

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

APR 27 2015

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **ROTH INVESTMENTS LLC**
539 S 800 E
JEROME ID 83338
(208) 324-9721

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
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36-16683	2/26/1980	Ground Water	NA	0.56 cfs	120.0 af*	NA	NA
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Annual Combined Rental Totals	0.56 cfs	120.0 af*	NA	NA
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*The volume is limited to 90.0 af to account for the change in nature of use.

Term of Rental: February 26, 2015 thru December 31, 2015
Rental Fee: \$204.00

The fee for rental of the above-described water is \$2,040.00. Because you own the above referenced water rights you are obligated to pay ten percent (\$204.00) to the Department for administrative costs only. No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

J.M. Roth
Signature of Renter

J.M. Roth Owner
Printed Name and Title*

4/22/2015
Date

Signature of Renter

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By *Brian Patton*
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date April 27, 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NE¼SW¼	Sec. 11	Twp 08S	Rge 17E	JEROME County
GROUND WATER	NE¼SW¼	Sec. 11	Twp 08S	Rge 17E	JEROME County
GROUND WATER	SE¼SW¼	Sec. 11	Twp 08S	Rge 17E	JEROME County

BENEFICIAL USE

COMMERCIAL AND STOCKWATER

SEASON OF USE

01/01 TO 12/31

RENTER'S PLACE OF USE: COMMERCIAL AND STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	11									X	X	X						

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. The water rented under this agreement is appurtenant to irrigation of 30.0 acres.
12. This rental agreement does not authorize the construction of a well.

13. Use of water under this agreement 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.
14. The following rights are diverted through point(s) of diversion described above: 36-16684, 36-7894B and 36-14759.
15. Commercial and Stockwater uses are for a dairy facility.

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKFEB 26 2015
DEPARTMENT OF
WATER RESOURCESApplicant Name: Roth Investments LLCIs this application being submitted with a lease application as a lease/rental package? Yes ☒ No ☐

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

One rental application per beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources. For multiple beneficial uses of water, individual rental requests should be submitted for each unique beneficial use of water.

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

Checked All Items as Either Attached (Yes) or Not Applicable (N/A)

YES

Completed *Application to Rent Water from the Board's Water Supply Bank*

Attachment N/A YES

2



A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request

3A



Detailed information on a proposed use of rental water

3E



Authorization from the owner/operator of the rental point(s) of diversion

3G



Water modeling to account for the impacts of the rental request

3J



Documents justifying a need to rent water for irrigation at a rate of flow greater than 0.02 cfs/acre

3K



Authorization from the owner/operator of the property at the proposed rental place(s) of use

4B



Explanation of how the rental water will sufficiently accomplish your rental purposes

4C



Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

36-16683

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Roth Investments LLC

Mailing Address 539 South 800 East Jerome, Idaho 83338

Email Address _____ Phone Number _____

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Greg Sullivan Professional Title Engineer

Organization Brockway Engineering Relationship to Applicant Consultant

Mailing Address 2016 North Washington Street, Suite 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@brockwayeng.com Phone Number 208-736-8543

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use, and water diversion, delivery and distribution systems. Make sure the place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it **Attachment 3A**:
The purpose of this rental is to provide additional water to the dairy facility.

B. Enter the desired and/or minimum necessary rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Acres (if applicable) (Acre)
0.56 CFS	90 AF	0.56 CFS	90 AF	AC

Sometimes water rights available for rent provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?	
4/1/2015	10/1/2015	1	☐ Yes, approve rental for all remaining future years.	☐ No, return rental request if first year is unapprovable.

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Ground Water	8S	17E	11		NE	SW	Jerome	36-16684, 36-7894B
Ground Water	8S	17E	11		NE	SW	Jerome	36-16684, 36-7894B
Ground Water	8S	17E	11		SE	SW	Jerome	36-16684, 36-7894B

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it **Attachment 3E**.
- F. Do any POD(s) identified in Question 3D divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.
- G. Has water modeling been provided with your rental request? Yes ☐ No ☒
If yes, include as **Attachment 3G**. Otherwise please explain why modeling was not provided:

Rental applications that require modeling will be returned if modeling is not provided.

- H. Specify the proposed beneficial use: ☐ Irrigation ☒ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☒ Stockwater ☐ Other: _____
- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	17E	11									S,C	S,C	S,C						
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for irrigation)

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐
If yes, explain the justification for this rate of flow and attach any supporting documents as **Attachment 3J**:

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
Existing wells and delivery system.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

M. List all other water rights and sources of water at the rental place of use for the same purpose and explain why additional water is required. Include privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company, or any other water deliver entity:
36-16684, 36-7894B

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes ☒ No ☐
If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.**

For leased rights with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Leased totals minus water actively engaged in rental agreement equals rental availability	Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)		Rate (CFS)	Vol. (AF)	Acres (AC)
36-16683	Irrigation	Ground Water	1.32	284.8	71.2	2015	2015		0.56	90	--
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre that have been leased to the Water Supply Bank								TOTAL	0.56 CFS	90 AF	-- AC

Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B:**
No unconventional duty expected.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? Yes ☒ No ☐
If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it **Attachment 4C**:
A 3.0 acre-feet per acre volume will be rented from the allowed 4.0 acre-feet per acre under 36-16683.

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

DECLARATION

I hereby assert that 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. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws.

James Roth
Signature of Applicant

James Roth
Printed Name of Applicant

2-12-15
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

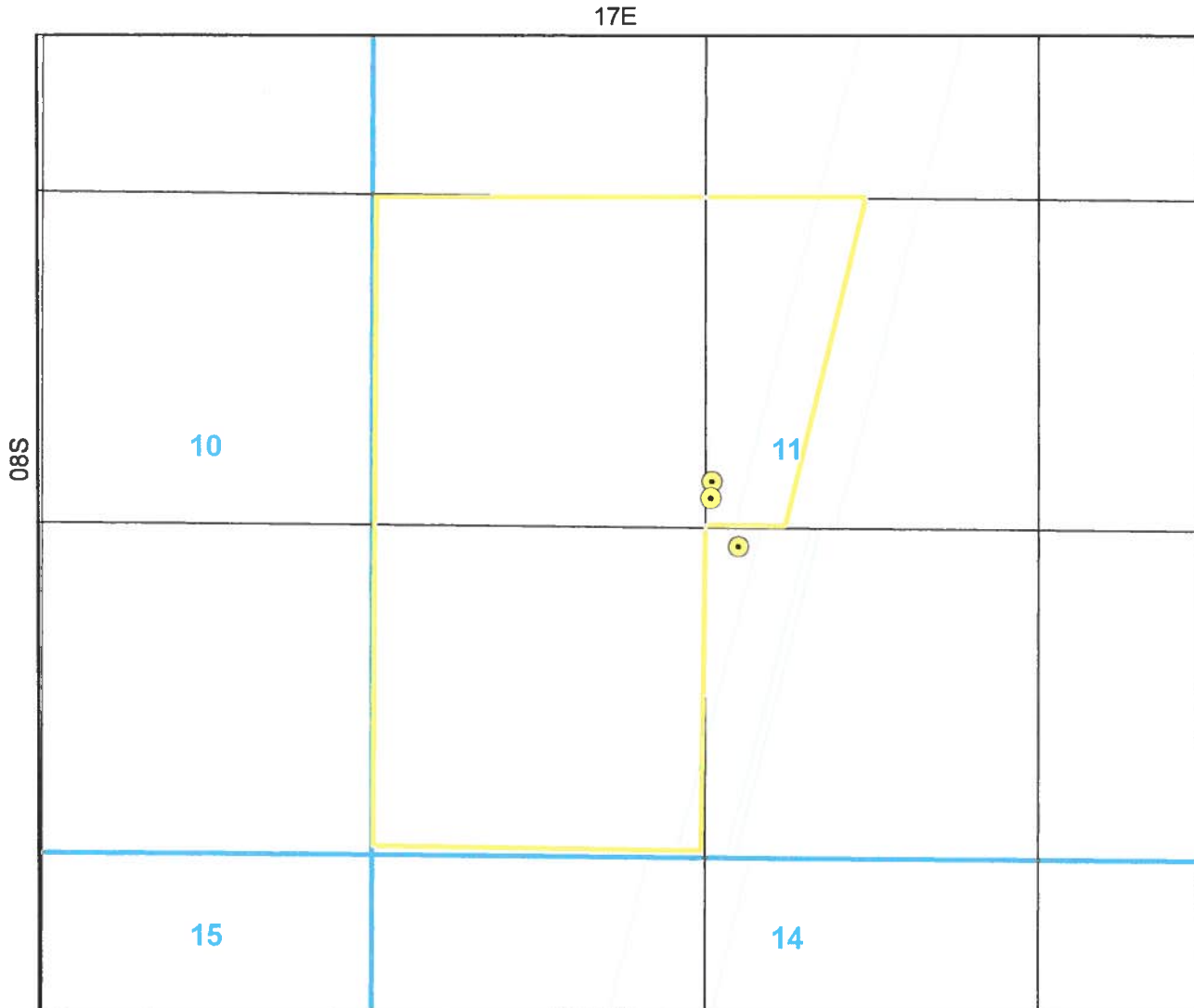
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

State of Idaho
Department of Water Resources

Water Right Rental

STOCKWATER

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.



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

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 28, 2015

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-16683**

Dear Renter:

Please find enclosed a receipt in the amount of **\$204.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 120 acre-feet of water for commercial & stockwater use during 2015. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right(s).

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

For - Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C100362
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Office
Cindy Yenter – State Water District No. 130
Greg Sullivan – Brockway Engineering PLLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 16, 2015

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-16683**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$2,040.00** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 120.0 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$204.00.**

Please send a check for \$204.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s)

c: IDWR Front Desk
Greg Sullivan- Brockway Engineering PLLC

Webster, Clay

From: Erickson, Nathan
Sent: Monday, April 13, 2015 11:19 AM
To: Webster, Clay
Cc: Yenter, Cindy
Subject: RE: Region and Watermaster comments on Roth Investments LLC Rental Application

Hi Clay,

Sorry I have taken so long to get you comments on this application. I have looked over the Roth Investments LLC Rental Application and do not see any issues. All the wells on both ends show that they are being measured so there should be no problems with verifying what was used if needed. The water is not moving very far and is within adjacent model cells. The credit of 3 afa seems reasonable, personally I would like to see number of acres being dried up listed in the memo but not a big deal since it can be easily calculate from the volume. Overall the application looks good. Let me know if there is anything else you need from me.

Thanks,
Nathan

From: Yenter, Cindy
Sent: Thursday, March 26, 2015 2:46 PM
To: Erickson, Nathan
Subject: FW: Region and Watermaster comments on Roth Investments LLC Rental Application

Want to take a crack at this? White Clover dairy on Hwy 93. There is a recently approved lease of the right sought to be rented. Look it over and we can talk about it if you need.

I usually send watermaster comments via email. I have a more official form if you want to use it.

From: Webster, Clay
Sent: Thursday, March 26, 2015 12:57 PM
To: Merritt, Allen; Yenter, Cindy
Subject: Region and Watermaster comments on Roth Investments LLC Rental Application

Allen and Cindy,

We are currently processing this rental. Do you have any concerns? Thanks.

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Webster, Clay

From: Merritt, Allen
Sent: Thursday, March 26, 2015 1:37 PM
To: Webster, Clay; Yenter, Cindy
Subject: RE: Region and Watermaster comments on Roth Investments LLC Rental Application

I do not have an issue. Let Cindy weigh in.

From: Webster, Clay
Sent: Thursday, March 26, 2015 12:57 PM
To: Merritt, Allen; Yenter, Cindy
Subject: Region and Watermaster comments on Roth Investments LLC Rental Application

Allen and Cindy,

We are currently processing this rental. Do you have any concerns? Thanks.

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

MEMORANDUM

To: Water Right 36-16683

From: Clay Webster

Date: March 23, 2015

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received the application from Brockway Engineering for Roth Investments LLC for the rental of 90 AF and 0.56 cfs to supplement dairy operations for commercial and stockwater use. 36-16683 is the applicant's irrigation water right. This right was requested in the application. With the change of nature of use, 3 afa will be used instead of 4 afa for this rental.

AUTHORITY TO FILE: This application was signed by James Roth, Manager of Roth Investments LLC according to the ISOS web site. Roth Investments owns the property at the proposed POU and PODs according to taxlot data.

WATER RIGHT VALIDITY: A portion of this water right has been leased to the WSB for the 2015 season. Since the 2015 irrigation season has not begun, there is no way to verify if the acres are being idled.

INJURY TO OTHER WATER RIGHTS: The proposed POU and PODs are within the ESPA. However, since the PODS for the rental are within the adjacent cells of the model from the Leased POD, no modeling is required. No Injury is apparent.

ENLARGEMENT OF USE: To avoid enlargement of this water right for the change in nature of use 3.0 afa will be used for the delivery of this water versus the 4.0 afa authorized under irrigation. This application requests the additional volume to cover some pumps and flushing procedures that have caused the operation to use too much water under water rights 36-16684 and 36-7894B. Corrective actions have been made to those procedures. However, it is unknown if the adjustments will correct the excessive use that has occurred in the past. If the issue continues, the applicant is prepared to request a permanent transfer to correct this issue.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right is subject to Water District # 130.

Palmer, Cherie

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Monday, March 02, 2015 2:49 PM
To: Palmer, Cherie
Subject: Roth Investments Rental
Attachments: doc01508520150302143411.pdf

Cherie,

I am emailing you regarding the attached correspondence letter from you to Roth Investments dated February 26, 2015 relating to the proposed rental volume. The additional volume requested is to insure that the dairy operation is fully covered with adequate commercial and stockwater. The dairy managers discovered that some pumps and flushing procedures had not been operating efficiently and that they were pumping too much water. Adjustments to those procedures have been made but it is unknown if the changes will correct the over pumping that has occurred in the past. The dairy managers monitor the flow meters on the dairy wells monthly and should be able to know whether the changes have corrected the issue. If the issue continues, this additional water will be transferred to the dairy facility permanently.

Please continue to process the rental application.

Thank you,

Greg Sullivan
Brockway Engineering
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 26, 2015

ROTH INVESTMENTS LLC
539 SOUTH 800 EAST
JEROME ID 83338

RE: Water Supply Bank Rental Application – Additional Information Required

Dear Applicant,

The Idaho Department of Water Resources received your application to rent water rights from the Idaho Water Resource Board's Water Supply Bank however, as submitted, your application is incomplete.

As submitted, your application cannot be processed. The required information is missing or insufficient:

- ☐ The place of use described in item #4 of the application does not match your map
- ☐ The signature is missing or we need power of attorney documentation for the signor
- ☐ How will the proposed diversion point of diversion convey water to the place of use
- ☐ Authorization from the individual/entity that owns the land at the place of use
- ☐ Authorization from the individual/entity that owns the land at the proposed point of diversion
- ☐ A map that clearly outlines the location of irrigated acres.
- ☒ Other: Your application is requesting a change in nature of use. Rental application question #4C asks that you explain the new consumptive use amount for your proposed beneficial use. In this case, a dairy worksheet is typically prepared to satisfy this question that quantifies the dairy requirements including consumptive use of the new use in detail. This information was not provided in your application.

Please provide the required information within fourteen (14) days. While you are making corrections or amending your application, you will not be placed in the processing queue. Once you submit an application that contains all the required items, your application will be assigned a place in the processing queue.

If the required information isn't received within 14 days, your application will be returned. Please note that applications that are received earlier in time and contain all the minimum requirements have an increased chance of acquiring the requested rental water.

Please contact me if you have questions regarding this matter at (208) 287-4944.

Sincerely,

Cherie Palmer, Water Rights Supervisor
Water Allocation Bureau

C: GREG SULLIVAN-BROCKWAY ENGINEERING



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
FEB 26 2015
DEPARTMENT OF
WATER RESOURCES

February 25, 2015

Cherie Palmer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Roth Investments LLC 36-16683

Dear Mrs. Palmer:

Roth Investments is submitting the lease contracts for 71.2 acres or irrigation water under water right 36-16683. The contract is for the 2015 season only.

Roth Investments is submitting a rental application to rent 90.0 acre feet of water for stockwater and commercial use at a dairy facility adjacent to the farm ground covered by 36-16683.

The rental period will be for one year. Existing wells and deliver systems are operational at the dairy facility. The 90.0 acre feet are based on 3.0 acre feet per acre for water right acres that have been leased into the Water Supply Bank. No ESPA model analysis is required do to the proximity of the irrigation wells and the wells located on the dairy.

If you have questions or comments, please don't hesitate to call.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: David Roth
Enc: Lease Contracts, Rental Application, Rental Map

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