

MEMORANDUM

Date: March 4, 2011
To: Transfer 76617 File – Roth Investment LLC
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Transfer application proposes adjusting the acres at the current place of use for improved management practices on a farm located approximately 8.0 miles East and 3.5 miles South of the center of Jerome. This transfer was submitted along with transfer 76184 (dairy transfer) to be processed together. Water rights 36-7349 and 36-15222 (parent rights) were split up front into 36-16859 and 36-16887 for the dairy transfer (76184) and 36-16860 and 36-16886 for the irrigation transfer (76617) which redefines the irrigation POU. Department staff ran an analysis of water right 36-16859 from the farm to the dairy. The effect on the various reaches of the Snake River is less than 2af per trimester for each reach. This area is in water district 130 so water master comments will be sought.

- **Authority to File:**

The application was filed by Brockway Engineering on behalf of Roth Investments LLC and signed by Zach Latham. There was a Limited Power of Attorney to Zach Latham signed by Donna Roth Habersetzer, representing Roth Investments LLC. A Special Power of Attorney was submitted allowing Donna Roth Habersetzer authority on behalf of Roth Investments LLC. According to the Secretary of State web-site, Donna Roth Habersetzer is authorized to sign on behalf of Roth Investments LLC. A Quit-Claim Deed was submitted showing that Roth Investments, L.L.C. aka Roth Investments, LLC, dba SI Ellen Dairy forever quitclaims all their interest as tenants in common unto, Roth Investments, L.L.C. No lien holder noted on the application. The current place of use for water rights 36-7349 and 36-15222 over laps a neighboring property, Walter Prentiss. The applicant has submitted a Quit-Claim Deed from Mr. Prentiss to Roth Investments for all of Mr. Prentiss interest in water rights 26-7349 and 36-15222.

- **Water Right Validity:**

The two irrigation rights were decreed in 2001 and recent aerial photos show the places of use being irrigated so forfeiture does not appear to be an issue.

- **Injury to Other Water Rights:**

None anticipated. The transfer proposes to use an existing well. With proper measurement and reporting requirements no injury should occur.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No hydrological impact anticipated. Recommend no advertisement process

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water.

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.