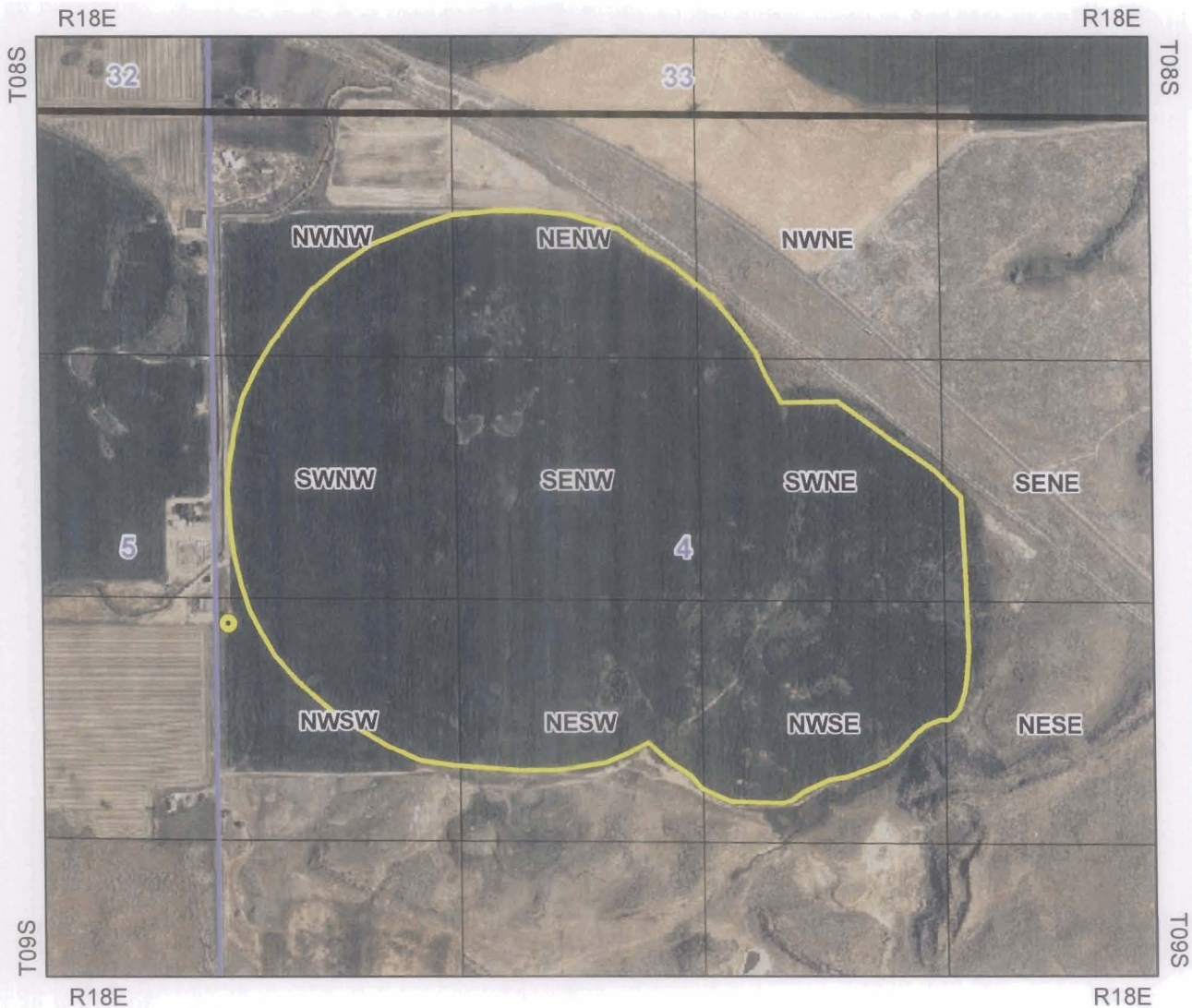
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 76617

Rights: 36-16860, 36-16886

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.



Legend

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

0 0.1 0.2 0.4 Miles

