

RECEIVED

SEP 08 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80514MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

SEP 22 2015

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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

SEP 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONDEPT 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 SullivanPhone 208-736-8543Mailing address 2016 North Washington St. Suite 4 Twin Falls, Idaho 83301Email 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, Owner
Print Name and Title if applicable

9-2-15
Date

J.M. Roth
Signature of Applicant or Authorized Representative

J.M. Roth, Owner
Print Name and Title if applicable

9-2-15
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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	36-2612A	2.74/830	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	36-7906A	0.35/106	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.09 cfs and/or 936 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.05 cubic feet per second and/or 15.2 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

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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: _____

1. 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 _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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 0 pages and 0 attachments.

Received by DM/CH Date 9-8-2015 Preliminary check by _____ Date _____

Fee paid \$250- Date 9-8-2015 Received by DM Receipt # 5034998

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)

PPU

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	17E	1											1.8						1.8
		2															6.1	3.5	9.6
		11	40	29															69
		12					40	40	40	40									160
																			0
																			Total 240.4

POU

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	17E	1											0.7						0.7
		2																3.1	3.1
		11	40	29															69
		12					40	40	37	37									154
																			0
																			Total 226.8



0 265 530 1,060 Feet

**ROTH INVESTMENT LLC
TRANSFER PPU-POU MAP 2015
2013 NAIP AERIAL PHOTOGRAPH**

Legend

- ROTH_EX_WR_POD
- PPU_8S17E
- ▨ POU_2015
- townshp
- Sections
- landesc



State of Idaho
Department of Water Resources

Water Right

36-2612A and 36-7906A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

17E



0 0.15 0.3 0.6 Miles

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

TRANSFER 80514





0 300 600 1,200 Feet

**ROTH INVESTMENT LLC
TRANSFER TO POU 3.8 ACRES
2013 NAIP AERIAL PHOTOGRAPH**

BROCKWAY ENGINEERING PLLC
ALR - Date: 8/17/2015

TRANSFER 80514

Legend

- ROTH_EX_WR_POD
- TO_POU_3
- township
- Sections
- ladesc





0 300 600 1,200 Feet

**ROTH INVESTMENT LLC
TRANSFER FROM POU 3.8
2013 NAIP AERIAL PHOTOGRAPH**

BROCKWAY ENGINEERING PLLC
ALR - Date: 8/17/2015

TRANSFER 80514

- Legend**
- ROTH_EX_WR_POD
 - From_POU
 - township
 - Sections
 - adesc



WARRANTY DEED

#GJ-33186

For Value Received

Instrument # 2043563

JEROME COUNTY, JEROME, IDAHO

2004-06-30

02:39:32 No. of Pages: 2

Recorded for: LAND TITLE & ESCROW

CHERYL WATTS

Fee: 6.00

Ex-Officio Recorder Deputy

C. Bench

DANNY RAY FORSYTH and GINGER FORSYTH, husband and wife
also shown of record as Danny R. Forsyth

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROTH INVESTMENTS, L.L.C., an Idaho limited partnership
Address: 17400 NE 88th Street,, Vancouver, WA 98682

Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO:c

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 30, 2004

Danny Ray Forsyth
DANNY RAY FORSYTH

Ginger Forsyth
GINGER FORSYTH

STATE OF IDAHO)

COUNTY OF JEROME) ss.

On this 30th day of June, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared **DANNY RAY FORSYTH and GINGER FORSYTH**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public

Residing at: June 30

My Commission expires: 7/20/07

RICK BERNSEN
NOTARY PUBLIC
STATE OF IDAHO

TRANSFER 80514

EXHIBIT A

TRACT I

PARCEL NO. 1

**TOWNSHIP 8 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 1: W½SW¼;

Section 2: SE¼;

TOGETHER WITH easement rights as set forth in Irrigation Easement recorded January 3, 1988 as Instrument Number 314166, records of Jerome County, Idaho, over, upon and across the following described property:

W½NW¼ of Section 1, Township 8 South, Range 17, East of the Boise Meridian, Jerome County, Idaho.

EXCEPT U.S. Highway No. 93 right-of-way.

PARCEL NO. 2:

**TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 2: SW¼SW¼; E¼SW¼;

EXCEPT U.S. Highway No. 93 right-of-way.

Section 10: E¼;

Section 11: W½ lying West of U.S. Highway No. 93;

Section 14: W½NW¼ lying West of U.S. Highway No.93; NW¼SW¼ lying West of U.S. Highway No. 93;

Section 15: N¼; N½S½; EXCEPTING that portion of the following described property lying within said Section 15:

A portion of the Southeast ¼ of Section 16 and a portion of the Southwest ¼ of Section 15 all in Township 8 South, Range 17 East Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said Section 15;

Thence North 0°02'00" West, along the westerly boundary of said Section 15, 1,324.06 feet to the Northwest corner of the S½ of the S½ of said Section 15 and the REAL POINT OF BEGINNING;

Thence South 0°02'00" East, 71.10 feet;

Thence North 79°56'24" West, 1,473.27 feet;

Thence North 82°35'42" East, 413.76 feet;

Thence North 67°39'05" East, 176.46 feet;

Thence North 55°47'46" East, 44.86 feet;

Thence South 79°56'24" East, 1,910.39 feet, more or less, to the Northerly boundary of said S½S½ of Section 15;

Thence North 89°53'47" West, along the Northerly boundary of said S½S½ of Section 15, 1,041.10 feet, more or less, to the REAL POINT OF BEGINNING.

END OF EXHIBIT A

No. W 9832	Due no later than Sep 30, 2015 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. ROTH INVESTMENTS, L.L.C. DONNA ROTH HABERSETZER 539 S 800 E JEROME ID 83338 USA		DONNA ROTH HABERSETZER 840 SIMONS WAY JEROME ID 83338			
			3. New Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	DONNA ROTH HABERSETZER	840 SIMONS WAY	JEROME	ID		83338
MANAGER	JOHN MICHAEL ROTH	4110 HIDDEN LAKES DR	KIMBERLY	ID	USA	83341
MANAGER	JIM MICHAEL ROTH	3869 NORTH 3400 EAST	KIMBERLY	ID	USA	83341
5. Organized Under the Laws of: ID W 9832		6. Annual Report must be signed.* Signature: Heather Hilarides Name (type or print): Heather Hilarides Date: 09/25/2015 Title: Office Manager				
Processed 09/25/2015		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 80514



Northwest
FARM CREDIT SERVICES

815 North College Road
PO Box 5059, Twin Falls, ID 83303-5059
Voice: 208.732.1000 Fax: 208.732.1005

September 21, 2015

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

RECEIVED
SEP 22 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: Roth Investments LLC
Right #'s: 36-2612A and 36-7906A

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 for Water Rights 36-2612A and 36-7906A. 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,

Kay Clysdale
Financial Specialist III
Twin Falls Lending & Insurance

Enc.

TRANSFER 80514



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 24, 2015

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

Via hand delivery

RE: Transfer No.: 80514
Water Right No(s). 36-2612A, 36-7906A

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

TO: Sascha Marston
FROM: Benny Walker / Denise Maline
DATE: November 24, 2015
RE : Refund of partial application fees



Brockway Engineering paid \$250 for an Application for Transfer on September 8, 2015, under receipt S034998. This transfer was filed on behalf of Roth Investments LLC, under transfer number 80514 (36-2612A & 36-7906A). The correct fee for this application for transfer is \$200.

Please issue a refund of \$50 to:

BROCKWAY ENGINEERING PLLC
2016 WASHINGTON ST N, STE 4
TWIN FALLS, ID 83301
TEL. (208) 736-8543

RECEIPT #

S034998, copy attached

Copy to: Transfer 80514

MEMORANDUM

Date: November 19, 2015
To: Transfer 80514 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes creating a 240.4 acre permissible place of use for two groundwater rights. The transfer proposes shifting 3.8 acres of the place of use to contiguous lands to the original place of use owned by the applicant for the irrigation of 226.8 acres within the 240.4 acre permissible place of use located approximately 1.5-2.0 miles north and 4.3-5.3 miles east of the intersection of Main and Lincoln in the center of Jerome. The two groundwater rights allow for the irrigation of 234 acres and the applicant is doing a voluntary reduction of 7.2 acres of irrigation for nonuse. The application also proposes to drop the ten acre legal description of the point of diversion, thereby describing the point of diversion in the forty acre tract. Since this transfer is changing the place of use only, by shifting the place of use to contiguous lands of the original place of use owned by the applicant, and creating a permissible place of use no advertisement is required.

The place of use and point of diversion is located within Water District 130 so watermaster comments will be requested.

- **Authority to File:**
The applicant is listed as the current owner of water rights involved with the transfer according to IDWR records. The tax lot information available to the department indicates the applicant as the current owner of the permissible place of use.
- **Water Right Validity:**
Water rights 36-2612A and 36-7906A were decreed in 2002. Current aerial photography indicates the acres have been irrigated in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. The applicant is voluntarily reducing the allowable irrigated acres of 234 to 226.8
- **Local Public Interest:**
No negative impact anticipated. No advertisement required for this transfer.
- **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 # 80514 File

FROM: Benny Walker

DATE: November 19, 2015

SUBJECT: Filing Fee

The filing fee of, \$200.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.05 cfs. The transfer fee schedule for a transfer involving 0.00 – 0.20 cfs indicates that the filing fee is \$200.00. The applicant submitted a fee of \$250.00 for this transfer (Receipt S034998). A request to refund \$50.00 to the representative for overpayment will be sought after approval is issued.

MEMORANDUM

Date: November 19, 2015
To: Transfer 80514
From: Benny Walker
Re: Legal Notice Not Required

Legal Notice Not Required
11/19/2015

The application proposes the creation of a permissible place of use and the change is made to the place of use only, whereby it is shifting the place of use to contiguous lands to the original place of use owned by the applicant.

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.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

September 22, 2015

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

RECEIVED
SEP 22 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Roth Investments LLC

Dear Mr. Walker:

This transfer proposes to create a permissible place of use of 240.0 acres. The place of use within the PPU will be 226.8 acres.

Currently water rights 36-2612A and 36-7906A are allowed 234.0 acres of irrigation. Due to none use, 7.2 acres will no longer be irrigated in the NWNE and SWNE of Section 11. The combined allowed diversion rate of 3.09 is to be retained. A new volume limit of 907.2 acres is proposed which will supply 4.0 acre-feet per acre annually.

It is proposed to move 3.8 acre within the proposed PPU to a new location in Section 1 and 2.

Please contact me by phone or email if you have any questions so that this transfer can be processed in a timely manner.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Roth Investments
Enc: Aerial Maps, PPU & POU Location Spreadsheet

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



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

September 14, 2015

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

RECEIVED
SEP 17 2015

Re: Transfer of Water Right Application- Roth Investments LLC

Dear Mr. Sullivan,

The Department recently received the applications you filed, on behalf of the Roth Investments LLC; to transfer water rights 36-2612A & 36-7906A. After a preliminary review, it was determined that the application does not meet the minimum criteria to be processed. Because of this, the application is being returned. In order to process the applications, the following items need to be corrected:

The application listed a lien holder as Northwest Farm Credit, yet no statement from Northwest Farm Credit agreeing to the proposed changes on official letterhead signed by an authorized representative was submitted with the application (Item 5c part 1 continued).

It's unclear as to what is proposed by this application. The cover letter submitted with the transfer indicates that the transfer proposes to change the place of use for 3.8 acres. However it appears that from the PPU map submitted with the application that more than 3.8 acres are being moved. The map submitted with the application appears to identify a proposed PPU of 240.4 acres (black numbers), but there is also another area identified (yellow numbers) that totals 226.8 acres. The PPU acres on part 1 B, 4 identify 226.8 acres. The water rights currently allow for the irrigation of 234 acres. It is not clear if the application wants to change 234 acres of water rights to a 240.4 acre PPU, a 226.8 acre PPU, or perhaps something else. An applicant can reduce the number of acres irrigated, but it appears that the acres to be irrigated under the POU may actually be 234 acres within a PPU of approximately 240.4 acres.

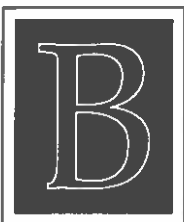
The actual amount of change in the place of use described in the preceding paragraph will determine the amount of filing fee that needs to be submitted for this transfer. The fee submitted with the application was \$250.00. The fee for 3.8 acres and 0.05 cfs is \$200.00. However, depending on the acres being transferred, and the amount of cfs involved, the fee could be \$500.00. Please note that \$250.00 is not an amount listed on the fee schedule for transfers.

Once we have received a corrected application and appropriate filing fee, the department can continue to review and process the application. If a corrected application is not resubmitted within 30 days from the date of this letter, the current application fee will be refunded.

Sincerely,

Benny Walker
Water Resource Agent
Enclosures

Cc: Roth Investments LLC



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 08 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

September 4, 2015

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 desires to transfer 3.8 acres of irrigation ground to a new location. It is also desired to create a permissible place of use for water rights 36-2612A and 36-7906A.

The 3.8 acres has been irrigated at its current location within the last 5 years. The POD is an existing well and will not be changed with this transfer. The beneficial use, period of use and ownership will not be changing with this transfer.

It is requested that this transfer is not advertised in the local newspaper because only the POU is changing with the proposed transfer.

Maps identifying the current location of the 3.8 acres, the proposed location of the 3.8 acres and a new POU map for 36-2612A and 36-7906A are attached to this letter.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Roth Investments

Enc: Aerial Maps, Brockway Engineering Check # 12871 for \$250.00.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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