

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

**A. GENERAL INFORMATION**Permit No: 36-17131Exam Date: 4/24/2020

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- Irrigation of 5 acres or less
  - Storage of up to 14.6 AF for stockwater purposes only
  - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
  - Other < >

2. Current Owner: Name: L & S Land Holdings LLC
- Owner of Record Correct? X Y N
- Address of Record Correct? Y N
- If No: Address

The Department's tax parcel data shows both parcels are owned by L & S Land Holdings, LLC. The Secretary of State of website states that L & S Land Holdings, LLC is owned by Luis and Sharon Bettencourt. This area is also known as the Bettencourt Dairy.

3. Beneficial Use Fees have been paid: X Y N Receipt No: S037872

4. SOURCE TRIBUTARY

Ground Water

Method of Determination: GIS, Well Driller's Report, and Tax Parcel DataChange in Source: Y X N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: YES Overlap

| Water Right No.                         | Source       | Purpose of Use | Basis  |
|---|--------------|----------------|--------|
| 36-7116D                                | Ground Water | Commercial     | Decree |
| 36-7935                                 | Ground Water | Stockwater     | Decree |
| 1-10632                                 | Snake River  | Irrigation     | Permit |
| 1-7142                                  | Snake River  | Recharge       | Permit |
| Various North Side Canal Company Rights | Snake River  | Irrigation     | Decree |

Comments: Water rights 36-7116D and 36-7935 are commercial and stockwater rights for the Bettencourt Dairy. They include the place of use for this right. Water rights 36-7054 and 36-10822 also appear to overlapping rights, but they don't directly overlap the place of use. Water right 36-7054 is a commercial right that covers the pivot north of the homes, and 36-10822 is name of Arkoosh, but is for the property in the middle of the NENW of Section 31, which is also owned by L & S Land Holdings, LLC. Water right permit 1-7142 is a large place of use owned by the Idaho Water Resource Board for recharge projects. There are no recharge projects at this location. Water right permit 1-10632 is an irrigation right owned by the North Snake Groundwater District for conversion projects. These parcels do not appear to be involved in conversion projects. The place of use for 1-10632 is the same place of use as the North Side Canal Company. These parcels are within the borders of the North Side Canal Company, so there is a possibility that they do have some canal shares for irrigation.

2. Other water rights with the same point of diversion: NO Overlap

| Water Right No. | Source | Purpose of Use | Basis |
|-----------------|--------|----------------|-------|
|                 |        |                |       |
|                 |        |                |       |

Comments: There doesn't appear to be any other points of diversion in the 40 acre tract described as the point of diversion described by this water right.

**C. DIVERSION AND DELIVERY SYSTEM****1. LOCATION OF POINT(S) OF DIVERSION:**

| Source | Govt. Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. |      | County  |
|--------|-----------|---|----|----|------|------|------|------|---------|
| Well   |           |   | SE | SW | 30   | 7S   | 16E  | B.M. | GOODING |
|        |           |   |    |    |      |      |      | B.M. |         |
|        |           |   |    |    |      |      |      | B.M. |         |

Method of Determination: GIS, Well Driller's Report, and Tax Lot data.Change in POD?   X   N   Amendment Required?   X   N**2. PLACE OF USE:** Use: Irrigation

| TWP           | RGE | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|---------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|               |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 7S            | 16E | 30  |    |    |    |    |    |    |    |    |    |    |    | D  |    |    |    |    |        |
| 7S            | 16E | 31  |    |    |    |    | D  |    |    |    |    |    |    |    |    |    |    |    |        |
| Total Acres = |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Method of Determination: GIS and Tax Lot DataChange in POU?   X   N   Amendment Required?   X   N   Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

  X   Aerial Photo Attached (required for irrigation of 10+ acres).   Photo of Diversion and System Attached

| 4. Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|--|------------|----|------------------|-----------|-----------------------------------|
| Well Pump                                | Unknown    |    |                  |           |                                   |
|  |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

**D. FLOW MEASUREMENTS**

| 1. Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|--------------------------|------|------|-----------|------------|------|-------------|
| NONE                     |      |      |           |            |      |             |
|                          |      |      |           |            |      |             |

2. Measurements: No measurement is required for an in-house exam.

**E. FLOW CALCULATIONS**

\_\_\_Additional Computation Sheets Attached

Measured Method:

There was no information submitted with the application for permit that gives a reasonable assessment of what actual capacity of the system is. This permit was filed for domestic use for 3 homes on two parcels. It was determined that only 1 domestic use as described by Idaho Code § 42-111 and Adjudication Administrative Memorandum #4 as 0.04 cfs and 13,000 gallons per day.

**Adjudication Administrative Memo #4 = 0.04 cfs per parcel X 2 parcels = 0.08 cfs.**  
**Permit allowed = 0.08 cfs**

**I am recommending 0.08 cfs since the permit limitation was based on Adjudication Administrative Memorandum #4 that authorizes 0.04 cfs and 13,000 gpd per parcel.**

**F. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

## 2. Volume Calculations for Other Uses:

No volume limitation are necessary for this permit, since it is based on Idaho Code § 42-111 and Adjudication Administrative Memorandum #4. Therefore the volume will be addressed in the conditions that limit the use to 13,000 gpd for each parcel.

**G. PURPOSE OF USE**

Irrigation \_\_\_Y\_\_\_N # Stock \_\_\_\_\_ Domestic # of Homes 3

Other: < >

Change in Purpose of Use? \_\_\_Y\_\_\_N

Method of Determination: Taxlot data and conversations with owner.

If Yes: From Use \_\_\_\_\_ To Use \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_

**H. NARRATIVE/REMARKS/COMMENTS**

This permit qualifies for an in-house examination. This permit is for two parcels, which are both owned by L & S Land Holdings, LLC. L & S Land Holdings is also known as the Bettencourt Dairy. This permit was originally protested, and the protest wanted to ensure that this permit was a trust water right and that the domestic use didn't exceed the standard or 0.04 cfs and 13,000 gpd. It was determined that since there are two separate parcels, the permit could be approved for 0.04 cfs and 13,000 gpd per parcel. One of the parcels has 2 homes. Both parcels will be limited to 1/2 acre of irrigation.

Northside Canal Company appears to overlap the place of use, so some of the yard irrigation could possibly be done with Northside Canal Company water. A quick review of the yard sizes do show that the yard irrigation is less than 1/2 acre per parcel. The north parcel is 0.4 acres and the south parcel is 0.46 acres.

The Water District Watermaster Nathan Erickson confirmed in his April 22, 2020, email that this permit is involved in mitigation plan as required by the conditions. Please see the email attached to this field report.

The permit for this right had 3 conditions that were not standard conditions with a condition number. These conditions will need to be carried forward to licensing as they are, since they were part of the settlement agreement for the protest. Condition 26A will be removed at licensing, and all the remaining conditions will be carried forward to licensing.

Have conditions of permit approval been met? X Yes \_\_\_ No

**I. RECOMMENDATIONS****1. Recommended Amounts**

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Domestic              | 01/01 to 12/31       | 0.08 CFS              |                      |
| <u>Totals:</u>        |                      | 0.08 CFS              |                      |

**Please Note:** The volume for this right will be addressed in the condition that limits the domestic use to 13,000 gpd per parcel.

**2. Recommended Amendments**

\_\_\_ Change P.D. as reflected above    \_\_\_ Add P.D. as reflected above    X None

\_\_\_ Change P.U. as reflected above    \_\_\_ Add P.U. as reflected above    X None

Other: <    >

**J. AUTHENTICATION – DANIEL A. NELSON – WATER RIGHT ANALYST 3**

Field Examiner's Name \_\_\_\_\_ Date \_\_\_\_\_

Reviewer Angela M. Gunn Date 5/14/2020

Field Exam Map:

The yellow border shows the place of use for this permit, and the yellow dot shows the point of diversion. The parcel north of the road is the parcel with a single home, and the parcel south of the road is the parcel with 2 homes.



**From:** Erickson, Nathan  
**Sent:** Wednesday, April 22, 2020 10:13 AM  
**To:** Skinner, Corey <[Corey.Skinner@idwr.idaho.gov](mailto:Corey.Skinner@idwr.idaho.gov)>  
**Cc:** Nelson, Dan <[Dan.Nelson@idwr.idaho.gov](mailto:Dan.Nelson@idwr.idaho.gov)>  
**Subject:** RE: Permit 36-17131

Corey and Dan,

Currently water right 36-17131 is recorded on my annual watermasters report as a mitigating through the North Snake Ground Water District (NSGWD). This means that at some previous point NSGWD has acknowledge this water right is in good standing. If you would like to receive further confirmation from NSGWD please let me know.

Thanks,

Nathan



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

APR 16 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

RECEIVED

APR 21 2020

DEPT OF  
WATER RESOURCES

April 14, 2020

Corey Skinner  
Idaho Department of Water Resources  
650 Addison Ave. W., Ste. 500  
Twin Falls, ID 83301

Re: L & S Land Holdings LLC 36-17131

Dear Mr. Skinner:

L & S Land Holdings LLC is submitting the Statement of Completion for water right permit 36-17131. The beneficial use for 36-17131 is domestic and provides water to three houses.

The existing well has been used under water right 36-8135 historically. All three houses are currently plumbed to the existing well.

Please have IDWR complete the beneficial use exam.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

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

Cc: L & S Land Holdings LLC, Kimberly Williams  
Enc: Statement of Completion, Well Log, Brockway Engineering Check # 1584 for  
\$50.00