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MAY 28 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

May 28, 2008

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

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JUN 10 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Amended Application for Transfer – Roth Investments LLC

Dear Mr. Walker,

Attached are two amended water right transfer applications and a water right change of ownership application (split of water right) in the name of Roth Investments LLC. I have addressed all of your concerns and made all of the appropriate changes to the water rights transfer applications that you requested in your May 21st 2008 letter. I have added water right 36-14759 to the second transfer that deals with converting irrigation water rights to stockwater and domestic uses. I have also included a map showing the proposed place of use and location of the proposed points of diversion outlined on the front page of the second water rights transfer.

As you are aware, before Roth Investments LLC purchased a portion of ground from Danny and Ginger Forsyth, on which irrigation water right 36-7894A is appurtenant, it was licensed to irrigate 1067 acres in T.08S R.17E Sections 2, 10, 11, 14, 15, and 16. Roth Investments LLC purchased the land in T.08S R.17E Sections 2, 10, 11, 14, and 15, which authorizes approximately 1008 acres to be irrigated under water right 36-7894A (see attached Quitclaim Deed). The ground listed in water right 36-7894A's place of use in T.08S R.17E Section 16 is still owned by the Forsyth's, and so a change of ownership or split of water right 36-7894A is needed and has been included. The two transfers listed below have been structured so as to take into account the split acreage, flow rate, and diversion volume for water right 36-7894A retained by Roth Investments LLC.

The sole intent of the first water right transfer is to create a 1226.7 acre permissible place of use, in which 1008 newly split acres of 36-7894A are authorized to be irrigated. The existing wells listed on water right 36-7894A, and the existing irrigation system are currently all tied together by buried mainlines. The 1008 acres will be reduced to 988.3 acres after the second transfer listed below, is approved.

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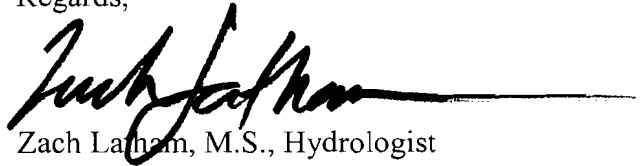
The second water right transfer seeks to transfer 19.7 acres of irrigated acres from water right 36-7894A, (0.37cfs, 68.0 AFA) to stockwater and commercial uses for the existing White Clover Dairy. This transfer also seeks to add a point of diversion to water rights 36-7894A (portion being transferred), 36-7894B, and 36-14759 (see the attached map). The attached 2005 FSA crop records indicate that alfalfa was grown where the irrigated acres are to be dried up. Water right 36-7894B currently lists stockwater and commercial uses, and serves the existing dairy facility. Both water rights are listed on this transfer application with a total of 3 points of diversion. One of those points of diversion is a new well that Roth Investments LLC intends to develop after the approval of this transfer due to the inconsistency in productivity of the two existing dairy wells.

Modeling for the first water right transfer application using the ESPA Enhanced Ground Water Rights Transfer Spreadsheet V.2.1 was not undertaken, none of the existing 3 points of diversion are being changed in the transfer application.

Modeling for the second water right transfer application was undertaken because the 68.0 AFA diversion volume wanting to be converted from irrigation to stockwater and commercial uses will be diverted in an ESPA model cell other than the cells that encompass the current points of diversion for irrigation water right 36-7894A. Model results show the steady state depletions as a result of this transfer do not exceed 6 AF per year in any modeled river reach above or below Milner Diversion Dam. Because the 68.0 AFA volume sought to be transferred does not excessively (greater than 6.0 AFA) deplete to any of the ESPA model spreadsheet river reaches, I ask that you proceed with processing both water right transfer applications. Model results are included with this package.

Also attached is a limited power of attorney document (Brockway Engineering) for both water right transfers, a special power of attorney document allowing Donna Roth Habersetzer to sign for Roth Investments LLC, a transfer calculations spreadsheet for the second water right transfer, a check for \$660.00 to cover the two transfer applications, and an additional \$100 for the ownership change/split for water right 36-7894A. Please copy our office on all correspondence regarding these water right transfers. Thank you for your assistance on this matter and if you have questions or comments, please don't hesitate to call.

Regards,

A handwritten signature in black ink, appearing to read "Zach Latham", with a long horizontal line extending to the right.

Zach Latham, M.S., Hydrologist

Attachments

Cc: Donna Roth Habersetzer