

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED
FEB 26 2015
DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("**Lease**") is effective January 1, 2015, between the Idaho Water Resource Board ("**Board**"), and

Lessor: ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338
(208) 324-9721

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
36-16683	1.32 CFS	284.8 AF	71.2 AC
Combined Lease Totals:	1.32 CFS	284.8 AF	71.2 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: 04/01 to 10/31

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2015.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

ROTH INVESTMENTS LLC

539 S 800 E
JEROME ID 83338

By James Roth
Printed Name James Roth

Date 2-14-15
Title Manager

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date February 26, 2015

Lease approved by IDWR Chris Palmer

Date 2/26/2015

ATTACHMENT A
WATER RIGHT NO. 36-16683
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338
(208) 324-9721

Priority Date: 2/26/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.32 CFS	288.4 AF
	Total:		1.32 CFS	288.4 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			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	10	8.3			2.9									24.3				35.5
08S	17E	11										2.1							2.1
08S	17E	15		3.9	0.3				3.2	3.6	7.2	15.0				0.4			33.6

Total Acres: 71.2

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into 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.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. 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.
13. 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.
14. 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.
15. Right 36-16639 is also diverted through the point(s) of diversion described above.

STATE OF IDAHO
WATER RESOURCE BOARD

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DEC 31 2014

DEPARTMENT OF
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant ROTH INVESTMENTS LLCWater Right No. 36-16683

One water right per application

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- | | | | |
|----|-------------------------------------|-------------------------------------|---|
| 1A | ☐ | ☒ | Contact information for <i>all owners</i> of the water right that is being leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 1E | ☐ | ☒ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☐ | ☒ | Description of a water right portion offered to the Water Supply Bank. |
| 3D | ☐ | ☒ | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. |
| 4 | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (http://maps.idwr.idaho.gov/mapall/) to locate a water right place of use or point of diversion. |

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>dy</u>	Date Received: <u>12/31/14</u>	Receipt # <u>C099780</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Roth Investments, LLC</u>	

**STATE OF IDAHO
WATER RESOURCE BOARD**

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DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant ROTH INVESTMENTS LLC Email Address _____
Mailing Address 539 S 800 E JEROME IDAHO 83338 Phone Number 324-9721

☐ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 1D).

- E. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1E).

Name of Representative Greg Sullivan Organization Brockway Engineering, PLLC
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com
Mailing Address 2016 North Washington St. Suite 4 Twin Falls Id 83301 Phone Number 736-8543

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 36-16683 ☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.
(If a portion of a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Connected ground water wells, pump and piping system within a PPU.

- B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

No other water applicable

C. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, for a period from 12/16/14 to 12/31/15 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture provisions are stayed.
5. Acceptance of a water right into the bank does not, in itself, confirm the validity of the water right or any elements of the water right.

J. M. Roth
Signature of Designated Applicant

J. M. Roth
Printed Name

12/17/14
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

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JAN 26 2015

DEPARTMENT OF
WATER RESOURCES

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

- | | | | |
|------------------------------|---------------------------|----------------------|-----------------------------|
| 1. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
| <u>36-16683</u> | <u>1.32/288.4</u> | <u>IRRIGATION</u> | <u>4/01</u> to <u>10/31</u> |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| Total Amount: | | | |

2. Source of water GROUND WATER tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
08S	17E	11			NW	NW	JEROME
08S	17E	15			NW	NE	JEROME
08S	17E	15			SW	NW	JEROME

4. Lands irrigated or place of use:

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 71.2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

- Total Amount:

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
08S	17E	11			NW	NW	JEROME
08S	17E	15			NW	NE	JEROME
08S	17E	15			SW	NW	JEROME

- [illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 72.1

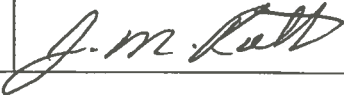
**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

Water Right No. 36-16683

	Designated Applicant	Applicant #2	Applicant #3
Name	Roth Investments, L.L.C.		
Mailing Address	539 S 800 E Jerome, Id. 83338		
Phone Number	(208) 324-9721		
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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DEC 31 2014DEPARTMENT OF
TREASURY

No. W 9832		Due no later than Sep 30, 2014		2. Registered Agent and Address (NOT 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		Annual Report Form		DONNA ROTH HABERSETZER 840 SIMONS WAY JEROME ID 83338	
		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		3. <u>New</u> 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	USA 83338
MANAGER	JOHN MICHAEL ROTH	539 S 800 E	JEROME	ID	USA 83338
MANAGER	JIM 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: 07/29/2014 Title: Secretary			
Processed 07/29/2014		* Electronically provided signatures are accepted as original signatures.			

DEC 31 2014

DEPARTMENT OF
WATER RESOURCES

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ARTICLES OF AMENDMENT TO FILED EFFECTIVE ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

NOV -8 AM 9:00

SECRETARY OF STATE
STATE OF IDAHO

(Instructions on back of application)

1. The name of the limited liability company is:

ROTH INVESTMENTS, LLC

If the LLC has been administratively dissolved and the name is no longer available for use, #3 below must include an amendment of name.

2. The date the articles of organization were filed was: September 24, 1999

COMPLETE ONLY THE APPLICABLE ITEMS

3. The name of the limited liability company is amended to read:

4. The management of the limited liability company shall henceforth be vested in:

☒ Manager(s) ☐ Members

5. The information on the managers/members shall be amended as follows:

Name	Address	Add	Delete	Other
J. Michael Roth	4110 Hidden Lakes Dr, Kimberly, ID 83341	☐	☐	Address change
Jim Roth	3869 N 3400 E, Kimberly, ID 83341	☐	☐	Address change
		☐	☐	
		☐	☐	
		☐	☐	

6. Signature of at least one manager, if any, or at least one member.

Signature: Donna Roth Habersetter

Typed Name: Donna Roth Habersetter

Capacity: Manager

Signature: _____

Typed Name: _____

Capacity: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
11/08/2007 05:00
CX: 1892 CT: 286961 BH: 1084526
1 @ 38.00 = 38.00 ORGAN AMEN # 2

W 9832

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DEC 31 2014

#GJ-33186

DEPARTMENT OF
WATER RESOURCES

WARRANTY DEED

Instrument # 2843563
JEROME COUNTY, JEROME, IDAHO
2004-06-30 02:38:52 No. of Pages: 2
Recorded for: LAMB TITLE & ESCROW
CHERYL WATTS Fee: 6.00
On-Office Recorder Deputy *Cheryl*

For Value Received

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:e

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: Jerome, ID
My Commission expires: 7/20/09

RICK BERNSEN
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT A

TRACT I

PARCEL NO. 1

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

Section 1: W $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 2: SE $\frac{1}{4}$;

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:

W $\frac{1}{2}$ NW $\frac{1}{4}$ 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: SW $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$;

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

Section 10: E $\frac{1}{2}$;

Section 11: W $\frac{1}{2}$ lying West of U.S. Highway No. 93;

Section 14: W $\frac{1}{2}$ NW $\frac{1}{4}$ lying West of U.S. Highway No.93; NW $\frac{1}{2}$ SW $\frac{1}{4}$ lying West of U.S. Highway No. 93;

Section 15: N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$; EXCEPTING that portion of the following described property lying within said Section 15:

A portion of the Southeast $\frac{1}{4}$ of Section 16 and a portion of the Southwest $\frac{1}{4}$ 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 S $\frac{1}{2}$ of the S $\frac{1}{2}$ 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 S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 15;

Thence North 89°53'47" West, along the Northerly boundary of said S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 15, 1,041.10 feet, more or less, to the REAL POINT OF BEGINNING.

END OF EXHIBIT A

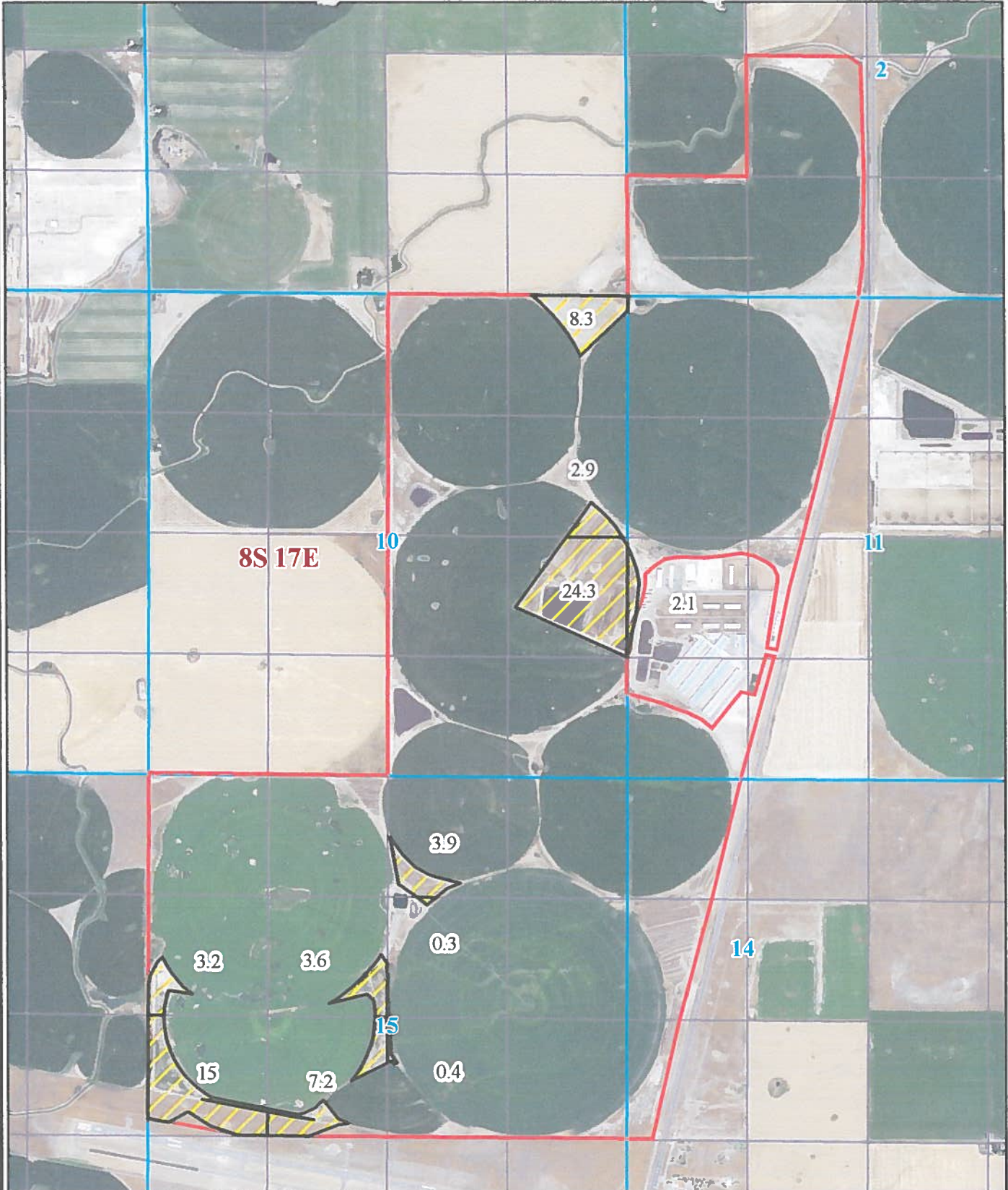
STATE OF IDAHO } ss.
County of Jerome }

I hereby certify the foregoing to be a full, true and correct copy of the original on file of records in this office.

Michelle Emerson

Ex-Officio Auditor and Recorder

Julie MK
(Deputy) Clerk



0 500 1,000 2,000 Feet

**WHITE CLOVER DAIRY
WATER BANK LEASE 2014
2013 NAIP AERIAL PHOTOGRAPH**

- Legend**
- WSB_LEASE 71.2 AC
 - PPU = 1151.5 acres
 - Sections
 - township
 - range





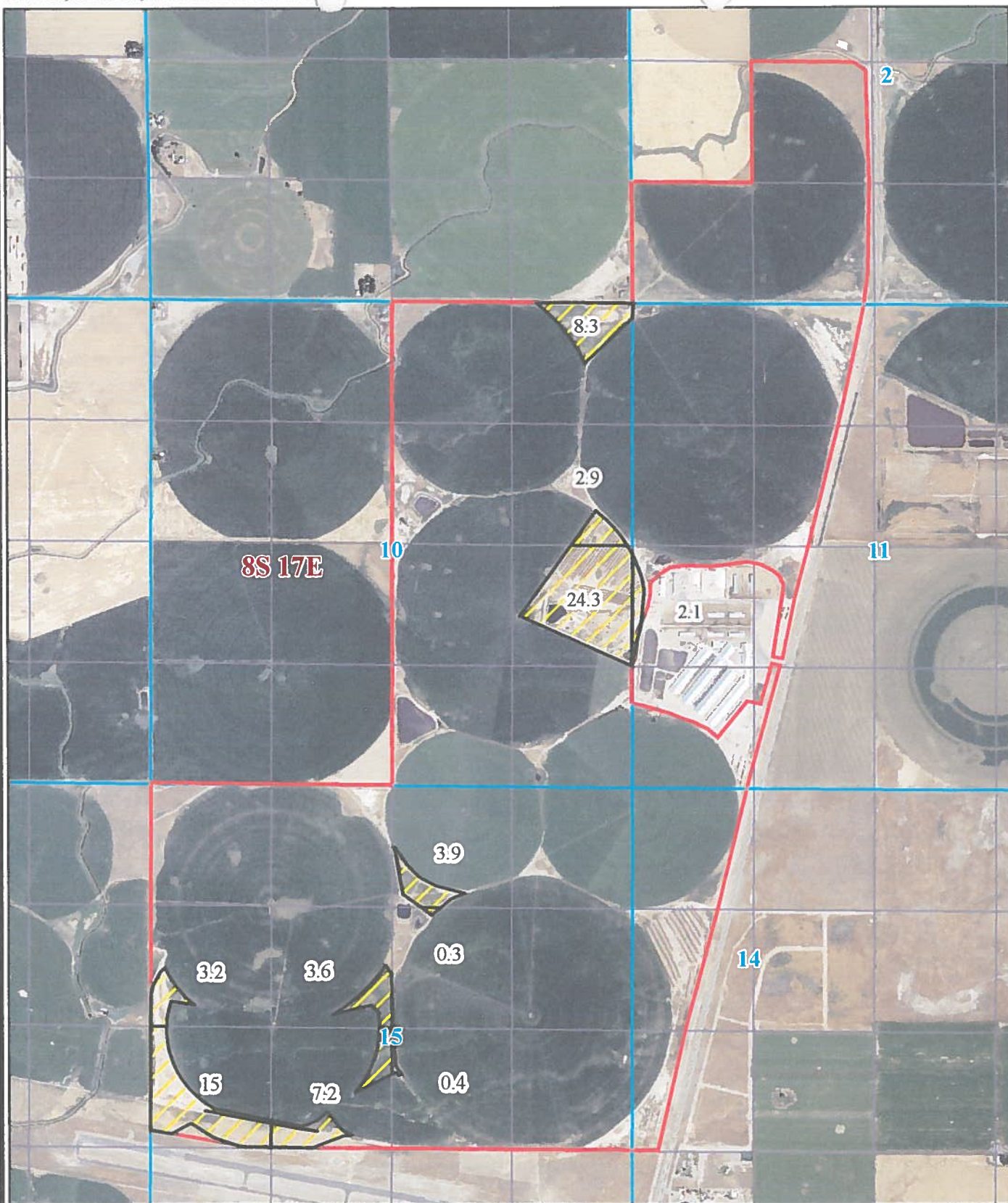
0 500 1,000 2,000 Feet

**WHITE CLOVER DAIRY
WATER BANK LEASE 2014
2011 NAIP AERIAL PHOTOGRAPH**

Legend

- WSB_LEASE 71.2 AC
- PPU = 1151.5 acres
- Sections
- Township
- Ranges





0 500 1,000 2,000 Feet

**WHITE CLOVER DAIRY
WATER BANK LEASE 2014
2009 NAIP AERIAL PHOTOGRAPH**

Legend

- WSB_LEASE 71.2 AC
- PPU = 1151.5 acres
- Sections
- Twpshp
- Adesc





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

February 27, 2015

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 36-16683

Dear Lessor:

Water Right **36-16683** was leased into the Water Supply Bank on January 1, 2015 in accordance with the executed original Lease Contract enclosed. **Your water rights as described on the Lease Contract are considered leased into the Bank and should remain unused until they are formally released from the Bank.**

The rights will automatically be released from the Bank on **December 31, 2015**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available from our public website at www.idwr.idaho.gov.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Greg Sullivan – Brockway Engineering PLLC
Allen Merritt – IDWR Southern Region
Cindy Yenter – Water District 130

Webster, Clay

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Wednesday, February 25, 2015 9:01 AM
To: Webster, Clay
Subject: Roth Lease 36-16683
Attachments: Roth Lease.pdf

Clay,

I thought we had sent the contracts back in. They will go out in the mail today.

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

Webster, Clay

From: Yenter, Cindy
Sent: Monday, February 23, 2015 9:38 AM
To: Webster, Clay
Subject: RE: Region and Watermaster comments on Lease Applications for Roth Investments LLC 36-16683

Clay – I have no objection to this lease.

Great analysis regarding the existing acres under lease. That saved me some review time. Please make sure we get the new map showing the placement of all the current bank acres in the file.

*Cindy Yenter
Watermaster, Water District 130
Twin Falls, ID
cindy.yenter@idwr.idaho.gov
208-736-3033*

From: Webster, Clay
Sent: Friday, January 23, 2015 10:33 AM
To: Merritt, Allen; Yenter, Cindy
Subject: Region and Watermaster comments on Lease Applications for Roth Investments LLC 36-16683

Allen and Cindy,

We are processing this lease application. Do you have any concerns? Thanks

Clay



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

February 19, 2015

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

RE: **REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHT(S) 36-16683**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on January 30, 2015. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application(s) will be returned, and the application fee will not be refunded. You can reapply to lease the water right(s) in the future by submitting new application form(s) along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

c: Greg Sullivan – Brockway Engineering



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

January 30, 2015

ROTH INVESTMENTS LLC
539 S 800 E
JEROME ID 83338

RE: APPLICATION TO LEASE WATER RIGHT 36-16683 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return BOTH Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2015**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C099780

c. Greg Sullivan – Brockway Engineering

Webster, Clay

From: Merritt, Allen
Sent: Monday, January 26, 2015 7:42 AM
To: Webster, Clay; Yenter, Cindy
Subject: RE: Region and Watermaster comments on Lease Applications for Roth Investments LLC 36-16683

I do not have an issue.

From: Webster, Clay
Sent: Friday, January 23, 2015 10:33 AM
To: Merritt, Allen; Yenter, Cindy
Subject: Region and Watermaster comments on Lease Applications for Roth Investments LLC 36-16683

Allen and Cindy,

We are processing this lease application. Do you have any concerns? Thanks

Clay

Webster, Clay

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Monday, January 26, 2015 4:07 PM
To: Webster, Clay
Subject: RE: Roth Investments LLC Lease Application for Water Right 36-16683
Attachments: doc01420320150126160503.pdf

Clay,

I have attached a new Attachment 2 for the Roth lease application.

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

From: Webster, Clay [<mailto:Clay.Webster@idwr.idaho.gov>]
Sent: Monday, January 26, 2015 9:39 AM
To: Greg Sullivan
Subject: Roth Investments LLC Lease Application for Water Right 36-16683

Mr. Sullivan,

I am processing the application to lease some acres of WR 36-16683 into the WSB. However, I discovered some discrepancies on the Attachment 2 for this application. Please send a corrected attachment 2 to correct the following items.

Your cover letter states that your client has plans to permanently move 72.1 acres off of this farm. Yet the map only shows 71.2 acres being offered for lease.

The tabature does not match the map of idled acres.

There was also a typo on the af at the top of the page. If the acres offered is 71.2, then the af offered should be 288.4. The total for the acres, according to the map, should total 71.2 acres on attachment 2, it is listed as 72.1.

Thank you for your assistance with this.

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 No(s). 36-16683
From: Clay Webster
Date: January 21, 2015
Re: Review of Application to Lease Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: This application was received from Brockway Engineering for Roth Investments on December 31, 2014. This application stated it was to place 72.1 acres into the WSB for the 2015 season. However, initial review shows that the map provided with this application is for 71.2 acres. This will calculate to 1.32 cfs (on the application) and 284.8 af. The application tabature of idled acres did not match the map. I'll contact the consultant to fix this.

AUTHORITY TO FILE: This application was signed by John Michael Roth, he is listed on the SOS website as a manager of Roth Investments LLC. They are the current water right owners.

WATER RIGHT VALIDITY: Upon review of the leased acres beneficial use, the cover letter for the application states that "All of the 72.1 acres has been irrigated within the last 5 years or leased to the Idaho Water Supply Bank within the last five years." There was no map or tabature submitted to explain the area to be leased (idled) in the previous leases (leased in as a PPU). I have reviewed the Landsat imagery to eliminate un-irrigated acres to support this claim. During the period from April 2013 to December 2014, they had 24 acres leased. Upon reviewing landsat imagery, I have confirmed that 964.3 acres were being irrigated in Aug 2014. When I add the 24 acres leased from 2013-2014 I came up with the authorized 988.3 acres. The claim is supported by my findings whether this lease is for 72.1 or 71.2 acres. Forfeiture is not an issue at this time for the acres submitted to be leased.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

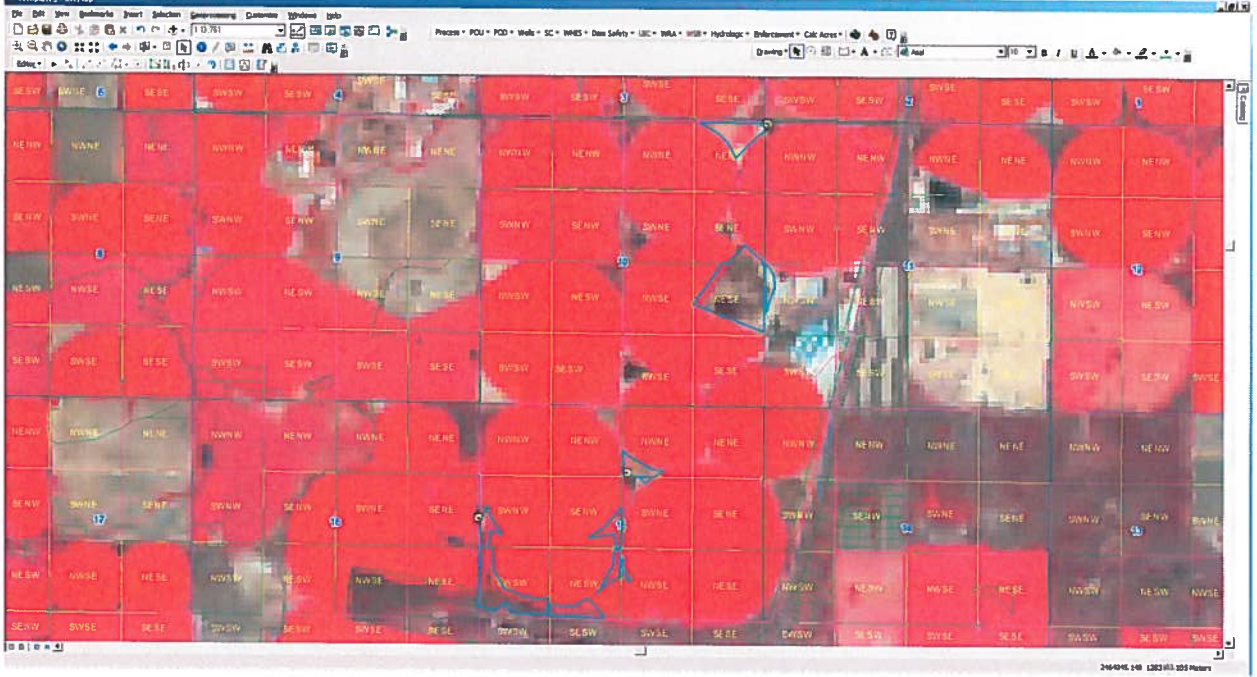
ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water District # 130. Received e-mail from Watermaster dated 1/27/2015.

Land Sat Aug 29, 2014





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 31 2014

DEPARTMENT OF
WATER RESOURCES

December 26, 2014

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 desires to lease a 72.1 acre portion of water right 36-16683 to the Idaho Water Supply Bank for the duration of the year 2015. A portion of 36-16683 has been leased to the Idaho Water Supply Bank for several years and the current lease contract is set to expire.

All of the 72.1 acres has been irrigated within the last 5 years or leased to the Idaho Water Supply Bank within the last five years.

Roth Investments is currently reviewing their current water management and have plans to permanently move the 72.1 acres off this farm.

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

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: David Roth

Enc: Lease Applications, Aerial Map, W-9 Form, Warranty Deeds, Brockway Engineering
Check # 12395 for \$250.00

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