

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 25 2010

DEPARTMENT OF
WATER RESOURCES

May 24, 2010

Aaron Marshall
Idaho Water Supply Bank
P.O. Box 83720
Boise, ID 83720

Re: Lease Application for 36-16683

Dear Mr. Marshall:

The following lease application is for Roth Investments LLC for 0.69/148 CFS/AFA or 37 acres of irrigation water. Roth Investments LLC would like to avoid any non use issues and lease the water supply bank. This will allow Roth Investments LLC to determine where the 37 acres of irrigation water can best be utilized or transferred.

A previous lease application of 0.19/40 CFS/AFA or 10 acres of irrigation water from water right 36-16683 was submit in August of 2009. The total desired acres to be leased to the water supply bank are 47 acres from water right 36-16683.

Please copy our office on all correspondence regarding this application. Thank you for your assistance and clarification on this matter and if you have questions or comments, please call.

Sincerely,

Greg Sullivan E.I.T.

Cc: Roth Investments LLC
Enc: Limited Power of Attorney, Warranty Deed

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

Water Supply Bank No. _____
(for Department use only)

STATE OF IDAHO
WATER RESOURCE BOARD

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

Name of Seller/Lessor Roth Investments LLC Phone 208-324-9721

Mailing address PO Box 634 Jerome, ID 83338 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. Right Number 36-16683 ✓ Amount (cfs/ac-ft) 0.69/148 Nature of Use Irrigation Period of Use 4/01 to 10/31

Total: 0.69/148

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

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

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	2									38		40	38					116
		10	39.5	39.5	39.6	39.5									39.6	39.6	39.6	39.5	316.4
		11					32.2	39.8	39.9	23	6.4	10	23.1	2.2					176.6
		14						33.1	23.3			13.6							70
		15	39.5	39.5	39.4	39.4	39.5	39.5	39.5	39.5	39.8	37.7			39.6	39.6			472.5

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 1151.5*

*Irrigation for WSB lease = 10.0+37 =47 acres. A limit of 941.3 acres will be irrigated within 1151.5 acre PPU.

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank?

Yes X No _____ If no, provide documentation of your authority to sign on behalf of the right holder OR
attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.

2. Is the water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts?

No X Yes _____ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract
agreeing to the proposed changes and list name of entity: _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.
Existing wells, pumps and piping for irrigation water supply.

2. Describe any other water rights used for the same purpose or at the same place of use as described above.
N/A

3. Will the present place of use continue to receive water from any source?
No ☒ Yes _____ If yes, describe. _____
4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?
No ☒ Yes _____ If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____
5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan?
No ☒ Yes _____ If yes, describe. _____

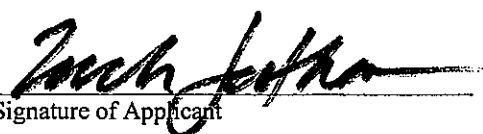
D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale or lease:
Sale _____ Lease ☒
If Lease, for a period from _____ to _____ OR ☒ Indefinite
(Month / Day / Year) (Month / Day / Year)
2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the Idaho Water Resource Board. 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 right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.


Signature of Applicant

Power of

Printed Name and Title*

5/24/10
Date

Signature of Applicant

Printed Name and Title*

Date

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

Page _____ of _____

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

Current Water Right No.: 36-16683

Current Owner: ROTH INVESTMENTS LLC
Priority Date: 2/26/1980
Origin: Water Right
Status: Active
Basis: License

Source

Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	18.39 CFS	3953.2 AF
	Total Diversion	18.39 CFS	3953.2 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 15,	Twp 08S,	Rge 17E B.M.
JEROME County				
GROUND WATER	NW1/4NE1/4	Sec. 15,	Twp 08S,	Rge 17E B.M.
JEROME County				
GROUND WATER	NW1/4NW1/4	Sec. 11,	Twp 08S,	Rge 17E B.M.
JEROME County				

Place of Use

IRRIGATION Within JEROME County

T08S R17E S2	NESW	38.00	T08S R17E S2	SWSW	40.00
T08S R17E S2	SESW	38.00	T08S R17E S10	NENE	39.50
T08S R17E S10	NWNE	39.50	T08S R17E S10	SWNE	39.60
T08S R17E S10	SENE	39.50	T08S R17E S10	NESE	39.60
T08S R17E S10	NWSE	39.60	T08S R17E S10	SWSE	39.60
T08S R17E S10	SESE	39.50	T08S R17E S11	NENW	32.20
T08S R17E S11	NWNW	39.80	T08S R17E S11	SWNW	39.90
T08S R17E S11	SENW	23.00	T08S R17E S11	NESW	6.40
T08S R17E S11	NWSW	10.00	T08S R17E S11	SWSW	23.10
T08S R17E S11	SESW	2.20	T08S R17E S14	NWNW	33.10
T08S R17E S14	SWNW	23.30	T08S R17E S14	NWSW	13.60
T08S R17E S15	NENE	39.50	T08S R17E S15	NWNE	39.50
T08S R17E S15	SWNE	39.40	T08S R17E S15	SENE	39.40
T08S R17E S15	NENW	39.50	T08S R17E S15	NWNW	39.50
T08S R17E S15	SWNW	39.50	T08S R17E S15	SENW	39.50
T08S R17E S15	NESW	39.80	T08S R17E S15	NWSW	37.70
T08S R17E S15	NESE	39.60	T08S R17E S15	NWSE	39.60

Total Acres: 1151.5

Page _____ of _____

Conditions of Approval:

1. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

2. R05 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.

3. 214 Prior to the diversion and use of water under Transfer approval 75191 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

5. X27 This right is limited to the irrigation of 988.3 acres within the place of use described above in a single irrigation season.

6. X36 Right 36-16639 is also diverted through the point(s) of diversion described above.

7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

9. X61 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.

10. R64 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.

Licensed Date: 5/6/1995

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 9th day of May 2008.

Roth Investments LLC

Signature

Donna Roth Habersetzer

Signature

State of Idaho

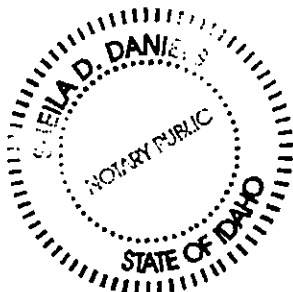
County of Twin Falls

ss.

On this 9th 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

WARRANTY DEED

#GJ-33186

Instrument # 2843563
JEROME COUNTY, JEROME, IDAHO
2004-06-30 02:30:32 No. of Pages: 2
Recorded for: LAND TITLE & ESCROW
CHERYL WATTS Fee: 6.00
Ex-Officio Recorder Deputy *C. Bunch*

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)
) ss.
COUNTY OF JEROME)

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.

Rick Bernsen
Notary Public

Residing at: Jerome ID

My Commission expires: 7-2007

**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 $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{4}$ SW $\frac{1}{4}$;

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

Section 10: E $\frac{1}{4}$;

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:

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 in the office of the County Clerk.

Michelle Emerson

Ex-Officio Auditor and Recorder

Michelle Emerson
(Deputy) Clerk

Roth Investments LLC
Water Right Calculation

Total Acres	988.3
CFS	18.39
AFA	3953.2
Acres sold/ Transferring	37.0
	0.037438 %

Water Right	Amount		Transfer Amount		Remaining Amount	
	cfs	acre-ft	cfs	acre-ft	cfs	acre-ft
	18.39	3953.2	0.69	148.0	17.70	3805.2
Total	<u>18.39</u>	<u>3953.2</u>	<u>0.69</u>	<u>148</u>	<u>17.70</u>	<u>3805.2</u>
	988.3	acres	37	acres	951.3	acres