

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Transfer No. 75191
RECEIVED
MAY 28 2008
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Name of applicant Roth Investments LLC Phone _____
 Post Office address P.O. Box 634 Jerome, ID 83338

RECEIVED**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU.
2. Describe the reason for the proposed changes Applicant seeks to create 1226.7 acre permissible place of use.

MAY 13 2008DEPT. OF WATER RESOURCES
SOUTHERN REGION**RECEIVED****JUN 10 2008**DEPT. OF WATER RESOURCES
SOUTHERN REGION**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1. Right Number 36-16683 Priority 2/26/1980 Amount (cfs/ac-ft) 18.39/3964 Nature of Use Irrigation Period of Use 04/01 to 10/31
36-7894A
2. Total amount of water being transferred 18.39 cubic feet per second and/or 3964 acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	NW	11	08S	17E	JEROME	WELL AND PUMP
		NW	NE	15	08S	17E	JEROME	WELL AND PUMP
		SW	NW	15	08S	17E	JEROME	WELL AND PUMP

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08S	17E	2									40		40	39.9					119.9
08S	17E	10	39.5	39.5	39.6	39.5									39.6	39.6	39.6	39.6	316.5
08S	17E	11					34.9	39.8	39.9	25.1	15.2	39.9	39.9	5.4					240.1
08S	17E	14						35.5	26			16.2							77.7
08S	17E	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

PART 1

6. General Information:

- a. Description of diversion system Existing wells and pumps are tied together and serve existing irrigation system. Entire irrigation system is connected to existing wells and pumps.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
None, 988.3 acres will be irrigated in 1226.7 acre permissible place of use after this transfer is approved.
- d. Remarks:
Transfer seeks to create 1226.7 acre PPU. See accompanying transfer application that transfers 19.7 acres of water right 36-7894A from irrigation, to stockwater and commercial uses. Irrigation decreases from 1008 acres to 988.3 acres in newly created PPU after accompanying transfer is approved. See also change of ownership (water right split) application.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____.

Page _____ of _____

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

RECEIVED
MAY 13 2008

DEPT. OF WATER RESOURCES
 SOUTHERN REGION

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 36-7894A Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☒ Warranty Deed☐ Other _____3. Source of water Ground Water tributary to _____4. Date of priority 2/26/1980

5. Water is used for the following purpose:

Amount 18.76/4032 for Irrigation purposes from 4/01 to 10/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 18.76 cubic feet per second and/or 4032 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	NW	11	08S	17E	JEROME	WELL AND PUMP
		NW	NE	15	08S	17E	JEROME	WELL AND PUMP
		SW	NW	15	08S	17E	JEROME	WELL AND PUMP

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08S	17E	2									33		37	33					103
08S	17E	10	39	34	32.5	34									20.3	39.5	32	31	262.3
08S	17E	11					18	38	40	22		5	17						140
08S	17E	14						30	8			6							44
08S	17E	15	40	39	36	40	40	33	40	40	33	33			36	29			439

Total acres 10089. Describe any other water rights used for the same purpose as described above None.

Page _____ of _____ Page _____ of _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(if the entire right is to be changed by the applicant, omit part B and C)*

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

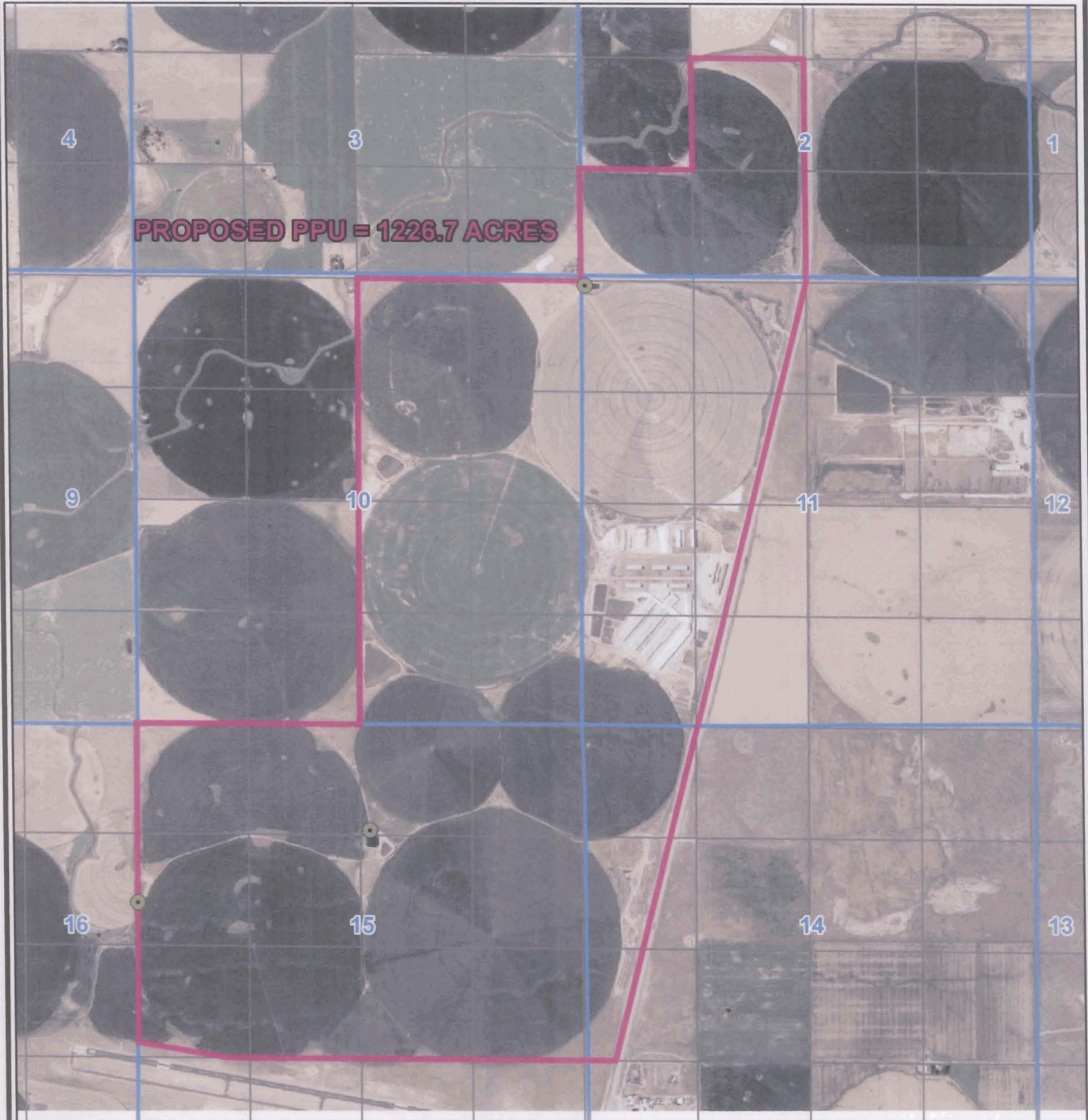
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____



ROTH INVESTMENTS LLC- PROPOSED PPU
T.08S R.17E. JEROME COUNTY
NAIP 2006 AERIAL PHOTOGRAPH

BROCKWAY ENGINEERING, PLLC.
ALR - May 8, 2008

0 800 1,600 3,200 Feet

Legend

-  Existing POD 36-7894A
-  Roth Investments LLC PPU = 1226.7 ac.
-  Sections_8s17e
-  t08s17e

PART 3**B. CHANGES IN NATURE OF USE**

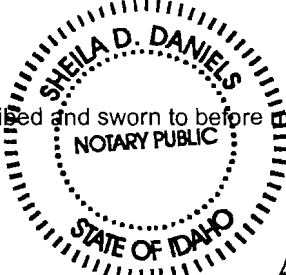
1.

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
N/A.			to _____ to _____
2. Quantity and quality of return flows and location of discharge:
None.
3. Describe the effects on other water uses resulting from the proposed change:
None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Subscribed and sworn to before me this 9th day of May, 2008.

 Donna Roth Habersetzger-Roth Investments LLC
Donna Roth Habersetzger-Roth Investments LLC

Sheila D. Daniels
(Notary Public)

My commission expires Aug. 6, 2013

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by B. Walker Date 6/10/08 Protest filed by _____

Prelim. check by _____ Fee \$ 410.00 5030238

Receipted by B. Walker Date 6/10/08 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

WARRANTY DEED

#GJ-33186

Instrument # 2043563

JEROME COUNTY, JEROME, IDAHO

2004-06-30

02:39:32 No. of Pages: 2

Recorded for : LAND TITLE & ESCROW

CHERYL WATTS

Fee: 6.00

Ex-Officio Recorder Deputy

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:c

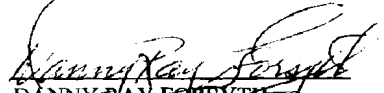
SUBJECT TO:

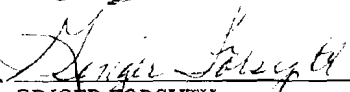
All reservations in patents or deeds in the chain of title.

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


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.


Notary Public

Residing at: June 30
My Commission expires: 7/30/07

RICK BERNSEN
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT A

TRACT 1

PARCEL NO. 1

**TOWNSHIP 8 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 1: W½SW¼;

Section 2: SE¼;

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:

W½NW¼ 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: SW¼SW¼; E½SW¼;

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

Section 10: E½;

Section 11: W½ lying West of U.S. Highway No. 93;

Section 14: W½NW¼ lying West of U.S. Highway No. 93; NW¼SW¼ lying West of U.S. Highway No. 93;

Section 15: N½; N½S½; EXCEPTING that portion of the following described property lying within said Section 15:

A portion of the Southeast ¼ of Section 16 and a portion of the Southwest ¼ 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 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.

END OF EXHIBIT A

GP-33186

QUITCLAIM DEED

Instrument # 2043564

JEROME COUNTY, JEROME, IDAHO
2004-06-30 02:42:38 No. of Pages: 2
Recorded for : LAND TITLE & ESCROW
CHERYL WATTS Fee: 6.00
Ex-Officio Recorder Deputy *Cheryl*

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 remises, releases, and forever Quitclaims unto

ROTH INVESTMENTS, L.L.C., an Idaho limited partnership
Whose address is: 17400 NE 88th Street Vancouver, WA 98682

Hereinafter called the grantee, the following water and water rights, in JEROME County, Idaho to-wit:

275 shares of North Side Canal Company Water Stock together with
water right #'s 36,7894A, 36-7894B
appurtenant to the real property as described on Exhibit "A" Attached hereto:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: June 30, 2004

Danny Ray Forsyth GINGER Forsyth
DANNY RAY 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.

[Signature]
Notary Public

Residing at: *Jerome*

My Commission expires: 7-30-07

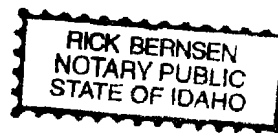


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