

RECEIVED

JUL 19 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82494MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) L & S Land Holdings LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) L & S Land Holdings LLC Phone 208-536-6148Mailing address 2930 S 2300 E Wendell, Idaho 83355 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg Sullivan Phone 208-736-8543Mailing address 2016 N Washington St Ste 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

LOUIS BETTENCOURT, OWNER
Print Name and Title if applicable

7-11-18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer will add the beneficial use of commercial water to 36-8135 and transfer the water from a recently abandoned facility to commercial water for an existing dairy facility. The domestic portion of 36-8135 is to be relinquished. Which would allow 0.06 cfs and 43.4 afa of 36-8135 to be transferred.

Amended

82494

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) L & S Land Holdings LLC Phone 208-536-6148
Mailing address 2930 S 2300 E Wendell, Idaho 83355 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
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I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
This transfer will add the beneficial use of commercial water to 36-8135 and transfer the water from a recently abandoned facility to commercial water for an existing dairy facility. The domestic portion of 36-8135 is to be relinquished. Which would allow 0.06 cfs and 43.4 afa of 36-8135 to be transferred.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	36-8135	0.06/43.4	Commercial	1/01 to 12/31	Ground Water
☐ ☒	36-8135	0.06/43.4	Stockwater	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or 43.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or 43.4 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	SW	30	07S	16E	Gooding	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E	25	S/C		S/C	S/C									S/C	S/C	S/C	S/C	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing well and mainline system for facility. No ESPA model analysis was performed because the historical POD is located within the adjacent ESPA model cell of the proposed transfer POD.

- b. Who owns the property at the point(s) of diversion? L & S Land Holdings LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: ING Capital LLC

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The stock yard will no longer be utilized. The domestic portion of 36-8135 is to be relinquished. Which would allow 0.06 cfs and 43.4 afa of 36-8135 to be transferred.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

36-8135, 36-7054B and 36-7116D

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-8135

Current Owner: L & S LAND HOLDINGS LLC

Priority Date: 11/5/1983

Origin: Water Right

Status: Active

Basls: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.04 CFS	1.2 AF
STOCKWATER	1/01 to 12/31	0.06 CFS	43.4 AF
	<u>Total Diversion</u>	0.06 CFS	43.4 AF

Location of Point(s) of Diversion

GROUND WATER
GOODING County

SW1/4SE1/4 Sec. 30, Twp 07S, Rge 16E B.M.

Place of Use

DOMESTIC Within GOODING County

T07S R16E S30 SWSE

STOCKWATER Within GOODING County

T07S R16E S30 SWSE T07S R16E S30 SESE

Conditions of Approval:

1. PARCEL NOS. RP 07S16E308401, RP 07S16E309000, RP 07S16E307200.
 STOCKWATER, 4000 RANGE CATTLE
2. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE
 SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 1/10/1997

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JUN 18 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

CONSENT TO TRANSFER OF WATER RIGHT NO. 36-8135

Dated as of June 7, 2018

WHEREAS, **L & S LAND HOLDINGS, LLC**, an Idaho limited liability company ("**Mortgagor**"), granted in favor of **ING CAPITAL LLC**, as collateral agent, whose address is 1133 Avenue of the Americas, New York, New York 10036 ("**Mortgagee**") for the benefit of itself and certain Secured Parties, that certain Mortgage, Assignment of Rents, Security Agreement and Fixture Filing (Open End) dated as of April 25, 2016, and encumbering the property more particularly described therein (the "**Mortgaged Property**"), which was recorded in Gooding County, Idaho, on April 25, 2016, as Instrument # 254701, which was recorded in Jerome County, Idaho, on April 25, 2016, as Instrument # 2161528, and which was recorded in Twin Falls County, Idaho, on April 25, 2016, as Instrument # 2016-006620, which was amended pursuant to that certain First Amendment to Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing (Open End) dated as of November 9, 2016, and which was recorded in Gooding County, Idaho, on January 3, 2017, as Instrument # 257112, which was recorded in Jerome County, Idaho, on December 30, 2016, as Instrument # 2165175, and which was recorded in Twin Falls County, Idaho, on January 3, 2017, as Instrument # 2017-000019, and which was further amended pursuant to that certain Second Amendment to Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing (Open End) dated as of May 8, 2017, and which was recorded in Gooding County, Idaho, on May 8, 2017, as Instrument # 258289, which was recorded in Jerome County, Idaho, on May 8, 2017, as Instrument # 2171640, and which was recorded in Twin Falls County, Idaho, on May 8, 2017, as Instrument # 2017007181, and which was further amended pursuant to that certain Third Amendment to Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing (Open End) dated as of May 14, 2018, and which was recorded in Gooding County, Idaho, on May 14, 2018, as Instrument # 261787, which was recorded in Jerome County, Idaho, on May 14, 2018, as Instrument # 2181927, and which was recorded in Twin Falls County, Idaho, on May 14, 2018, as Instrument # 2018007396, (as further amended, restated, supplemented or otherwise modified from time to time, the "**Mortgage**");

WHEREAS, the Mortgagor desires to transfer Water Right No. 36-8135 from its existing use to water stock on a heifer lot to a new use in connection with its recently constructed cross ventilation barn and a second cross ventilation barn that is under construction, such transfer to be more particularly described in the Application for Transfer of Water Right which is being prepared by the Mortgagor's water engineer for submission to the Idaho Department of Water Resources (such transfer, the "**Water Right Transfer**");

WHEREAS, the Mortgagee has agreed that such use is beneficial and has agreed to sign this consent as required by the Idaho Department of Water Resources;

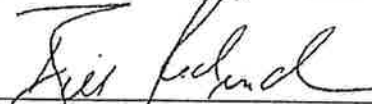
NOW, THEREFORE, FOR VALUE RECEIVED, the Mortgagee **does hereby consent** to the Water Right Transfer.

[signature page follows]

IN WITNESS WHEREOF, the undersigned has caused this Consent to Transfer of Water Right No. 36-8135 to be signed by its duly authorized representative as of the day and year set forth above.

ING CAPITAL LLC,
a Delaware limited liability company

By:


William B. Redmond
Managing Director

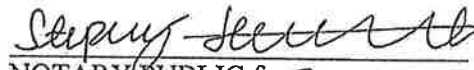
STATE OF Texas)

County of Dallas)

On this 7th day of June, 2018, before me, the undersigned, a Notary Public in and for said County and State, personally appeared William B. Redmond as Managing Director of ING CAPITAL LLC, a Delaware limited liability company, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.




NOTARY PUBLIC for Texas
Residing at: 2409 Bayberry Ln Euless, TX 76039
My Commission Expires: 12-14-2019

JUN 18 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF RELEASE OF SECURITY INTEREST IN WATER RIGHTS

U.S. BANK NATIONAL ASSOCIATION, a National Banking Association, as secured party under that certain Notice of Security Interest in Water Right ("Notice"), a true and correct copy of which is attached hereto as **EXHIBIT A**, does hereby acknowledge that all debt obligations owed to it by the owners of the water rights listed on said Notice have been paid in full, and that it no longer retains any security interest in any of the Water Rights listed on the Notice.

DATED this 4 day of June, 2018.

U.S. BANK NATIONAL ASSOCIATION,
A National Banking Association

By: James A. Hanley
Its: Vice President

STATE OF Delaware
County of New Castle :ss.

On this 4th day of June, 2018, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James A. Hanley, as Vice President of U.S. Bank National Association, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he/she executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.

Amanda Brown Po
NOTARY PUBLIC for Delaware
Residing at: Wilmington DE
Commission Expires: May 4, 2019

AMANDA GAY BROWN POE
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES MAY 4, 2019

EXHIBIT A

Form 42-342(1) 2/14

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JAN 13 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Security Interest in a Water Right and a request to be notified of a change in ownership or any proposed or final action to amend, transfer, or otherwise modify the water right(s)

Attach pages with additional information. Incomplete forms will be returned.

Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.
Please see attached			

2. The following **REQUIRED** information must be submitted with this form:

A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

B) A **FEE of \$25.00** per water right or adjudication claim.

3. Name and Mailing Address of Person or Company Holding Security Interest

U.S. Bank National Association, a National Banking Association
Attention: CDO Trust Services/James Hanley
214 N. Tryon Street, 26th Floor
Charlotte, North Carolina 28201
Phone (302)576-3714
Email james.a.hanley@usbank.com

4. Name of Water Right Owner/Claimant(s)

5. Expiration Date of Notification Period

6. Is this a Renewal of Request for Notification?

☐ YES ☒ NO

7. Signature(s) of Security Interest Holder(s)

Title, if applicable

James A. Hanley
Vice President

For Office Use Only

Received by DM Date 1-13-2015 Receipt No. 5034496 Fee \$1,350-
Processed by AJ Date _____ WR _____ Date _____

SUPPORT DATA

FILE # 36-2524

NOTICE OF RELEASE OF SECURITY INTEREST IN WATER RIGHTS

-2-

C:\Users\JAHANLE\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\Z06HJYRV\Notice of Release of Security Interest in WR - US Bank.docx

Bettencourt Water Rights

36-2524	36-15275
36-2666	36-15354
36-7054B	36-15672
36-7103	36-15674
36-7116C	36-15676
36-7116D	36-15679
36-7260B	36-16159
36-7324	36-16162
36-7345B	36-16479
36-7368B	36-16480
36-7373	
36-7499B	
36-7539	
36-7591D	
36-7591E	
36-7605	
36-7608	
36-7935	
36-8062	
36-8081	
36-8135	
36-8302	
36-8411	
36-8739	
36-8740	
36-10599	
36-10603	
36-10604	
36-10607	
36-10609	
36-10610	
36-10611	
36-10613	
36-10821A	
36-10821B	
36-11111	
36-11112	
36-11113	
36-14288	
36-14595A	
36-14595B	
36-15161	
36-15174A	
36-15174B	

GOODING COUNTY
GRANDFATHER CAFO SITING PERMIT

Permit No.: G10-209 (Transfer) Date: March 24, 2010

Permission is hereby granted to: L & S Land Holdings, LLC

Mailing Address: 2930 S. 2300 E., Wendell, ID 83355

CAFO Address: 2350 E. 2900 S., Wendell, ID 83355

Legal Description: Section 30, Township 07 South, Range 16 EBM

Total Number of Acres: 173.75

Total Number of Acres where CAFO is Located: 173.75

Zoning District: AG

Number of Total Combined Animal Units: 2,100 Ord. #90 equivalencies

This permission is granted under Gooding County Confined Animal Feeding Operation Ordinance #90, Section V. I. Prior to commencing construction of improvements to operate a new CAFO, increasing the animal units above the number authorized under an existing CAFO siting permit or registration notice, or commencing construction of improvements to expand animal unit capacity of the CAFO, an applicant shall obtain a siting permit pursuant to Ordinance #90. New construction, construction of improvements to expand that animal unit capacity of the CAFO, and construction on waste treatment system to change location or capacity will be required to meet the siting permit requirements. Repairs to existing improvements which do not result in a change to the location or capacity will not require a siting permit.

Registration notices which have been accepted and recorded by the Administrator shall allow the continued operation of an existing CAFO and shall be deemed transferable in the same manner as a siting permit as long as the CAFO remains in operation.

Building Permits or Siting Permits shall be required for all structures.

It is understood and agreed by the applicant that the approval of the application does not constitute a privilege to violate the Federal, State, and Local regulations and specifications.

APPROVED BY THE GOODING COUNTY PLANNING AND ZONING ADMINISTRATOR.

Dated this 24 day of March, 2010

Judy Daubner-Davis
Judy Daubner-Davis, Administrator

GOODING COUNTY CAFO SITING PERMIT

PERMIT NO: G10-183 & G10-209

ZONE: AGRICULTURAL

PERMIT OWNER: L&S Land Holdings, LLC
MAILING ADDRESS: 2930 S. 2300 E.
Wendell, ID 83355
CONTACT: Rick Onaindia
PHONE: (208) 536-6148

CAFO ADDRESS: 2821 S. 2300 E., Wendell, ID 83355

LEGAL DESCRIPTION:

TOWNSHIP 7 SOUTH RANGE 15 EBM SECTIONS 24 & 25 **ACRES**

PARCEL	ACRES
RP07S15E249000	25
RP07S15E250000	60.5
RP07S15E250150	20.5
RP07S15E250600	83.21
RP07S15E252174	3
RP07S15E252400	92.79
RP07S15E253001	60
RP07S15E257162	3.981
RP07S15E257800	80
RP07S15E258400	40
RP07S15E259000	37.5
RP07S15E259561	2.5

TOWNSHIP 7 SOUTH RANGE 16 EBM SECTIONS 19, 30 & 31

PARCEL	ACRES
RP07S16E191800	183.5
RP07S16E195437	25
RP07S16E197200	37.11
RP07S16E197761	2.89
RP07S16E198774	42.567
RP07S16E199000	24.133
RP07S16E300000	127.4
RP07S16E303000	110.63
RP07S16E305100	129.8
RP07S16E305698	2.8
RP07S16E306413	5.9
RP07S16E307200	143.2
RP07S16E312655	1
RP07S16E313000	69.32
RP07S16E313600	27.55
RP07S16E314350	37

ACRES FROM G10-209 – COMBINED

TOWNSHIP 7 SOUTH RANGE 16 EBM SECTION 30

PARCEL	ACRES
RP07S16E305100	129.8
RP07S16E308401	37.14
RP07S16E306413	5.9

GOODING COUNTY ACRES ASSIGNED TO CAFO:

1,651.62

TOWNSHIP 7 SOUTH RANGE 16 EBM SECTION 20 & 29

PARCEL RP 07S16E202401

ACRES

RP07S16E205509

44

RP07S16E292401

100.76

80

JEROME COUNTY ACRES ASSIGNED TO CAFO:

224.76

TOTAL ACRES ASSIGNED TO CAFO:

1,876.38

ANIMAL TYPES	DESCRIPTION	Lbs	ANIMAL EQUIVALENCY FACTOR (AEF)	NUMBER ON THE OPERATION	ANIMAL UNITS (MULTIPLY AEF x NUMBER ON OPERATION)
DAIRY CATTLE					
	Bull/Holstein Cow	1,400	1.4	10,000	14,000
	Bull/Heifers	900-1100	1	700	700
	Bull/Heifers	700-899	0.8	1,500	1,200
	Bull/Heifers	500-699	0.6	1,500	900
TOTAL NUMBER OF ANIMALS ON THE OPERATION:				13,700	
TOTAL ANIMAL UNITS:					16,800

THIS PERMIT was granted under Gooding County Ordinance Nos.50 and 62, and as such, shall allow the continued operation of an existing CAFO and be deemed transferable in the same manner as a siting permit as long as the CAFO remains in operation. The animal equivalency factor(s) applied to animal unit calculations are current with Ordinance No. 90, as is the combination of permits for common ownership, adjoining CAFOs. Prior to commencing construction of improvements to operate a new CAFO, increasing the animal units above the number authorized under an existing CAFO siting permit or registration notice, or commencing construction of improvements to expand animal unit capacity of the CAFO, an applicant shall obtain a siting permit pursuant to Ordinance No. 90. New construction, construction of improvements to expand animal unit capacity of the CAFO, and construction on waste treatment system(s) to change location or capacity will be required to meet the siting permit requirements. Repairs to existing improvements which do not result in a change to the location or capacity will not require a new siting permit. Permittee is not authorized by this permit to violate federal, state, or local laws and is obligated to operate within the siting permit parameters herein stated, as well as, applicable requirements of Ordinance No. 90.

FILE APPROVED



8/17/17

(Signature)
AMI BENNETT, ADMINISTRATOR
GOODING COUNTY PLANNING & ZONING

RECEIVED

JUL 19 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho Department of Water Resources Relinquishment of Water Right

L & S LAND HOLDINGS LLC hereby relinquish to the State of Idaho all my right, title and interest in and to the Public Waters of the State of Idaho, the irrigation use at point of diversion utilized by water right 36-10821B located at Township 07 South Range 16 East Section 30 NWSW, Boise Meridian. No other aspect or characteristic of water right 36-10821B is to be relinquished or altered with this document. The other three authorized irrigation PODs will still be used for irrigation under 36-10821B.

Signed this 11TH day of JULY, 2018.


Water Right Holder(s)

Subscribed and sworn before me this 11th day of July, 2018.


(Notary Public)

My Commission expires Oct. 17, 2023



TRANSFER 82494

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/9/2018

WATER RIGHT NO. 36-10821B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L & S LAND HOLDINGS LLC 2930 S 2300 E WENDELL, ID 83355 2085366148
Original Owner	GREENHORN FARMS PO BOX 93 GOODING, ID 83330 2089348464

Priority Date: 06/09/1979
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	10.2 CFS	2506 AFA
Total Diversion			10.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNWNW	Sec. 29	Township 07S	Range 16E	GOODING County
GROUND WATER	NWSWNE	Sec. 30	Township 07S	Range 16E	GOODING County
GROUND WATER	NWSW Lt 3	Sec. 30	Township 07S	Range 16E	GOODING County
GROUND WATER	NESE	Sec. 30	Township 07S	Range 16E	GOODING County

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
-----------------	--------------	----------------	------------	--------------	--------------	------------	--------------	--------------	------------	--------------	--------------	------------	--------------	--------------

Total Acres: 626.5

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.
2. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-07810, 36-07811, 36-07812 & 36-07813.

Licensed Date:
Decreed Date: 01/02/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

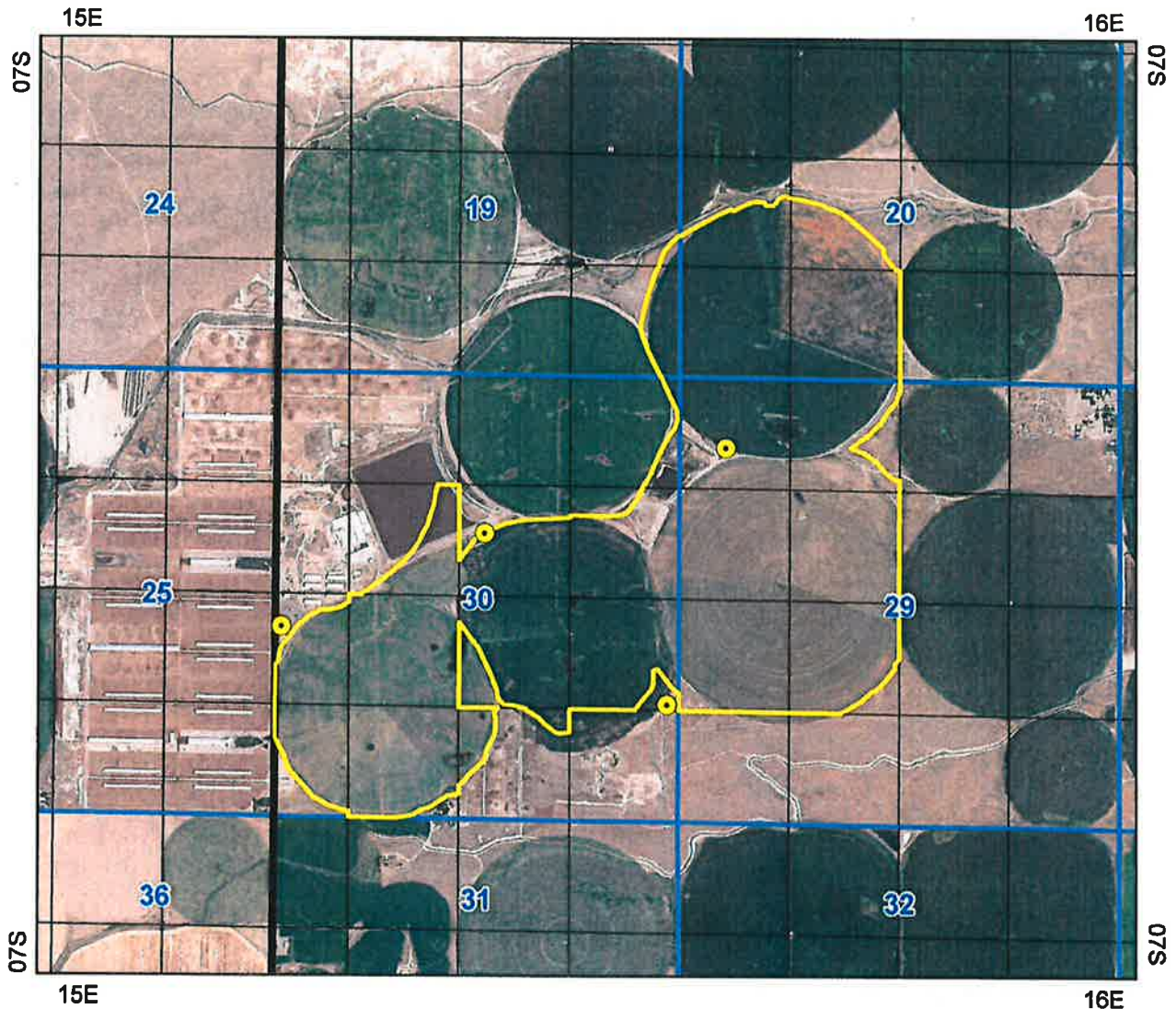
State or Federal: S
Owner Name Connector:
Water District Number: 130
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 626.5
Combined Volume Limit: 2506
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

State of Idaho
Department of Water Resources

Water Right
36-10821B

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.25 0.5 1 Miles



State of Idaho
Department of Water Resources

Water Right
36-8135

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



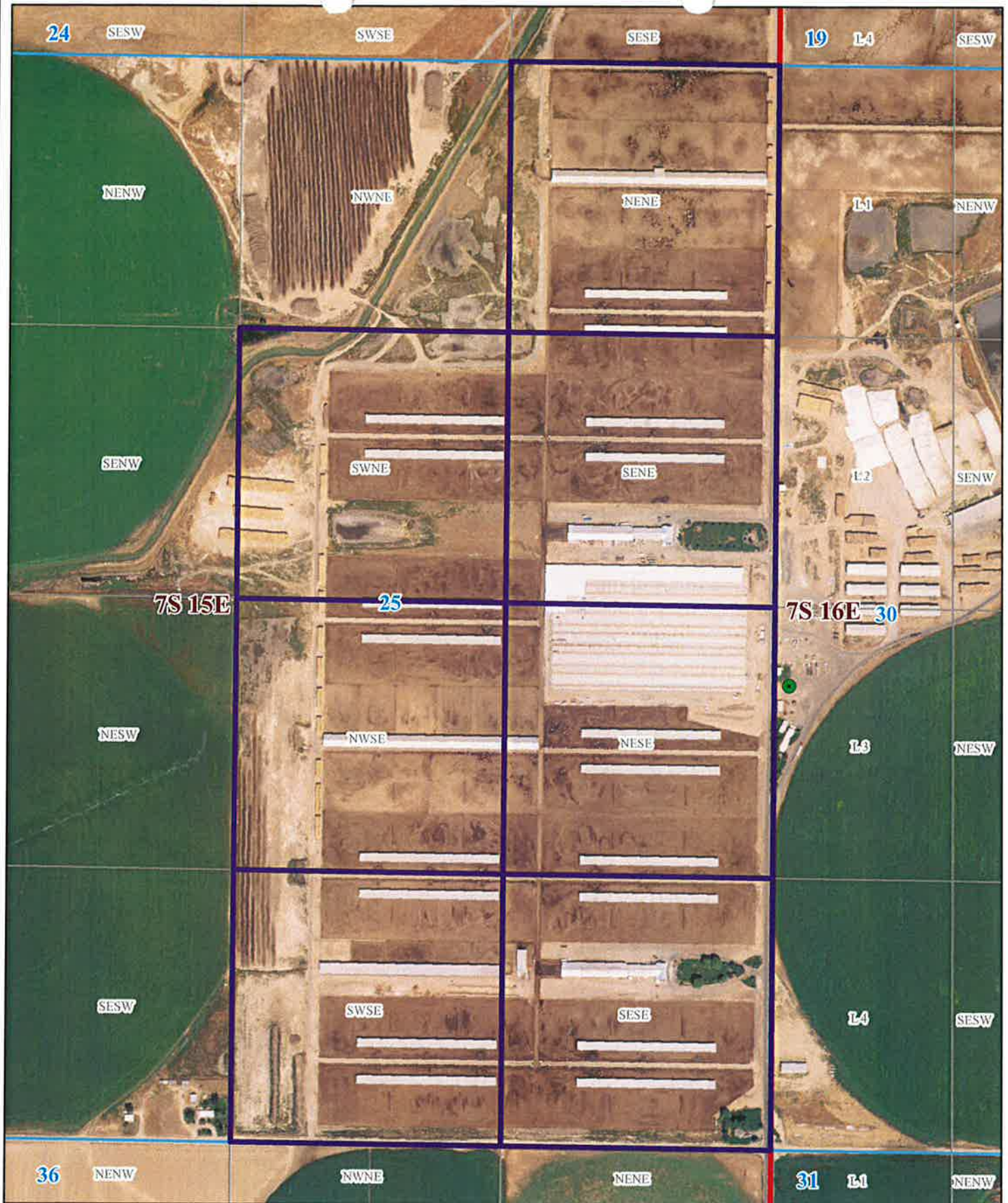
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles

TRANSFER 82494

Amended





L & S LAND HOLDINGS LLC

TRANSFER
82494

COMMERCIAL TRANSFER
2017 NAIP AERIAL

Amended

Legend

- PODs
- POU



No. W 77679 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Sep 30, 2017 Annual Report Form 1. Mailing Address: Correct in this box if needed. L & S LAND HOLDINGS, LLC LUIS M BETTENCOURT 2930 S 2300 E WENDELL ID 83355	2. Registered Agent and Address (NO PO BOX) ROBERT E WILLIAMS 153 E MAIN ST JEROME ID 83338 3. New Registered Agent Signature:*														
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>MEMBER</td> <td>LUIS M BETTENCOURT</td> <td>2930 S 2300 E</td> <td>WENDELL</td> <td>ID</td> <td>USA</td> <td>83355</td> </tr> </tbody> </table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	MEMBER	LUIS M BETTENCOURT	2930 S 2300 E	WENDELL	ID	USA	83355
Office Held	Name	Street or PO Address	City	State	Country	Postal Code										
MEMBER	LUIS M BETTENCOURT	2930 S 2300 E	WENDELL	ID	USA	83355										
5. Organized Under the Laws of: ID W 77679	6. Annual Report must be signed.* Signature: Rick Onaindia Name (type or print): Rick Onaindia Date: 07/24/2017 Title: CFO															
Processed 07/24/2017 * Electronically provided signatures are accepted as original signatures.																

TRANSFER 82494

JUN 18 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82494**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) L & S Land Holdings LLCCheck whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 18 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) L & S Land Holdings LLC Phone 208-536-6148Mailing address 2930 S 2300 E Wendell, Idaho 83355 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg Sullivan Phone 208-736-8543Mailing address 2016 N Washington St Ste 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Luís Benítez
Signature of Applicant or Authorized Representative

LUIS BENITEZ, member
Print Name and Title if applicable

6-7-18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer will change the beneficial use from stock water from a recently abandoned facility to commercial water for an existing dairy facility. The domestic portion of 36-8135 is to be relinquished. Which would allow 0.06 cfs and 43.4 afa of 36-8135 to be transferred.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUN 27 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	36-8135	0.06/43.4	Commercial	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or 43.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or 43.4 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
	See Exhibit A									

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E	25	C		C	C									C	C	C	C	
Total Acres (for irrigation use)																			

Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	36-8135	0.06/43.4	Commercial	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or 44.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or 43.4 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
	See Exhibit A									

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E	25	C		C	C									C	C	C	C	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 27 2018
DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Existing wells and mainlines system for facility. No ESPA model analysis was performed because the historical POD is located within the adjacent ESPA model cell of the proposed transfer PODs.

- b. Who owns the property at the point(s) of diversion? L & S Land Holdings LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: ING Capital LLC

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The stock yard will no longer be utilized. The domestic portion of 36-8135 is to be relinquished. Which would allow 0.06 cfs and 43.4 afa of 36-8135 to be transferred.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
36-8135, 36-7054B and 36-7116D

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing wells and mainlines system for facility. No ESPA model analysis was performed because the historical POD is located within the adjacent ESPA model cell of the proposed transfer PODs.

- b. Who owns the property at the point(s) of diversion? L & S Land Holdings LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: US Bank NA

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The stock yard will no longer be utilized. The domestic portion of 36-8135 is to be relinquished. Which would allow 0.06 cfs and 43.4 afa of 36-8135 to be transferred.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

36-8135, 36-7054B and 36-7116D

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-8135

Current Owner: L & S LAND HOLDINGS LLC

Priority Date: 11/5/1983

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.04 CFS	1.2 AF
STOCKWATER	1/01 to 12/31	0.06 CFS	43.4 AF
	<u>Total Diversion</u>	0.06 CFS	43.4 AF

Location of Point(s) of Diversion

GROUND WATER
GOODING County

SW1/4SE1/4 Sec. 30, Twp 07S, Rge 16E B.M.

Place of Use

DOMESTIC Within GOODING County

T07S R16E S30 SWSE

STOCKWATER Within GOODING County

T07S R16E S30 SWSE

T07S R16E S30 SESE

SUPERSEDED

Conditions of Approval:

1. PARCEL NOS. RP 07S16E308401, RP 07S16E309000, RP 07S16E307200.
 STOCKWATER, 4000 RANGE CATTLE
2. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE
 SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 1/10/1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

SUPERSEDED

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by AM Date 6-18-2018 Preliminary check by _____ Date _____

Fee paid \$200- Date 6-18-2018 Received by AM Receipt # 5036804

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Exhibit A
Points of Diversion

	Township	Range	Sec.	QQQ	QQ	Q	County	Source	Local Name
1	07S	15E	25		NE	NE	Gooding	Ground Water	
2	07S	15E	25		SE	NE	Gooding	Ground Water	
3	07S	15E	25		SE	NE	Gooding	Ground Water	
4	07S	15E	25		SE	SE	Gooding	Ground Water	
5	07S	15E	25		SE	SE	Gooding	Ground Water	
6	07S	16E	30		NW	SW	Gooding	Ground Water	
7									
8									
9									
10									

SUPERSEDED



0 250 500 1,000 Feet

L & S LAND HOLDINGS LLC

COMMERCIAL TRANSFER
2017 NAIP AERIAL

Legend

- PODs
- Commercial_POU



No. W 77679 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Sep 30, 2017 Annual Report Form 1. Mailing Address: Correct in this box if needed. L & S LAND HOLDINGS, LLC LUIS M BETTENCOURT 2930 S 2300 E WENDELL ID 83355	2. Registered Agent and Address (NO PO BOX) ROBERT E WILLIAMS 153 E MAIN ST JEROME ID 83338 3. <u>New</u> Registered Agent Signature:*														
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>MEMBER</td> <td>LUIS M BETTENCOURT</td> <td>2930 S 2300 E</td> <td>WENDELL</td> <td>ID</td> <td>USA</td> <td>83355</td> </tr> </tbody> </table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	MEMBER	LUIS M BETTENCOURT	2930 S 2300 E	WENDELL	ID	USA	83355
Office Held	Name	Street or PO Address	City	State	Country	Postal Code										
MEMBER	LUIS M BETTENCOURT	2930 S 2300 E	WENDELL	ID	USA	83355										
5. Organized Under the Laws of: ID W 77679	6. Annual Report must be signed.* Signature: Rick Onaindia Name (type or print): Rick Onaindia Date: 07/24/2017 Title: CFO															
Processed 07/24/2017 * Electronically provided signatures are accepted as original signatures.																



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2018

WATER DISTRICT #130 *via hand delivery*
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

RE: Application For Permit No. 36-17131

RE: Transfer No. 82494
Water Right No(s). 36-8135

RE: Transfer No. 82082
Water Right No(s). 36-2069, etc.

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2018

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355

RE: Application For Permit No. 36-17131

RE: Transfer No. 82494
Water Right No(s). 36-8135

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 8/16/2018 and 8/23/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 4, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,


Denise Maline
Administrative Assistant

cc: BROCKWAY ENGINEERING PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 09, 2018 9:39 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.doc

Attached please find (1) legal notice being submitted for publication on August 16th & 23rd, 2018. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise

Denise Maline

Administrative Assistant I

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2018

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 36-17131

RE: Transfer No. 82082
Water Right No(s): 36-2069, etc.

RE: Transfer No. 82508
Water Right No(s): 43-10037, 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009,
43-4091, 43-4092, 43-4141

RE: Transfer No. 82494
Water Right No(s): 36-8135

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 4, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17131

L & S LAND HOLDINGS LLC

2930 S 2300 E

WENDELL, ID 83355

Point of Diversion SESW S30 T07S R16E GOODING County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 6/18/2018

Place Of Use: DOMESTIC

T07S R16E S30 SESW

T07S R16E S31 NENW

Application for permit proposes to divert up to 0.08 cfs from an existing well for domestic use associated with three homes. The place of use and point of diversion are located approximately 3.9 miles east and 0.5 mile north of the intersection of Main and Idaho Streets in Wendell.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82508

HARPER VALLEY LAND LLC, 2045 E 850 S, DECLO, ID 83323; has filed Application No. 82508 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10037, 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the location of one of eight points of diversion for a 4.00 cfs portion of ten ground water irrigation rights (23.07 cfs, 1579.0 acres) from its current position approximately 7.7 miles north and 1.2 miles west of Malta. That well will be abandoned and a new well will be drilled approximately 7.6 miles north and 0.8 mile west of Malta. The transfer also proposes to modify the current 1600.0 acre permissible place of use (PPU) located approximately 7.0 to 9.5 miles north and 0.3 mile east to 1.7 miles west of Malta. Currently 1579.0 acres are irrigated within a 1600.00 acre PPU. After the transfer, 1579.0 acres will be irrigated within a 1609.1 acre PPU in order to reflect current irrigation practices.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82494

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355; has filed Application No. 82494 for changes to the following water rights within GOODING County(s): Right No(s). 36-8135. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, place of use (POU), and point of diversion (POD) of domestic/stockwater water right 36-8135 (0.06 cfs, 43.4 AF) which is currently appurtenant to a feedlot and three homes located approximately 3.9 to 4.4 miles east and 0.5 to 0.7 mile north of the intersection of Main and Idaho Streets in Wendell. The proposed place of use is a dairy located approximately 3.0 to 3.5 miles east and 0.5 to 1.5 miles north of Wendell. The current POD is located approximately 4.0 miles east and 0.6 miles north of Wendell, while the proposed POD is an existing well located approximately 3.5 miles east and 0.9 miles north of Wendell. The application proposes to retain the stockwater use and add commercial use (a misting system) to the right, while relinquishing the domestic use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82082

WESTERN MORTGAGE & REALTY CO, PO BOX 3110, PASCO, WA 99301; has filed Application No. 82082 for changes to the following water rights within BLAINE, MINIDOKA County(s): Right No(s). 36-10515, 36-10850A, 36-10863A, 36-10863B, 36-15217, 36-15264A, 36-15264B, 36-16042, 36-16309, 36-16473, 36-16816, 36-2069, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7356C, 36-7627, 36-8227. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 7,037.5 acre permissible place of use (PPU) on a farm located approximately 10.0 to 16.7 miles east and 7.6 to 13.2 miles north of Rupert for 25 rights totaling 62.97 cfs and 4,953.5 acres currently diverted from 17 wells on the farm. The application also proposes moving a 0.46 cfs and 59 acre portion of an additional right from a farm located approximately 9.7 to 10.1 miles east and 10.0 to 10.6 miles north to the 17 wells and proposed PPU. In addition, a portion of two water rights totaling 1.15 cfs and 96 acres are also proposed to be moved from a farm located 16.5 to 17.0 miles east and 8.1 to 8.7 miles north to the 17 wells and proposed PPU. In total the 28 rights will allow for the diversion of 64.58 cfs from 17 wells for the irrigation of 5,108.5 acres within the 7,037.5 acre PPU. Published in the Idaho Mountain Express on August 15th & 22nd, 2018 and in the Times News on August 16th & 23rd, 2018.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings . Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 4, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 16th & 23rd, 2018

TRANSFER SYNOPSIS

Date: July 23, 2018
To: Transfer 82494, L & S Land Holdings, LLC Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to change the nature of use, place of use (POU), and point of diversion (POD) of domestic/stockwater water right 36-8135 (0.06 cfs, 43.4 AF) which is currently appurtenant to a feedlot and three homes located approximately 3.9 to 4.4 miles east and 0.5 to 0.7 mile north of the intersection of Main and Idaho Streets in Wendell. The proposed place of use is a dairy located approximately 3.0 to 3.5 miles east and 0.5 to 1.5 miles north of Wendell. The current POD is located approximately 4.0 miles east and 0.6 miles north of Wendell, while the proposed POD is an existing well located approximately 3.5 miles east and 0.9 miles north of Wendell. The application proposes to retain the stockwater use and add commercial use (a misting system) to the right, while relinquishing the domestic use.

Because the application proposes changing the nature of use and changing the POD within the ESPA, the transfer will be advertised. Since the transfer is within Water District 130, comments will be solicited from the WD-130 Watermaster.

The PODs are located within adjacent ESPA modeling cells so no ESPA model analysis is necessary.

The well which will supply the misting system is not connected to the other wells serving the dairy, so the other dairy rights will not be added to the transfer. That well was previously described as a POD for irrigation right 36-10821B, but this is not the case, so the applicant submitted a Relinquishment of Water Right for the POD located in T07S, R16E, Section 30, NWSW.

FEE MEMORANDUM

Date: July 20, 2018
To: L & S Land Holdings, LLC Transfer #82494 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on June 18, 2018 by Brockway Engineering on behalf of L & S Land Holdings, LLC with the intent to change the nature of use, place of use (POU), and point of diversion (POD) for water right 36-8135 (0.06 cfs). The entire flow rate of the right will be used at a different POD, so the fee is calculated on 0.06 cfs, which equates to \$200.00. In addition, since the nature of use is changing, another \$250.00 is required for processing the application. Upon filing, only \$200.00 was paid (with check #14741, receipt #S036804).

The application was amended on July 19, 2018, and, at that time, the remaining \$250.00 to cover the change in nature of use was paid with check #14792, receipt #S036860. The total fee, therefore, was \$450.00, which was paid in full.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 19 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

July 13, 2018

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

Re: L & S Land Holdings LLC

Dear Mr. Skinner:

L & S Land Holdings LLC submitted a transfer 1 month early and due to some unseen adjustment needs to be updated. The attached transfer will replace the transfer previously submitted to IDWR. A transfer fee of \$300.00 was already paid to IDWR for processing of the transfer.

It is necessary to clarify that only one well will be used to provide water to a misting system for the cattle operation. This well is not connected to any other well at this time.

The proposed POD is currently listed as an authorized POD for irrigation water right 36-10821B. Attached to this letter is a relinquishment document that is to remove the POD located at T07S R16E Sec 30 NWSW as an irrigation POD for 36-10821B. No other aspect of 36-10821B is to be changed or altered.

No ESPA model analysis was performed because the current POD is in an adjacent ESPA model cell.

The beneficial use of commercial will be added to water right 36-8135 and an additional fee of \$250.00 will be paid to IDWR for this change.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: L & S Land Holdings LLC

Enc: Transfer Application, Aerial Map, Relinquishment Document, Brockway Engineering

Check #14792 for \$250.00

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 5, 2018

US BANK NA
ATTN CDO TRUST SERVICES/JAMES HANLEY
214 N TRYON ST 26TH FL
CHARLOTTE NC 28201

RE: Security Interest for water Right Nos. -see attached sheet

Dear Interested party:

The department has received your correspondence removing the notice of security Interest from the above referenced water rights. The department has removed the security interest from its computer records.

Please contact this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Bitzenburg', is written over a horizontal line.

Jim Bitzenburg
Water Resource Agent

cc: L & S Land Holdings, LLC

Enclosure

Bettencourt Water Rights

36-2524	36-15275
36-2666	36-15354
36-7054B	36-15672
36-7103	36-15674
36-7116C	36-15676
36-7116D	36-15679
36-7260B	36-16159
36-7324	36-16162
36-7345B	36-16479
36-7368B	36-16480
36-7373	
36-7499B	
36-7539	
36-7591D	
36-7591E	
36-7605	
36-7608	
36-7935	
36-8062	
36-8081	
36-8135	
36-8302	
36-8411	
36-8739	
36-8740	
36-10599	
36-10603	
36-10604	
36-10607	
36-10609	
36-10610	
36-10611	
36-10613	
36-10821A	
36-10821B	
36-11111	
36-11112	
36-11113	
36-14288	
36-14595A	
36-14595B	
36-15161	
36-15174A	
36-15174B	



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 27, 2018

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL ID 83355

Dear Applicant:

On June 18, 2018, our office received an Application for Transfer of Water Right from L & S Land Holdings, LLC to change the point of diversion, place of use, and nature of use for water right 36-8135. In reviewing the application, Idaho Department of Water Resources (IDWR) will need clarification of several items contained in the transfer application in order to process the transfer.

- On page 3, Part 1, B., 1, the total authorized under rights is listed as 0.06 cfs and/or 44.6 AF, while the actual volume of the right is 43.4 AF.
- Page 4, Part 1 B., 5c lists the lienholder as US Bank NA, while the lienholder consent letter seems to indicate that ING Capital, LLC is the current lienholder on the property. We will need clarification on this item.
- Also, changing the nature of use from stockwater to commercial would require an additional fee of \$250.00 (see the transfer fee schedule on the IDWR website). If you would like, you can retain the stockwater portion in addition to adding the commercial use. You would have a total flow rate of 0.06 cfs and a volume total of 43.4 AF for both uses.
- Finally, the configuration of the points of diversion (POD) is unclear. Is the entire system of 6 PODs listed on Exhibit A plumbed together to serve the CAFO? If so, then it will be necessary to either amend this application, or file a new application for transfer in order to add the PODs of each right to the other rights so that each right can be diverted from all six PODs. Currently, right 36-7054B has 4 authorized PODs, right 36-7116D has 2 PODs, and right 36-15679 has a single POD (see enclosed map). IDWR records indicate that the sixth POD listed on Exhibit A, in T07S, R16E, Section 30, NWSW, is a POD for irrigation right 36-10821B, and is not currently serving the CAFO. Is that POD used for both irrigation and for stockwater and/or commercial use at the CAFO? To amend this transfer, you would need to bring in rights 36-7054B, 36-7116D, and 36-15679, and, if you would like to remove the POD in Section 30 from irrigation right 36-10821B, that right also. If you want to file a separate transfer, you would be looking at the same scenario, but it would need to be processed concurrently with this one.

In my review of the Application for Permit, which was filed at the same time, it appears that the point of diversion (POD) for the three homes is not at the same location as described on transferring right 36-8135. I just wanted to clarify that the actual POD for the homes is in the SESW, Section 30, T07S, R16E. Other than that, the Application for Permit seemed to be in order.

If you have any questions, or need any further assistance, feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Bitzenburg". The signature is stylized with a large "J" and "B".

Jim Bitzenburg
Water Resource Agent

Enclosure

CC: Greg Sullivan, Brockway Engineering



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUN 18 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

June 13, 2018

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

Re: L & S Land Holdings LLC

Dear Mr. Skinner:

L & S Land Holdings LLC desires to transfer the stockwater portion of water 36-8135 to an existing dairy facility. The domestic beneficial use of 36-8135 would be relinquished as a beneficial use leaving 0.06 cfs and 43.4 acre feet. It is proposed to change the beneficial use of the 0.06 cfs and 43.4 acre feet from stockwater to commercial water.

Because both stockwater and commercial water are viewed as 100% consumptive by IDWR, no consumptive use analysis was performed.

No ESPA model analysis was performed because the current POD is in an adjacent ESPA model cell.

The dairy facility is currently utilizing 6 wells. It is proposed to identify the 6 wells as authorized PODs in this transfer. No new wells will be drilled.

The current stockwater place of use had the cattle removed from the facility during 2017.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: L & S Land Holdings LLC

Enc: Transfer Application, Aerial Map, Exhibit A, CAFO Permit, Annual Report, Consent to Transfer, Release of Security Interest, Brockway Engineering Check # 14741 for \$300.00 (\$200 for transfer and \$100 for permit)

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