



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 11, 2009

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: ITD Permit – Roth Investments LLC

Dear Allen,

Attached is a permit from the Idaho Transportation Department granting approval for Roth Investments LLC to continue to irrigate portions of ITD's right of way adjacent to State Highway 93, Jerome County ID. It is my understanding that with this approved permit from ITD, processing of Roth Investments LLC's transfer application may continue.

Please copy our office on all correspondence regarding this matter. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

Attachments-ITD Permit #4-09-064.

Cc: Donna Roth Habersetzer

RECEIVED
MAY 13 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Right-Of-Way Encroachment Application and Permit Approaches and Other Encroachments



Project Number (From ITD Highway Plan) F - 2391 (47)			Application Date 3/11/09		Number of Encroachments		Permit Number 4-09-064	
Route US-93	Segment 002220	C/L Milepost 58.1-61.2	Right ☐ Left ☒	C/L Station 607+36.87 To 724+17.61	Right ☐ Left ☒	Access Control Type (I-V) III		
City and/or County Jerome / Jerome			Township; Range; Section T.08S R.17E SEC.2,11,14		Roadway Type (Urban, Rural) Rural		Number of Lanes 2	
Median Type (Raised, Painted, etc.) ☐		Traffic Impact Study Required ☐		Appraisal Required ☐		Application Fee \$ 75.00		Inspection Fee (If Req'd) \$
						Performance Bond (If Req'd) \$		

Encroachment Type (When permitting multiple encroachments, attach additional sections on Page 3)

Approaches	New Approach ☐		Existing Approach Modifications (Select all that apply) Location ☐ Width ☐ Use ☐		Approach Width (Without Flares)		Culvert (If Required) Length _____ Diameter _____	
	Approach Type: SF Residential ☐ MF Residential ☐ Commercial ☐ Agricultural ☐ Joint Use ☐							
	Distance From Nearest Approach (both directions, both sides of roadway) - Show on Plan						Approach Volume Vehicle Trips Per Day _____	
	Sight Distance Right (ft) _____ Left (ft) _____ Posted Speed _____				GPS Coordinates Latitude _____ Longitude _____ Elevation (ft) _____			
	Remarks (Attach additional sheets if needed)							

Other Encroachments	Specify Type (i.e.: Landscaping, Benches, Bus Turnout, etc.)
	Roth Investments LLC (White Clover Dairy) is requesting pivots be allowed to irrigate Idaho Transportation Department's right of way adjacent to the applicants property in T.08S R.14E SEC. 2, 11, 14 B.M. in Jerome County.

Include the following:

1. A completed Encroachment Checklist, applicable ownership documents, multiple approach permit sheets
2. Written authorization from the owner or signature of joint user (when required).
3. Plans or drawings (3 sets) showing proposed work, approach locations, drainage details, landscaping, striping plans, and traffic control. (Include department roadway alignment or project plans when available.)
4. Special Provisions, Traffic Control Plans, Environmental documents and any other required permits.

I certify that I am the owner or authorized representative of the property to be served and request permission to construct the above facilities within the State Highway Rights-of-Way in accordance with the general provisions specified on page 2 of this form and any special provisions or plans made a part of this permit. I further certify that I have obtained and provided a copy to the Idaho Transportation Department (ITD) of all other required governmental approval to perform the work authorized under this permit.

I further understand that this permit shall be void if all work has not been completed within one year of permit issuance and a final inspection and approval from ITD has not been obtained.

Owner's Name (Printed) Mike Roth for Roth Investments LLC		Address 539 S 800 E		City Jerome	State Id.	Zip 83338
Owner's Signature <i>J.M. Roth</i>		Phone Number 208 420 2044		Fax Number 208 324 0325		
Authorized Representative or Joint User (Printed) J.M. Roth		Address SAME		City	State	Zip
Authorized Representative or Joint User's Signature		Phone Number		Fax Number		

Subject to all terms, conditions, and provisions shown on this form or attachments, permission is hereby granted to the above-named applicant to perform the work described.

Local Government Approval When Required			Department Approval	
Signature	Title	Date	Signature	Issue Date
			<i>[Signature]</i>	MAY 08 2009

Note: Permit will be considered Temporary until final inspection and approval by a department representative.

BY: *[Signature]*

General Provisions

- 1. During the progress of all work, traffic control devices shall be erected and maintained as necessary or as directed for the protection of the traveling public. All traffic control devices shall conform to the most current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*, as adopted by the state (ITD). Equipment or materials within the highway right-of-way shall be delineated and protected at all times with appropriate approved traffic control devices.
- 2. By signing this permit, the permittee, his designated representative or successors, agree to indemnify, save harmless, and defend regardless of outcome ITD from the expenses of and against all suits or claims, including costs, expenses, and attorney fees that may be incurred by reason of any act or omission, neglect, or misconduct of the permittee or its contractor in the design, construction, and maintenance of the work, which is the subject of this permit.
- 3. Approaches shall be for the bona fide purpose of securing access and not for parking, conducting business, or servicing vehicles on the highway right-of-way.
- 4. Any disturbance of the highway, right of way, and/or traffic control devices shall be restored to the satisfaction of ITD.
- 5. If the work done under this permit interferes in any way with the drainage of the state highway, the permittee shall, at his sole expense, make such corrections as necessary or as directed by ITD.
- 6. Upon completion of the permitted work, all rubbish and debris shall be immediately removed from the work area to the satisfaction of ITD.
- 7. All work herein permitted shall conform to current government and industry standards and be performed and completed to the satisfaction of ITD. The expense of any required supervision of work performed under this permit shall be borne by the permittee.
- 8. This permit or privilege granted under ITD 2109 shall not be deemed or held to be an exclusive one and shall not prohibit the state from using any of its highways, streets, or public places or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered. ITD reserves the right to make at any time such modification, addition, repair, relocation, or removal of an existing encroachment(s) or its appurtenances or any encroachment(s) or subject(s) authorized by this permit within the highway right-of-way as may be necessary to permit the relocation, reconstruction, widening, and maintenance of the highway and/or to provide proper protection to life and property on or adjacent to the highway.
- 9. Any modification, relocation, or removal required due in part to negligence of the permittee shall be made at the sole expense of the permittee. All such modifications, relocation, or removal by the permittee shall be done in such a manner as will cause the least interference with the traveling public or any of the state's work.
- 10. ITD may revoke, amend, amplify, or terminate this permit or any of the conditions herein enumerated if the permittee fails to comply with any or all of its provisions, requirements, or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the approach, structure, or subject herein granted is not installed or operated and maintained in conformity herewith.
- 11. The permittee shall maintain at its sole expense the encroachment for which this permit is granted.
- 12. Inspection of the permitted work may be performed at any time to ensure compliance with the requirements of this permit. ITD shall be reimbursed by the permittee for any additional inspection required under the special provisions of this permit.
- 13. The permittee shall furnish all material, labor, and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing drainage pipe of a size specified on the permit (12-inch minimum), curb, gutter, concrete sidewalk, etc., where required. Materials and workmanship shall conform to current government and industry standards and are subject to inspection by ITD.
- 14. No work shall commence until the permittee is given notice to proceed by an authorized representative of ITD. The permittee shall notify ITD five (5) working days prior to commencing the permitted work if work does not commence immediately upon notice by ITD.
- 15. The original permit or a copy must be kept on the job site whenever work is taking place. Any modification, relocation, or removal of an encroachment or subject granted by this permit shall require a new permit prior to commencement of such work.

District Staff Review

Review	Reviewer	Date	Recommendation	
			Yes	No*
Design	<i>[Signature]</i>	3-23-09	☒	☐
Maintenance	<i>[Signature]</i>	3-23-09	☒	☐
Planner	<i>[Signature]</i>	3-23-09	☒	☐
Right-of-Way	<i>[Signature]</i>	3-23-09	☒	☐
Traffic	BHC	3/23/09	☒	☐
			☐	☐

District Appeal Review

Review	Reviewer	Date	Recommendation	
			Approve	Deny*
DTE			☐	☐
DE			☐	☐

*Attach reason(s) for denial and/or recommendations

Headquarters Staff Review

Review	Reviewer	Date	Recommendation	
			Yes	No*
Bridge			☐	☐
Design			☐	☐
Environmental			☐	☐
OHOS			☐	☐
Right-of-Way			☐	☐
Utilities			☐	☐

Headquarters Appeal Review

Review	Reviewer	Date	Recommendation	
			Approve	Deny*
HOSE			☐	☐
Hearing Officer			☐	☐
Director			☐	☐

SPECIAL PROVISIONS

All work associated with this permit shall be in compliance with the ITD Standard Specifications for Highway Construction.

The Code of Federal Regulations, Part 634, Title 23 requires all persons working in State Highway Right of Way to wear Class 2 or 3 high-visibility clothing and headwear. Clothing must meet American National Standard Institute/International Safety Equipment Association 107-2004 specifications.

The permit holder and all subcontractors, agents, or assigns working for, or on the behalf of the permit holder are required to have a copy of the approved Encroachment Permit at the work site while work is in progress.

In accepting the permit, the Permittee agrees that the State of Idaho will not be liable for damage to the Permittee's facility within 15' of the shoulder due to maintenance of the highway.

The Idaho Transportation Department (ITD) is not seeking any water rights in Township 8S, Range 17 E, Sections 2, 11, or 14, and therefore will permit the continued irrigation of land currently being farmed on ITD Right of Way.

It shall be the responsibility of the permit holder to remove anything in ITD Right-of-Way not covered in this permit; such as hay stacks, manure piles, debris or machinery.

Any top soil removed from ITD Right-of-Way shall be restored and contoured to a natural state.

In accepting this permit the Permittee agrees to re-seed any bare ground or disturbed areas to control erosion caused by wind or water. The Vegetation Foreman has offered to mark those areas if needed. Seeding shall be completed in the fall or early winter or in some cases, the spring. Drill seeding is the preferred method. (Ephraim, Siberian, Sheep Fescue 5 lbs. per acre each) (Refer to attached Seeding Guide)

All unearthed rock or other material shall be hauled away, buried, or dispersed to natural state.

Weed control – The Idaho State Noxious Weed law is administered by the Idaho Department of Agriculture and declares that specific weeds (listed on the Idaho Noxious Weed List) are designated noxious because of the damage they can cause. Therefore the permit holder will be responsible to control and eradicate any noxious weeds by the use of herbicides in the permitted areas. It will be the responsibility of the permit holder to ensure that these herbicides are applied by qualified individuals and in a legal and safe manner.

Mowing – The mower height shall be adjusted so that 6 inches of vegetation remains after mowing and scalping of the ground is prevented. Blades, sickles, and flails should be maintained to achieve a sharp clean cut. Special precaution in the operation of the mower must be taken to avoid propelling objects such as rocks and other debris onto the roadway.

The District Roadside Vegetation Foreman has authority to continually review and enforce the Special Provisions of this permit.

Call Shawn Webb if any substituti^{on} need to be made.
"Call Prior"

FIGURE 210

14-529 Seeding and Planting Design (cont.)

Seeding Guide

Southern Idaho Type Sites (Standard Mixes)

Mix #1 - 8" - 12" M.A.P. (Mean Annual Precipitation)

GRASSES

LBS. BULK SEED PER ACRE

"Sodar" Streambank W.G. (AGRI)

9

Siberian W.G. (AGSI)

15

"Ephraim" Crested (AGCR)

25

COVER SHEEP FESCUE
LEGUME

5

~~Madrid Clover (MESM)~~

~~1~~

NATIVES

To be determined

1

TOTAL

20

Mix #2 - 10" - 17" M.A.P.

GRASSES

"Sodar" Streambank W.G. (AGRI)

9

"Tegmar" Dwarf Intermediate W.G. (AGINI)

7

"Ephraim" Crested (AGCR)

3

LEGUME

Ladak Alfalfa (MESAL)

1

NATIVES

To be determined

1

TOTAL

21

14-529 Seeding and Planting Design (cont.)

Northern Idaho Type Sites (Standard Mixes)

Mix #1 - 15" - 22" M.A.P. (Mean Annual Precipitation)

GRASSES

LBS. BULK SEED PER ACRE

"Durar" Hard Fescue (FEOVD)

7

"Tegmar" Dwarf Intermediate W.G. (AGINI)

7

"Manchar" Smooth Brome (BRIN)

4

LEGUME

Ladak Alfalfa (MESAL)

1

NATIVES

To be determined

1

TOTAL

20

Mix #2 - 20" + M.A.P.

GRASSES

"Durar" Hard Fescue (FEOVD)

7

"Garrison" Meadow Foxtail (ALAR)

5

"Manchar" Smooth Brome (BRIN)

4

LEGUME

White Dutch Clover (TRRE)

1

NATIVES

To be determined

1

TOTAL

18