

RECEIVED

AUG 21 2009

DEPT. OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 76617**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 <http://www.idwr.idaho.gov/>.

**Check 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 #1-9.**

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. ~~76729~~  
76617

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant(s) Roth Investments LLC Phone 208-324-9721

Mailing address PO Box 634 Jerome, ID 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 Representative

Name of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543

Mailing address 2016 North Washington St. Suite 4 Twin Falls, ID 83301 Email greg.sullivan@brockwayeng.co

- ☐ 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**.

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OCT 07 2009  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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.

  
Signature of Applicant or Authorized Representative

P.O.A. - ZACH LATHAM 10/2/09  
Print Name and Title if applicable Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
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. Adjust place of use for improved management practices**.
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

**AUG 21 2009**DEPT. OF WATER RESOURCES  
SOUTHERN REGION**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**Name of Applicant(s) Roth Investments LLC Phone 208-324-9721Mailing address PO Box 634 Jerome, ID 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 Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington St. Suite 4 Twin Falls, ID 83301 Email greg.sullivan@brockwayeng.co

- ☐ 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.



Signature of Applicant or Authorized Representative

ZACH LATHAM - P.O.A.

Print Name and Title if applicable

8/20/09

Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

**A. PURPOSE OF TRANSFER**

- ☐ Change point of diversion      ☐ Add diversion point(s)      ☒ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_
- 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. Adjust place of use for improved management practices**.

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.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 36-7349      | 2.67/739.73           | Irrigation    | 3/15 to 11/15 | Groundwater        |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 36-15222     | 0.49/165.67           | Irrigation    | 3/15 to 11/15 | Groundwater        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 3.37 cfs and/or 940 ac-ft

2. Total amount of water proposed to be transferred or changed 3.15 cubic feet per second and/or 905.4 acre-feet per annum.

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 # |
|-------|-----|----|----|----|-----|-----|-----|--------|-------------|---------------------|
|       |     | NW | NW | SW | 4   | 09S | 18E | Jerome | Groundwater |                     |
|       |     |    |    |    |     |     |     |        |             |                     |
|       |     |    |    |    |     |     |     |        |             |                     |
|       |     |    |    |    |     |     |     |        |             |                     |
|       |     |    |    |    |     |     |     |        |             |                     |

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 |             |
| 09S | 18E | 4   |      | 1.7 | 32.5 | 1.6 | 21.2 | 12 | 36.2 | 40 | 27.3 | 16.8 |    |    | 1.7  | 29 |    |    | 220         |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |

Total Acres (for irrigation use) 220

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.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 36-7349      | 2.63/733.4            | Irrigation    | 3/15 to 11/15 | Groundwater        |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 36-15222     | 0.52/172.0            | Irrigation    | 3/15 to 11/15 | Groundwater        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

SUPERSEDED

Total authorized under rights 2.85 cfs and/or 940 ac-ft

2. Total amount of water proposed to be transferred or changed 2.63 cubic feet per second and/or 905.4 acre-feet per annum.

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 # |
|-------|-----|----|----|----|-----|-----|-----|--------|-------------|---------------------|
|       |     | NW | NW | SW | 4   | 09S | 18E | Jerome | Groundwater |                     |
|       |     |    |    |    |     |     |     |        |             |                     |
|       |     |    |    |    |     |     |     |        |             |                     |
|       |     |    |    |    |     |     |     |        |             |                     |
|       |     |    |    |    |     |     |     |        |             |                     |

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 |             |
| 09S | 18E | 4   |      | 1.7 | 32.5 | 1.6 | 21.2 | 12 | 36.2 | 40 | 27.3 | 16.8 |    |    | 1.7  | 29 |    |    | 220         |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |
|     |     |     |      |     |      |     |      |    |      |    |      |      |    |    |      |    |    |    |             |

Total Acres (for irrigation use) 220

**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, pump and pipes

- 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: N/A

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: Irrigation will continue on the acres covered by this water right.

- e. 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

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

**Yes    No**

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 @ <http://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 @ <http://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: 36-7349

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per  $\frac{1}{4}$   $\frac{1}{4}$  tract.)

[illegible]

|                                  |     |
|----------------------------------|-----|
| Total Acres (for irrigation use) | 220 |
|----------------------------------|-----|

|                                  |     |
|----------------------------------|-----|
| Total Acres (for irrigation use) | 220 |
|----------------------------------|-----|





**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.

### 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**.

1. 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.:

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.  
Received by \_\_\_\_\_ Date \_\_\_\_\_ Prelim. Check by \_\_\_\_\_ Date \_\_\_\_\_  
Fee Paid 370<sup>00</sup> Date 8/24/09 Received by Adm Receipt # 5031058  
Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_



**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.:** 36-7349

Current Owner: ROTH INVESTMENTS LLC

Priority Date: 7/5/1973

Origin: Water Right

Status: Active

Basis: Decreed

**Source**

GROUND WATER

**Tributary**

**Beneficial Use**

IRRIGATION

**From To**

3/15 to 11/15

Total Diversion

**Diversion Rate**

2.85 CFS

2.85 CFS

**Annual Volume**

**Location of Point(s) of Diversion**

GROUND WATER

JEROME County

NW1/4NW1/4SW1/4

Sec. 4, Twp 09S, Rge 18E B.M.

**Place of Use**

IRRIGATION Within JEROME County

|              |      |       |              |      |       |
|--------------|------|-------|--------------|------|-------|
| T09S R18E S4 | NWNE | 1.00  | T09S R18E S4 | SWNE | 22.00 |
| T09S R18E S4 | NENW | 25.00 | T09S R18E S4 | NWNW | 34.00 |
| T09S R18E S4 | SWNW | 39.00 | T09S R18E S4 | SENE | 40.00 |
| T09S R18E S4 | NESW | 31.00 | T09S R18E S4 | NWSW | 30.00 |
| T09S R18E S4 | NWSE | 13.00 |              |      |       |

Total Acres: 235

**Conditions of Approval:**

1. RIGHT NO. 36-15222 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.  
RIGHT NO. 36-15222 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 192 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-15222 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 235.0 ACRES IN A SINGLE IRRIGATION SEASON.
3. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4. C 18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. USE OF THIS RIGHT WITH RIGHT NO. 36-15222 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.85 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 940.0 AF.

Decreed Date: 8/27/2001

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.:** 36-15222

Current Owner: ROTH INVESTMENTS LLC  
 Priority Date: 7/5/1985  
 Origin: Water Right  
 Status: Active  
 Basis: Decreed

|                                          |                  |           |                       |
|------------------------------------------|------------------|-----------|-----------------------|
| <b>Source</b>                            | <b>Tributary</b> |           |                       |
| GROUND WATER                             |                  |           |                       |
| <b>Beneficial Use</b>                    | <b>From</b>      | <b>To</b> | <b>Diversion Rate</b> |
| IRRIGATION                               | 3/15             | 11/15     | 0.52 CFS              |
|                                          | Total Diversion  |           | 0.52 CFS              |
| <b>Location of Point(s) of Diversion</b> |                  |           |                       |
| GROUND WATER                             | NW1/4NW1/4SW1/4  | Sec. 4,   | Twp 09S, Rge 18E B.M. |
| JEROME County                            |                  |           |                       |

**Place of Use**

IRRIGATION Within JEROME County

|              |      |       |              |      |       |
|--------------|------|-------|--------------|------|-------|
| T09S R18E S4 | NWNE | 1.00  | T09S R18E S4 | SWNE | 22.00 |
| T09S R18E S4 | NENW | 25.00 | T09S R18E S4 | NWNW | 34.00 |
| T09S R18E S4 | SWNW | 39.00 | T09S R18E S4 | SENE | 40.00 |
| T09S R18E S4 | NESW | 31.00 | T09S R18E S4 | NWSW | 30.00 |
| T09S R18E S4 | NWSE | 13.00 |              |      |       |

Total Acres: 235

**Conditions of Approval:**

1. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-07349 PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. RIGHT NO. 36-07349 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.  
THIS RIGHT IS FOR AN ENLARGEMENT OF 43.0 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
3. USE OF THIS RIGHT WITH RIGHT NO. 36-07349 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
4. USE OF THIS RIGHT WITH RIGHT NO. 36-07349 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.85 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 940 AF.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.
7. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

Decreed Date: 8/27/2001

# QUITCLAIM DEED

RECEIVED  
FEB 10 2011  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Walter F. Prentiss, as grantor hereby quitclaims unto Roth Investments LLC, the grantee whose current address is PO Box 634 Jerome, Idaho 83338, all of the grantor's right, title, and interest in and to the following described water rights situated in Jerome County, Idaho, on record with the Idaho Department of Water Resources, to be made appurtenant to:

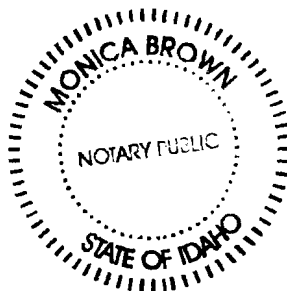
**Water right 36-15222 and 36-7349 portions located in Township 09 South Range 18 East Section 4 N ½ of the NW quarter of the Boise Meridian.**

Grantor has caused this quitclaim deed to be executed this 8<sup>th</sup> day of February, 2011.

By: Walter F. Prentiss  
Walter F. Prentiss

State of Idaho )  
County of Jerome ) S.S.

On this 8<sup>th</sup> day of February, in the year of 2011, before me, a Notary Public, personally appeared Walter F. Prentiss, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



Monica Brown  
Notary Public  
In and for said State and County

Jerome, ID  
My Commission Expires on  
5-29-2013

S  
E  
A  
L

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Donna Roth Habersetzer, representing Roth Investments LLC, hereby nominate and appoint Brockway Engineering (Zach Latham) as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

All portions of all water rights and canal company shares transactions pertaining to property owned by Roth Investments LLC.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

in Jerome County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 9<sup>th</sup> day of May 2008.

Roth Investments LLC

Signature

Donna Roth Habersetzer

Signature

State of Idaho

County of Twin Falls )  
ss.

On this 9<sup>th</sup> Day of May, 2008, before me, a Notary Public in and for said County and State, personally appeared Donna Roth Habersetzer known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S  
E  
A  
L



Sheila D. Daniels

Notary Public

In and for said State and County

Aug. 6, 2013

My Commission Expires

## TWIN FALLS COUNTY

RECORDED FOR:  
TWIN FALLS TITLE  
10:45:41 am 08-29-2005  
2005-019115

NO. PAGES: 5 FEE: \$18.00  
KRISTINA GLASCOCK  
COUNTY CLERK  
DEPUTY: COLUMBIA

**SPECIAL POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS, that we, MARY ELLEN ROTH, JOHN MICHAEL ROTH, DONNA ROTH HABERSETZER, SUSAN ROTH FALTER, JAMES D. ROTH, JUDY ROTH MEZES, DENISE ROTH MANES, TODD ROTH and LISA ROTH WHITMIRE, as partners of ROTH INVESTMENTS LLC, do hereby and by these presents constitute and appoint DONNA ROTH HABERSETZER, as the true and lawful attorney-in-fact for ROTH INVESTMENTS LLC, to conduct all business and execute any and all documents on to behalf of said Limited Liability Company.

I hereby give and grant to said attorney-in-fact all other powers necessary or reasonably convenient to the carrying out of the powers above granted, and I hereby ratify all action or actions taken by my attorney-in-fact under this instrument.

This Special Power of Attorney shall continue in full force and effect until revoked by me, and all persons unto whom these presents shall come shall be entitled to rely on the powers herein granted until such persons may have received written notice that said Special Power of Attorney has been revoked or until written notice of said revocation may be recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_ day of August 26, 2005.

Mary Ellen Roth  
MARY ELLEN ROTH

John Michael Roth  
JOHN MICHAEL ROTH

Donna Roth Habersetzer  
DONNA ROTH HABERSETZER

Susan Roth Falter  
SUSAN ROTH FALTER

James D. Roth  
JAMES D. ROTH

SPECIAL POWER OF ATTORNEY – Page 1

State of Idaho )  
County of Twin Falls )  
I hereby certify the foregoing to be a full, true  
and correct copy of the original.

KRISTINA GLASCOCK

TWIN FALLS COUNTY CLERK

Connie S. DeMoor 7/5/07  
DATE

Judy Ruth Mezes  
JUDY ROTH MEZES

Denise Roth Manes  
DENISE ROTH MANES

Todd C. Roth  
TODD ROTH

Lisa Roth Whitmire  
LISA ROTH WHITMIRE

STATE OF ID \_\_\_\_\_ )

County of Twin Falls )

) ss.

On this 21<sup>st</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared MARY ELLEN ROTH, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Krieger  
NOTARY PUBLIC  
Residing at: Bureau ID  
Comm. Expires: 08/06/2006

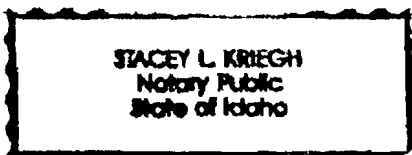
STATE OF ID \_\_\_\_\_ )

) ss.

County of Twin Falls )

On this 26<sup>th</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN MICHAEL ROTH, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Kriegh  
NOTARY PUBLIC  
Residing at: Burley ID  
Comm. Expires: 06/06/2006

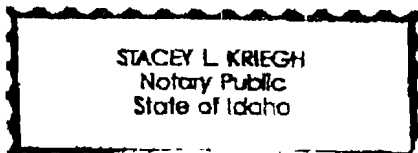
STATE OF ID \_\_\_\_\_ )

) ss.

County of Twin Falls )

On this 26<sup>th</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared DONNA ROTH HABERSETZER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Kriegh  
NOTARY PUBLIC  
Residing at: Burley ID  
Comm. Expires: 06/06/2006

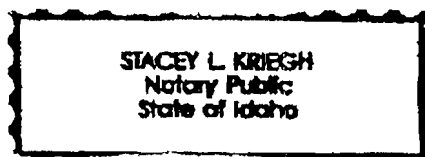
STATE OF ID \_\_\_\_\_ )

County of Twin Falls )

) ss.

On this 26<sup>th</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared SUSAN ROTH FALTER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Krieger  
NOTARY PUBLIC  
Residing at: Burley ID  
Comm. Expires: 06/06/2006

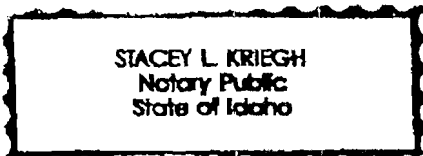
STATE OF ID \_\_\_\_\_ )

County of Twin Falls )

) ss.

On this 26<sup>th</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES D. ROTH, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Krieger  
NOTARY PUBLIC  
Residing at: Burley ID  
Comm. Expires: 06/06/2006

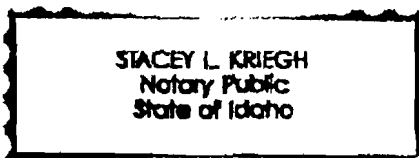
STATE OF ID \_\_\_\_\_ )

) ss.

County of Twin Falls )

On this 21<sup>st</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared JUDY ROTH MEZES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Krieger  
NOTARY PUBLIC  
Residing at: Burley ID  
Comm. Expires: 06/01/2006

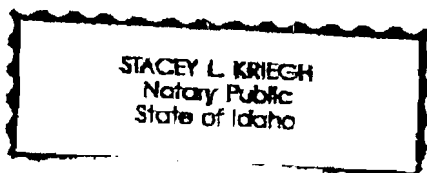
STATE OF ID \_\_\_\_\_ )

) ss.

County of Twin Falls )

On this 21<sup>st</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared DENISE ROTH MANES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Krieger  
NOTARY PUBLIC  
Residing at: Burley ID  
Comm. Expires: 06/01/2006

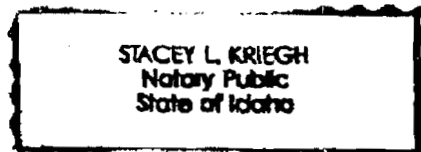
STATE OF ID \_\_\_\_\_ )

County of Twin Falls )

) ss.

On this 21<sup>st</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD ROTH, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Kriegh  
NOTARY PUBLIC  
Residing at: Burley, ID  
Comm. Expires: 08/01/2006

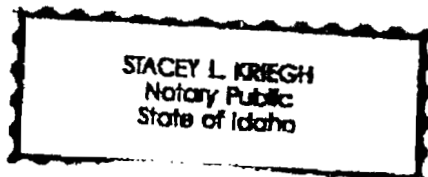
STATE OF ID \_\_\_\_\_ )

County of Twin Falls )

) ss.

On this 21<sup>st</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared LISA ROTH WHITMIRE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stacey L. Kriegh  
NOTARY PUBLIC  
Residing at: Burley, ID  
Comm. Expires: 08/01/2006

**Instrument # 2094023**

JEROME COUNTY, JEROME, IDAHO  
8-13-2009 01:11:22 No. of Pages: 5  
Recorded for : PETERSON LAW OFFICE  
MICHELLE EMERSON Fee: 15.00  
Ex-Officio Recorder Deputy *Beneh*

RECORDING REQUESTED BY:  
Steven D. Peterson – Attorney

AND WHEN RECORDED MAIL TO:  
Steven D. Peterson  
P.O. Box 5827  
Twin Falls, ID 83303-5827

---

**QUIT-CLAIM DEED**

(Jerome County Property)

**Grantor:** ROTH INVESTMENTS, L.L.C. aka ROTH INVESTMENTS LLC dba SI ELLEN DAIRY

**Grantee:** ROTH INVESTMENTS, L.L.C.

KNOW ALL MEN BY THESE PRESENTS THAT:

ROTH INVESTMENTS, L.L.C. aka ROTH INVESTMENTS, LLC, dba SI ELLEN DAIRY hereinafter referred to as "Grantor" hereby conveys, releases, transfers, remises and forever quitclaims all their interest as tenants in common unto, ROTH INVESTMENTS, L.L.C., hereinafter referred to as "Grantee," whose address is 539 S 800 E, Jerome, Idaho 83338, in and to certain real property located in Jerome County, Idaho, legally described on Exhibit A attached hereto and incorporated in full herein.

Together with any and all improvements, appurtenances and water rights.

IN WITNESS WHEREOF, We have hereunto set our hand hereto this 3rd day of August, 2009.

ROTH INVESTMENTS, L.L.C., aka  
ROTH INVESTMENTS, LLC dba  
SI ELLEN DAIRY

By *Donna Roth Habersitzer*  
Donna Roth Habersitzer

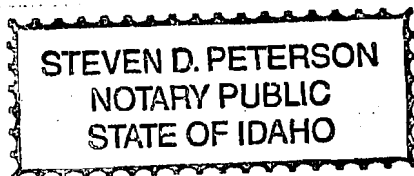
STATE OF IDAHO

)  
) ss.  
)

County of Twin Falls

On this 3rd day of August, 2009, before me, a Notary Public in and for said county and state, personally appeared DONNA ROTH HABERSETZER, authorized agent for ROTH INVESTMENTS, L.L.C, aka ROTH INVESTMENTS, LLC, dba SI ELLEN DAIRY known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same on behalf of ROTH INVESTMENTS, L.L.C. aka ROTH INVESTMENTS, LLC, dba SI ELLEN DAIRY.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.



Steven D. Peterson  
NOTARY PUBLIC FOR IDAHO  
Residing at: Twin Falls, Id  
My Commission Expires: 5-2-2012

**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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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:**

**-Continued-**

**CONTINUATION  
EXHIBIT A**

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.

**TRACT IV**

**TOWNSHIP 9 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO**

**Section 3: That part of the W½SW¼ lying South and West of the Oregon Short Line Railroad  
right-of-way.**

**EXCEPTING THEREFROM a parcel of land in the W½SW¼, being more  
particularly described as follows:**

**Commencing at the Southeast corner of the SW¼ of said Section 3;**

**Thence South 89°50' West, 1315.35 feet to the Southeast corner of the said W½SW¼  
and THE TRUE POINT OF BEGINNING;**

**Thence South 89°50' West, 483.77 feet along the Southerly boundary of said W½SW¼;  
Thence along a fence line the following courses and distances:**

**North 12°50'27" West, 816.43 feet;**

**North 78°44'10" West, 70.06 feet;**

**North 3°31'57" West, 486.15 feet;**

**North 8°20'40" East, 353.08 feet;**

**North 38°54'55" East, 129.56 feet to the Southwesterly boundary of the  
Oregon Short Line Railroad property;**

**Thence South 51°43'13" East, 795.62 feet along said Southwesterly boundary to the  
Easterly boundary of said W½SW¼;**

**Thence South 0°18'23" East, 1250.79 feet along said Easterly boundary to THE TRUE  
POINT OF BEGINNING.**

**TOGETHER with an easement for the purpose of ingress and egress over the Westerly  
100.00 feet of the parcel described above.**

-continued-

**CONTINUATION  
EXHIBIT A**

**and TOWNSHIP 9 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO**

**Section 4: That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Lot 2, 3 and 4 lying South and West of the Oregon Short Line Railroad right-of-way, S $\frac{1}{4}$ S $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;**

**EXCEPTING THEREFROM a parcel of land in Lots 3 and 4 being more particularly described as follows:**

**Beginning at the Northwest corner of said Section 4;**

**Thence running East along the North boundary line of said Section to a point of intersection with the Southwesterly boundary line of said Railroad right-of-way;**

**Thence Southeasterly along said right-of-way, 1030.72 feet on a 0°39'13" curve right, having a radius of 8764.89 feet and Delta angle of 6°44'16";**

**Thence North 89°52' West, 2150.21 feet to a point on the West boundary of said Section 4;**

**Thence North along said West boundary a distance of 523.08 feet to THE POINT OF BEGINNING.**

**and TOWNSHIP 9 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO**

**Section 9: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .**

**Instrument # 2094022**

JEROME COUNTY, JEROME, IDAHO

8-13-2009 01:07:40 No. of Pages: 5

Recorded for: PETERSON LAW OFFICES

MICHELLE EMERSON Fee: 15.00

Ex-Officio Recorder Deputy

*Bunch*

RECORDING REQUESTED BY:  
Steven D. Peterson – Attorney

AND WHEN RECORDED MAIL TO:  
Steven D. Peterson  
P.O. Box 5827  
Twin Falls, ID 83303-5827

---

### QUIT-CLAIM DEED

---

(Jerome County Property)

**Grantor:** ROTH INVESTMENTS, L.L.C. aka ROTH INVESTMENTS LLC dba SI ELLEN DAIRY

**Grantee:** ROTH INVESTMENTS, L.L.C.

KNOW ALL MEN BY THESE PRESENTS THAT:

ROTH INVESTMENTS, L.L.C. aka ROTH INVESTMENTS, LLC, dba SI ELLEN DAIRY hereinafter referred to as "Grantor" hereby conveys, releases, transfers, remises and forever quitclaims all their interest as tenants in common unto, ROTH INVESTMENTS, L.L.C., hereinafter referred to as "Grantee," whose address is 539 S 800 E, Jerome, Idaho 83338, in and to certain real property located in Jerome County, Idaho, legally described on Exhibit A attached hereto and incorporated in full herein.

Together with any and all improvements, appurtenances and water rights.

IN WITNESS WHEREOF, We have hereunto set our hand hereto this 3rd day of August, 2009.

ROTH INVESTMENTS, L.L.C., aka  
ROTH INVESTMENTS, LLC dba  
SI ELLEN DAIRY

By *Donna Roth Habersetz*  
Donna Roth Habersetz

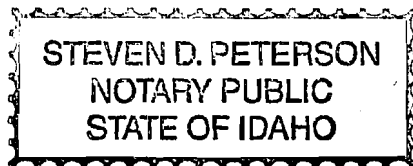
STATE OF IDAHO

County of Twin Falls

)  
) ss.  
)

On this 3rd day of August, 2009, before me, a Notary Public in and for said county and state, personally appeared DONNA ROTH HABERSETZER, authorized agent for ROTH INVESTMENTS, L.L.C. aka ROTH INVESTMENTS, LLC, dba SI ELLEN DAIRY known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same on behalf of ROTH INVESTMENTS, L.L.C. aka ROTH INVESTMENTS, LLC, dba SI ELLEN DAIRY.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.



Steven D. Peterson  
NOTARY PUBLIC FOR IDAHO  
Residing at: Twin Falls, Id  
My Commission Expires: 5-2-2012

**EXHIBIT A**

**Jerome Property Legal Descriptions**

**Parcel 1: (Commonly known as Thomas Property)**

TOWNSHIP 9 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, JEROME  
COUNTY, IDAHO

Section 3: Tract A and B

**Parcel 2: (Commonly known as Spanbauer Property)**

TOWNSHIP 9 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, JEROME  
COUNTY, IDAHO

Parcel A:           Section 8: S  $\frac{1}{2}$  SE  $\frac{1}{4}$ ; S  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;  
                          Section 9: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;  
                          Section 16: NW  $\frac{1}{4}$ ; SW  $\frac{1}{4}$ ;  
                          Section 17: All;

Parcel B:           Section 16: NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; S  $\frac{1}{2}$  NE  $\frac{1}{4}$ ; SE  $\frac{1}{4}$ ;

CORRECTED EXHIBIT "A"  
LEGAL DESCRIPTION

Si-Ellen (Roth) Dairy

Township 9 South, Range 18, East of the Boise Meridian  
Jerome County, Idaho

Section 8: S 1/2 SE 1/4, S 1/2 SW 1/4

Section 9: SW 1/4 SW 1/4

Section 16: NW 1/4, SW 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, SE 1/4

Section 17: All

EXCEPTING THEREFROM the following described parcel of land:  
Part of NE 1/4 of Section 17 and part of NW 1/4 of Section 16,  
more particularly described as follows: Beginning at the  
Northeast corner of Section 17, thence South 0° 05' 14" East  
651.07 feet along the boundary between Section 16 and Section 17  
to the TRUE POINT OF BEGINNING; thence South 89° 29' 37" East  
259.28 feet, thence South 0° 05' 14" East 480.64 feet, thence  
North 89° 52' 42" West 185.14 feet, thence South 74° 18' 21" West  
77.18 feet to the section line common to Section 16 and 17, thence  
South 74° 18' 21" West 299.23 feet, thence South 65° 46' 31" West  
255.09 feet, thence South 79° 58' 09" West 205.86 feet, thence  
North 27° 41' 19" East 820.10 feet, thence South 89° 29' 37" East  
341.58 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH the following non-exclusive Access Easement;  
Beginning at the Northeast corner for Section 17, thence South 0°  
05' 14" East 651.07 feet, thence North 89° 29' 37" West 341.58  
feet, thence South 27° 41' 19" West 820.10 feet to the TRUE POINT  
OF BEGINNING; thence South 79° 58' 09" West 50.00 feet along the  
Northernly boundary of a 25.00 feet, in width Access Easement to a  
certain County Road; thence South 10° 01' 51" East 25.00 feet,  
thence North 79° 58' 09" East 255.86 feet along the Southerly  
boundary of said Access Easement, thence North 10° 01' 51" West  
25.00 feet, thence South 79° 58' 09" West 205.86 feet along the  
Northernly boundary of said Access Easement to the TRUE POINT OF  
BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel of  
land; Beginning at the Southeast corner for Section 8, thence  
North 89° 39' 26" West 1,516.87 feet along the Southerly boundary  
of Section 8 to the TRUE POINT OF BEGINNING, thence North 0° 05'  
15" West 436.54 feet, thence North 89° 39' 26" West 773.92 feet,  
thence South 4° 07' 24" West 437.48 feet to the Southerly boundary  
of Section 8, thence South 4° 07' 24" West 91.41 feet to a point  
on a non-tangent curve right, thence Southeasterly 573.77 feet  
along the arc of a curve right having a radius of 1,296.14 feet  
and a chord of South 79° 53' 43" East 569.10 feet, thence

departing said curve North 74° 07' 04" East 160.00 feet, thence North 59° 42' 58" East 114.14 feet to the center of a concrete bridge, thence North 0° 05' 15" West 84.85 feet to the TRUE POINT OF BEGINNING.

Said parcel of land containing 10.26 acres, more or less.

TOGETHER WITH the following non-exclusive Access Easement; Beginning at the Northeast corner for Section 17, thence North 89° 39' 26" West 1,516.87 feet along the Northerly boundary for Section 17, thence South 0° 05' 15" East 84.85 feet to the center of a concrete bridge and the centerline of a 25.00 feet, in width, Access Easement, thence along the center of said Access Easement the following courses: South 56° 20' 19" East 201.83 feet, South 85° 07' 49" East 429.79 feet, South 12° 25' 00" East 590.93 feet, South 41° 15' 01" East 118.00 feet to the center of a certain County Road.