

ORIGINAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 20 2011

In Re SRBA

Case No. 39576

Subcase No: 00-91013

(Basin-Wide Issue 13)

OBJECTION RE: STATE OF IDAHO'S
SECOND AMENDED MOTION TO
INCLUDE SUBORDINATION
LANGUAGE ON WATER RIGHTS
AFFECTED BY THE SWAN FALLS
AGREEMENT

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Luis M. Bettencourt and Sharon L. Bettencourt

Address: 2930 S. 2300 E.

Wendell, Idaho 83355

Phone: 208.280.1260

Name & Address of Attorney, if any:

Robert E. Williams

P.O. Box 168

Jerome, Idaho 83338

Water Right Number for which I am objecting: 47-7519A

Please Check Applicable Box:

☒ I have reviewed the State of Idaho's *Second Amended Motion*.

☐ I wish to object to my water right not being included on the list of water rights on Attachment A.

- ☐ The reason(s) I believe my water right should be included on Attachment A are as follows: *
- _____
- _____
- _____
- _____
- ☒ I wish to object to my water right being included in the list of water rights on Attachment B.
- ☒ The reason(s) I believe my water right should not be included on Attachment B are as follows: * Substantial investment in the development of this water right was incurred prior to October 24th, 1984. Please see the Affidavit of Maxime J. Danos, aka M. J. Danos, attached hereto as Exhibit 1.
- _____
- _____
- ☒ I have included proof with this *Objection* supporting that beneficial use was made under the right prior to October 25th, 1984.

Signature:  Dated: 5-20-11

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 2011, a true and correct copy of the foregoing was mailed with sufficient first-class postage to the following:

DIRECTOR OF IDWR
P.O. Box 83720
Boise, Idaho 83720

Faulkner Land & Livestock Co.
North Snake Ground Water District
Represented by:
Thomas J. Budge
PO Box 1391
Pocatello, ID 83204-1391

Basin and Range Resource
Interested Water Users
Jeff & Jackie Harper
Represented by:
Dana L. Hofstetter
608 W Franklin St
Boise, ID 83702

Idaho Ground Water Appropriators
Represented by:
Randall C. Budge
PO Box 1391
Pocatello, ID 83204-1391

United States Department of Justice
Environment & Natural Resources Division
550 W Fort Street, MSC 033
Boise, ID 83724

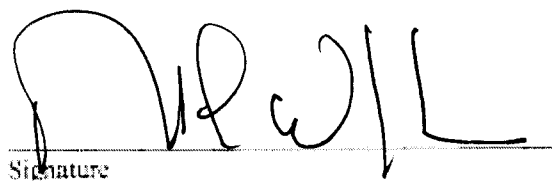
Burgess Canal, *et al.*
Represented by:
Jerry R. Rigby
Po Box 250
Rexburg, ID 83340-0250

Clear Spring Foods Inc.
Idaho Power Company
Represented by:
John K. Simpson
PO Box 2139
Boise, ID 83701-2139

City of Pocatello
Represented by: Josephine P. Beeman
409 W Jefferson St
Boise, ID 83702

STATE OF IDAHO
Office of Attorney General
Attn: Clive Strong / Shasta Kilminster-Hadley
P.O. Box 83720
Boise, ID 83720

SRBA DISTRICT COURT
P.O. Box 2707
Twin Falls, Idaho 83303-2707


Signature

ROBERT E. WILLIAMS
IDAHO STATE BAR NO. 1693
WILLIAMS, MESERVY & LOTH SPEICH, LLP
Attorneys at Law
153 East Main Street
P. O. Box 168
Jerome, Idaho 83338
Telephone: (208) 324-2303
Facsimile: (208) 324-3135

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 00-91013
(Basin Wide Issue 13)

AFFIDAVIT OF
MAXIME J. DANOS, aka
M. J. DANOS

STATE OF IDAHO)
 :ss
County of Jerome)

MAXIME J. DANOS, aka M. J. DANOS, first being duly sworn, deposes and says as follows:

1. I am a resident of the city of Jerome, Idaho. I currently reside at 300 8th Avenue West. In 1978 I owned real property in Twin Falls County, Idaho, located within Township 11 South, Range 16 East Boise Meridian, Section 5.

AFFIDAVIT OF M. J. DANOS

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2. On April 16th, 1979 I applied for Water Permit No. 47-7519 with the Idaho Department of Water Resources. The Application was for 2.0 cfs and was for irrigation purposes.
3. The Department of Water resources approved the application for Water Permit No. 47-7519 on June 18th, 1979.
4. Water Permit No. 47-7519 was intended by me to be used in connection with Water Permit No. 47-7431 to irrigate real property I owned in Twin Falls County, Idaho.
5. In 1978 I had a well drilled on my property which was intended to apply the water under Water Permit No. 47-7431. I intended the water under Permit Nos. 47-7519 to be pumped from the same well.
6. In 1978 I paid the well driller, Chuck Jones, the approximate amount of \$16,975.00 for drilling the well. The well was 485 feet in depth and the well driller's fee was approximately \$35.00 per foot.
7. Because of the Swan Falls litigation I did not pursue the full development of Water Permit No. 47-7519.
8. My former wife and I sold the real property in Twin Falls County, along with the associated water rights and water permits to G & L Farms in 1981.
9. I understand that the real property subject to water permit 47-7519 was subsequently sold to G & L Farms, and that G & L Farms obtained the license for water Permit No. 47-7519. Later, G & L Farms sold the property to Pete DeGroot, Jr., who developed a dairy on the real property. I further understand that the real property and associated water rights are now owned

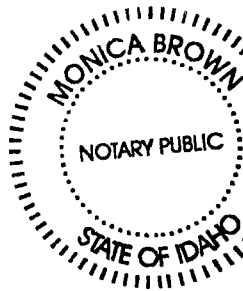
by Luis M. Bettencourt and Sharon L. Bettencourt, or one of their affiliated entities.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 20th day of May, 2011.


MAXIME J. DANOS, aka M. J. DANOS

SUBSCRIBED AND SWORN to before me this 20th day of May, 2011.




NOTARY PUBLIC

Residing at: Jerome, ID

My commission expires: 5-29-2013

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DISTRICT COURT-SRBA
Fifth Judicial District
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Address: 2930 S. 2300 E.
Wendell, Idaho 83355
Phone: 208.280.1260

Name & Address of Attorney, if any:

Robert E. Williams

P.O. Box 168

Jerome, Idaho 83338

Water Right Number for which I am objecting: 47-7519B

Please Check Applicable Box:

☒ I have reviewed the State of Idaho's *Second Amended Motion*.

☐ I wish to object to my water right not being included on the list of water rights on Attachment A.

- ☐ The reason(s) I believe my water right should be included on Attachment A are as follows: *
- _____
- _____
- _____
- _____
- ☒ I wish to object to my water right being included in the list of water rights on Attachment B.
- ☒ The reason(s) I believe my water right should not be included on Attachment B are as follows: * Substantial investment in the development of this water right was incurred prior to October 24th, 1984. Please see the Affidavit of Maxime J. Danos, aka M. J. Danos, attached hereto as Exhibit 1.
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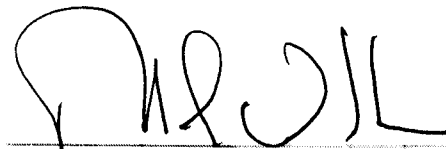
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City of Pocatello
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409 W Jefferson St
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STATE OF IDAHO
Office of Attorney General
Attn: Clive Strong / Shasta Kilminster-Hadley
P.O. Box 83720
Boise, ID 83720

SRBA DISTRICT COURT
P.O. Box 2707
Twin Falls, Idaho 83303-2707



Signature

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IDAHO STATE BAR NO. 1693
WILLIAMS, MESERVY & LOTHSPREICH, LLP
Attorneys at Law
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In Re SRBA Case No. 39576	Subcase No. 00-91013 (Basin Wide Issue 13) AFFIDAVIT OF MAXIME J. DANOS, aka M. J. DANOS
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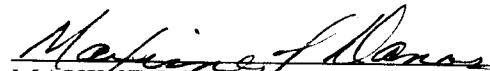


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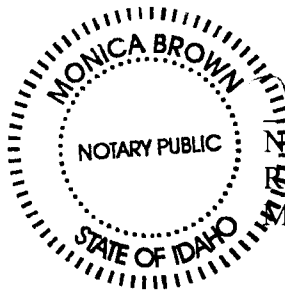
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SUBSCRIBED AND SWORN to before me this 20th day of May, 2011.




NOTARY PUBLIC

Residing at: Terre, ID

My commission expires: 5-29-2013