

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77797APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
MINIMUM REQUIREMENTS CHECKLIST

MAR 07 2012

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 and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov>.

Check 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 Proof Report (obtained from Department) or Details Report (obtained on website) 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 #1-9.

- ☐ ☒ #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 transfer 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).
- ☒ ☐ #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 <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) L & S LAND HOLDINGS, LLC Phone 208-536-6148

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**.
- ☐ 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 Representative

Name of Representative TSK ENTERPIRSES LLC / GARY L. FUNDERBURG Phone 208 320-0897

Mailing address 255 BLUE LAKES BLVD NTH, PMB 617, TWIN FALLS, IDAHO 83301 Email _____

- ☐ 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

L & S HOLDINGS OWNER
Print Name and Title if applicable

Signature of Applicant or Authorized Representative

L & S HOLDINGS OWNER
Print Name and Title if applicable

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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**. We are moving water from the state water bank to new lands.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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SOUTHERN REGION

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
36-16479	1.39 / 277.2	IRRIGATION	APRIL 1 to OCT 15	GROUNDWATER
36-7539	7.6 / 1520	IRRIGATION	APRIL 1 to NOV 1	GROUNDWATER
			to	
			to	
			to	
			to	
			to	
			to	
			to	
Total		8.99 cfs and/or	1797.2 ac-ft	

2. Total amount of water being transferred or changed 8.99 cubic feet per second and/or 1797.2 acre-feet per annum.

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 #
		SW	NE	SE	19	7S	16E	Gooding	GROUNDWATER	#1
		NE	NW	SW	20	7S	16E	Gooding	GROUNDWATER	#2

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	
7S	16E	19			30	40			11	20	40	25	14	29	33	38	10		290
		20					32	32.3	40	40		15							159.3

Total Acres (for irrigation use) 449.3

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APPLICATION FOR TRANSFER OF WATER RIGHT

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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
36-16479	1.39 / 277.2	IRRIGATION	APRIL 1 to OCT 15	GROUNDWATER
36-7539	7.6 / 1520	IRRIGATION	APRIL 1 to NOV 1	GROUNDWATER
			to	
			to	
			to	
			to	
			to	
			to	
			to	
			to	
Total <u>8.99</u> cfs and/or <u>1797.2</u> ac-ft				

2. Total amount of water being transferred or changed 8.99 cubic feet per second and/or 1797.2 acre-feet per annum.

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 #
		SW	NE	SE	19	7S	16E	Gooding	GROUNDWATER	#1
		NE	NW	SW	20	7S	16E	Gooding	GROUNDWATER	#2

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	
7S	19E	19			30	40			11	20	40	25	14	29	33	38	10		290
		20					32	32.3	40	40		15							159.3

Total Acres (for irrigation use)

449.3

Superseded

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: (2) Wells, motors, and (3) pivots & hand lines. Wells divert in to ponds and is pumped to the pivots and hand lines.

b. Who owns the property at the point(s) of diversion? APPLICANT
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: _____

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

e. 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: _____

f. 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: _____

Request for water right 36-16479 has been made to be with drawn from state water bank. See attached letter.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>). Label it **Part 2A.**

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable.

Right Number: 36-7539

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 380

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SOUTHERN REGION

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Total Acres (for irrigation use)	69.3
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

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DEPT. OF WATER RESOURCES
SOUTHERN REGION**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.

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**.

1. 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.: _____
- This water right has been in the state of Idaho water bank and is being with drawn.

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments.

Received by XR Date 3/7/2012 Prelim. Check by XR Date 3/7/2012

Fee Paid \$1,140.00 Date 3/7/2012 Receipted by XR Receipt # 5032402

Add'l Fee Paid \$50.00 Date 3/12/2012 Receipted by XR Receipt # 5032413

5E13

07S16E18

07S16E17

15E24

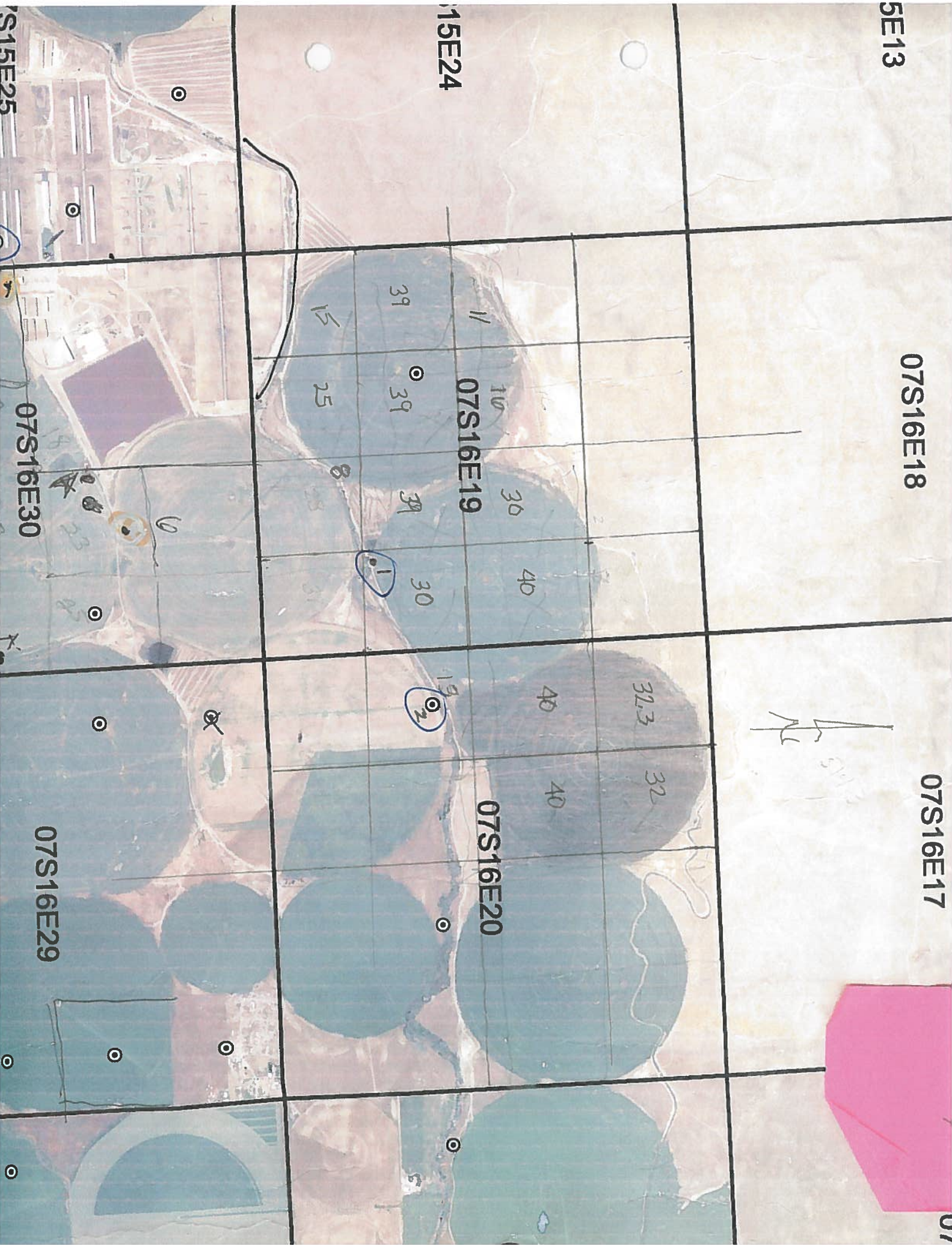
07S16E19

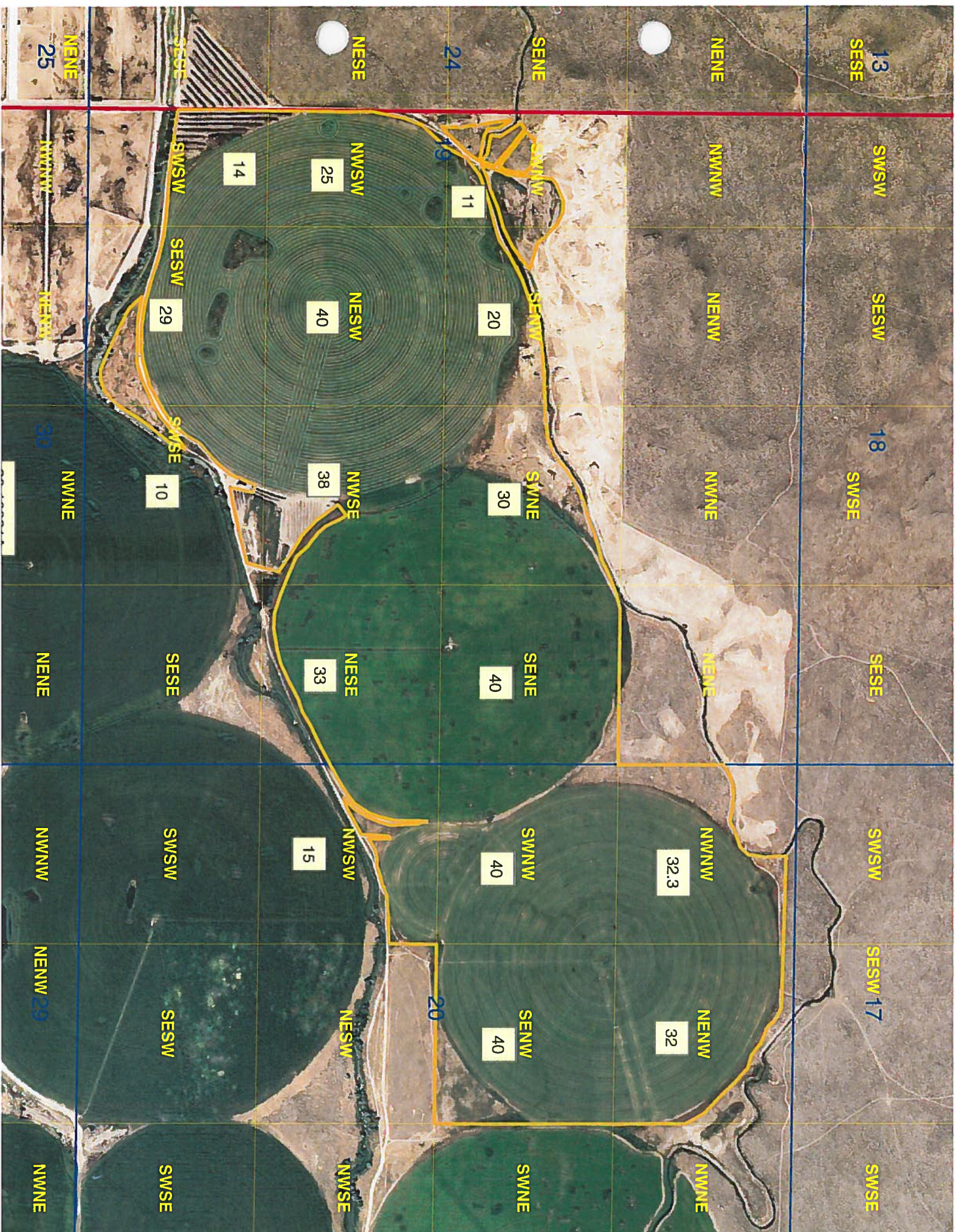
07S16E20

07S16E30

07S16E29

15E25





Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/14/2012

WATER RIGHT NO. 36-16479

1" / Ac
0.02 cfs
4.00 AFA / Ac.

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LUIS M BETTENCOURT 2930 S 2300 E WENDELL, ID 83355 (208)536-6148
Original Owner	F F GUNNING
Original Owner	IRENE GUNNING PO BOX 716 WENDELL, ID 83355-0716 (208)536-6390

Priority Date: 03/26/1969

Basis: Decreed

Status: Active

Water Supply Bank 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	04/01	10/15	1.39 CFS	277.2 AFA
Total Diversion			1.39 CFS	

Location of Point(s) of Diversion:

441.3
449.3

447.3
7

GROUND WATER|NENESE|Sec. 25|Township 07S|Range 15E|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>
07S	15E	25		NENE	0.3									
	16E	19	4	SWSW	10		SESW	3						
		30		NENW	23	1	NWNW	2	2	SWNW	2		SENW	23
			3	NWSW	6									

Total Acres: 69.3

Conditions of Approval:

- | | |
|--------|---|
| 1. X61 | The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval. |
| 2. T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |

Dates:

Licensed Date:

Decreed Date: 08/27/2001

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

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

Water Supply Bank:

Lessor Name(s): LUIS M BETTENCOURT

Lease Status: Active

Lease Amount: Part

Rental Availability: All

Date Received: 12/16/2010

Lease Begin Date: 12/18/2010

Expiration Date: 12/31/2015

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

2/14/2012

WATER RIGHT NO. 36-7539

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LUIS M BETTENCOURT 2930 S 2300 E WENDELL, ID 83355 (208)536-6148
Original Owner	JAMES E CAMPBELL
Original Owner	LUCILE H CAMPBELL 2019 E 2950 S WENDELL, ID 83355 (208)536-2298

Priority Date: 06/10/1975

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	11/01	7.6 CFS	1520 AFA
Total Diversion			7.6 CFS	

1" / Ac-

Location of Point(s) of Diversion:

GROUND WATER|SWNESE|Sec. 19|Township 07S|Range 16E|GOODING County
 GROUND WATER|NENWSW|Sec. 20|Township 07S|Range 16E|JEROME County

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	16E	19		SWNE	25 + ⁵		SENE	40						
				SENE	8 + ¹⁷									
				NESW	39	3	NWSW	8 + ³¹	4	SWSW	1 + ¹⁰		SESW	22
				NESE	33		NWSE	39		SWSE	8			
		20		NENW	32		NWNW	30 + ^{2,3}		SWNW	40		SENE	40
				NWSW	15									

Total Acres: 380

Conditions of Approval:

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. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 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.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Permit Proof Due Date: 6/1/1978

Permit Proof Made Date: 1/1/190

Permit Approved Date: 5/6/1977

Permit Moratorium Expiration Date:

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

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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



CERTIFICATE OF ORGANIZATION FILED EFFECTIVE LIMITED LIABILITY COMPANY

(Instructions on back of application)

08 SEP 15 AM 9:42

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

L & S LAND HOLDINGS, LLC

2. The complete street and mailing addresses of the initial designated/principal office:

2930 S. 2300 E., WENDELL ID 83355

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

LUIS M. BETTENCOURT

(Name)

2930 S. 2300 E., WENDELL ID 83355

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

THE LUIS M. AND SHARON

2930 S. 2300 E., WENDELL ID 83355

BETTENCOURT 2008 TRUST U/A/D

MARCH 5, 2008

5. Mailing address for future correspondence (annual report notices):

2930 S. 2300 E., WENDELL ID 83355

6. Future effective date of filing (optional):

Signature of organizer(s). (An organizer is a member, or is acting in behalf of a member or members).

Signature

Typed Name: LUIS M. BETTENCOURT, TRUSTEE

Signature

Typed Name:

Secretary of State use only

IDAHO SECRETARY OF STATE

09/15/2008 05:00

CK: 20861 CT: 1660 BH: 1135850

1 @ 100.00 = 100.00 ORGAN LLC # 2

g:\corpforms\LLC forms\form1_org_llc.PMD
Revised 07/2008

WARRANTY DEED

#JG-30509A

For Value Received

**JAMES E. CAMPBELL and EDITH L. CAMPBELL, also
known of record as LUCILE H. CAMPBELL, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LUIS M. BETTENCOURT, an unmarried man
Address: P.O. Box 567 Jerome, ID 83338

Hereinafter called the Grantee, the following described premises situated in Jerome and Gooding Counties, Idaho, to-wit:

**SEE SCHEDULE "A" ATTACHED HERETO:
(2 PAGES)**

SUBJECT TO:

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

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 181.60 shares of North Side Canal Company Water Stock.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in the simple of said premises; that they are free from all incumbrances except as above described and that Grantee will warrant and defend the same from all lawful claims whatsoever.

Dated: November 6, 2001

James E. Campbell
JAMES E. CAMPBELL

Edith L. Campbell
EDITH L. CAMPBELL

STATE OF IDAHO }
COUNTY OF JEROME }

On this 14th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES E. CAMPBELL and EDITH L. CAMPBELL, known or identified to me to be the persons whose names is subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing in: Jerome, Idaho
My Commission expires: 2-24-03

RICK BERGSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-31-03

Instrument # 192888
GOODING, GOODING, IDAHO
2001/11-18 01/20/02 No. of Pages: 3
Recorded in: LAND TITLE
HELEN EDWARDS
Ex-Officio Recorder Deputy
Notary for GREG, NOTARY

SCHEDULE A**Order Number: JG-28128****PARCEL 1:****TOWNSHIP 7 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO****Section 19: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and that part of the S $\frac{1}{4}$, described as follows:**

Commencing at the Northeast corner of said Section 19;
Thence South 0°14'06" East, 1320.72 feet to the Northeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and THE TRUE POINT OF BEGINNING;
Thence South 0°14'06" East, 1320.72 feet to the Northeast corner of said S $\frac{1}{4}$ of Section 19;
Thence South 0°27'06" East, 933.56 feet to the center of an irrigation canal;
Thence along the center of said irrigation canal the following courses and distances:
South 61°51'09" West, 539.27 feet;
Thence South 22°32'26" West, 139.20 feet to the Northerly boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19;
Thence leaving said irrigation canal, North 89°50'00" West, 786.95 feet to the Northwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 0°23'09" East, 159.27 feet along the Westerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the center of said irrigation canal;
Thence along the center of said irrigation canal the following courses and distances:
South 74°31'08" West, 800.26 feet;
Thence South 46°53'21" West, 139.86 feet;
Thence South 19°07'45" East, 166.90 feet;
Thence South 45°28'38" West, 580.30 feet;
Thence South 39°38'16" West, 237.06 feet;
Thence South 71°56'55" West, 158.48 feet;
Thence North 70°11'10" West, 471.28 feet;
Thence North 58°33'42" West, 375.84 feet;
Thence North 68°09'15" West, 176.29 feet;
Thence North 83°57'22" West, 433.21 feet;
Thence leaving said canal North 0°05'33" East, 2130.25 feet parallel with the Westerly boundary of said S $\frac{1}{4}$ of Section 19 to the Northerly boundary of said S $\frac{1}{4}$ of Section 19;
Thence South 89°45'02" East, 2879.44 feet to the Southwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19;
Thence North 0°16'40" West, 1319.89 feet to the Northwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 89°47'13" East, 1318.31 feet to THE TRUE POINT OF BEGINNING.

- Continued -

CONTINUATION**SCHEDULE A****Order Number: JG-28128****TOWNSHIP 7 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO****Section 20: NW¼ and that part of the NW¼SW¼, described as follows:**

Beginning at the Northwest corner of said NW¼ of Section 20;
Thence South 89°38'00" East, 2642.48 feet to the Northeast corner of said NW¼;
Thence South 0°20'13" East, 2640.01 feet to the Southeast corner of said NW¼;
Thence North 89°39'55" West, 1323.57 feet to the Northeast corner of said
NW¼SW¼ of Section 20;
Thence South 0°23'39" East, 430.85 feet along the Easterly boundary of said
NW¼SW¼ to the center of an irrigation canal;
Thence along the center of said irrigation canal the following courses and
distances:
North 74°46'17" West, 45.30 feet;
Thence South 81°04'09" West, 99.39 feet;
Thence South 53°25'37" West, 108.92 feet;
Thence North 86°57'48" West, 217.65 feet;
Thence South 68°04'56" West, 233.31 feet;
Thence South 61°51'09" West, 743.98 feet to the Westerly boundary of said
NW¼SW¼;
Thence North 0°27'06" West, 933.56 feet to the Northwest corner of said
NW¼SW¼;
Thence North 0°14'06" West, 2641.43 feet to THE POINT OF BEGINNING.

PARCEL 2:**TOWNSHIP 7 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO****Section 20: E¼;****PARCEL 3:****TOWNSHIP 7 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO****Section 19: Lot 2, SE¼NW¼; SW¼NE¼**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

March 30, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

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

Re: Transfer No. 77797
Water Right No(s). 36-7539, 36-16479

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 4/5/2012 and 4/12/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**April 23, 2012**).

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 approval document.

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

Sincerely,

Denise Buffington
Administrative Assistant

cc:

TSK ENTERPRISES
C/O GARY FUNDERBERG
255 BLUE LAKES BLVD PMB 617
TWIN FALLS, ID 83301



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 30, 2012

CINDY YENTER
WATER DISTRICT #130
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

Hand delivered

Re: Transfer No. 77797
Water Right No(s): 36-7539, 36-16479

Dear Ms. Yenter:

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 watermaster, 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 Buffington
Administrative Assistant

Enclosure(s)

Buffington, Denise

From: Buffington, Denise
Sent: Friday, March 30, 2012 10:15 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.Doc; Times News Ad - COMBINED.docx

Attached please find (1) legal notice being submitted for publication on April 5th & 12th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Buffington
Administrative Assistant
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033
denise.buffington@idwr.idaho.gov

March 30, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 47-17575, 37-22682

RE: Transfer No. 77797
Water Right No(s): 36-7539, 36-16479

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 April 23, 2012. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

47-17575

L & S LAND HOLDINGS LLC

2930 S 2300 E

WENDELL, ID 83355

Point of Diversion SWSWSW S1 T12S R18E TWIN FALLS County Source ROCK CREEK Tributary SNAKE RIVER

Use: DIVERSION TO STORAGE 02/01 to 11/15 9.6 CFS

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 198 AF

Use: IRRIGATION STORAGE 02/15 to 11/15 198 AF

Total Diversion: 9.6 CFS 198 AF

Date Filed: 8/31/2011

Place Of Use: IRRIGATION STORAGE

T11S R19E S19, S20

Place Of Use: IRRIGATION FROM STORAGE

T11S R19E S8, S9, S16, S20, S29, S30

Total Acres: 2129

Application proposes appropriating 9.6 cfs of water from Rock Creek for diversion to storage use in two irrigation storage ponds to provide irrigation water to surrounding farm ground. The proposed point of diversion is an existing diversion located approximately 9.0 miles south of the Highway 30 & Rock Creek Road intersection at Hansen. The two irrigation storage ponds, totaling 198 acre feet of storage, are located approximately 5.9 miles south and 1.9 miles east of the Highway 30 & Rock Creek Road intersection at Hansen. Water will be rediverted from the two irrigation storage ponds and used to irrigate up to 2129 acres of farm ground located approximately 3.0 - 7.0 miles south and 1.1 - 3.4 miles east of the Highway 30 & Rock Creek Road intersection at Hansen. A mitigation plan has been submitted with the application to allow for processing of the application within the moratorium area.

37-22682

WOOD RIVER MITIGATION SOLUTIONS LLC

2918 N EL RANCHO PL

BOISE, ID 83704

Point of Diversion (BASELINE CANAL REDIVERTED FROM BYPASS CANAL) NWSNW S25 T01N R18E

BLAINE County Source BIG WOOD RIVER Tributary SNAKE RIVER

Point of Diversion (HIAWATHA CANAL) SWNW S20 T03N R18E BLAINE County Source BIG WOOD RIVER Tributary SNAKE RIVER

Point of Diversion (BYPASS CANAL) NWSEW S12 T01N R18E BLAINE County Source BIG WOOD RIVER Tributary SNAKE RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 154 CFS

Total Diversion: 154 CFS

Date Filed: 2/10/2012

Place Of Use: GROUND WATER RECHARGE:

T01N R18E S12, S13, S24, S25, S36

T01N R19E S31, S32

T01S R19E S5, S8, S9

T02N R18E S3, S4, S5, S9, S10, S15, S22, S23

T03N R18E S20, S28, S29, S32, S33

Published in Idaho Mountain Express on April 4th & 11th, 2012 and Idaho Statesman, Post Register, Lewiston Tribune and Times News on April 5th & 12th, 2012.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 77797

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355 has filed Application No. 77797 for changes to the following water rights within JEROME, GOODING County(s): Right No(s). 36-7539, 36-16479. The purpose of the transfer is to change a portion of the above rights as follows: Transfer changes the place of use and point of diversion for a water right currently authorized for the diversion of 1.39 cfs & 277.2 af for the irrigation of 69.3 acres at one farm by moving it 0.5 mile north to the existing wells at another farm approximately 1 mile east and 1 mile north. No new wells will be drilled. The location is approximately 4 miles east and 2.5 miles north of Wendell.

Permits will be subject to all prior water rights. For additional information concerning the property location, 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/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 23, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on April 5th & 12th, 2012

MEMORANDUM

Date: March 15, 2012

To: Transfer 77797 File – L&S Land Holdings LLC

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

Transfer changes the place of use and point of diversion for a water right currently authorized for the diversion of 1.39 cfs & 277.2 af for the irrigation of 69.3 acres at one farm by moving it ½ mile north to the existing wells at another farm approximately 1 mile east and 1 mile north. No new wells will be drilled. The location is approximately 4 miles east and 2 ½ miles north of Wendell. It will be combined with an existing right currently authorized for the diversion of 7.6 cfs and 1520 af for the irrigation of 380 acres and placed in a PPU of 449.3 acres. A Warranty Deed was provided to show ownership of the additional acres being irrigated under the rights.

- **Authority to File:**

The application was filed by Gary Funderburg (TSK Enterprises) on behalf of the applicants, L & S Land Holdings LLC, and signed by both Luis and Sharon Bettencourt. The ownership of both rights will also be changed from Luis Bettencourt to L & S Land Holdings, LLC. A copy of the Certificate of Organization showing that Luis and Sharon Bettencourt are the members of the L & S Land Holdings LLC. Apparently there is no lien holder on the property.

- **Water Right Validity:**

Both rights were decreed in the SRBA on 8/27/2001. Recent aerial photos show the acres have been irrigated and right 36-16439 is listed as active in the water supply bank. (Monica Van Bussum has been notified that this right will be released from the bank and is involved in this transfer.)

- **Injury to Other Water Rights:**

None anticipated. The right is within WD130 so measurement and reporting will be required and the rights will be under the jurisdiction of the water master of that district. The point of diversion of right 36-16479 (cell 47,23), currently in the water supply bank, will be changing to the two wells of right 36-7539 (cell 47,24). The cells are adjacent so no ESPA model run was required.

- **Enlargement of Use:**

None anticipated with proper conditioning and the measuring and reporting requirements.

- **Local Public Interest:**

No negative impacts anticipated.

- **Beneficial Use/Conservation of Water Resources:**

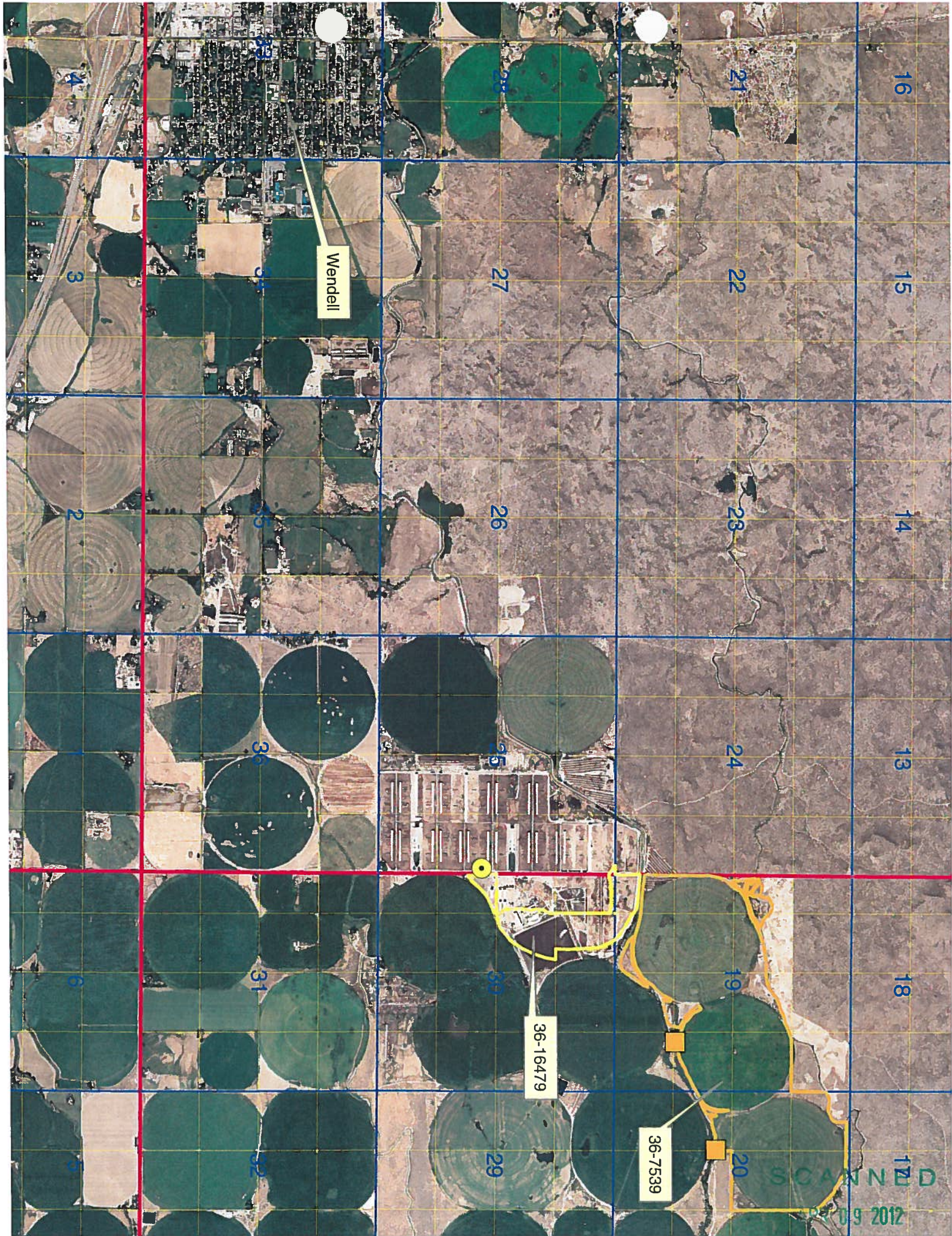
Irrigation is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: March 15, 2012
To: Transfer 77797
From: jroberts
Re: Legal Notice Remarks

Transfer changes the place of use and point of diversion for a water right currently authorized for the diversion of 1.39 cfs & 277.2 af for the irrigation of 69.3 acres at one farm by moving it ½ mile north to the existing wells at another farm approximately 1 mile east and 1 mile north. No new wells will be drilled. The location is approximately 4 miles east and 2 ½ miles north of Wendell.



TSK ENTERPRISES
255 BLUE LAKES BLVD NTH
PMB 617
TWIN FALLS, IDAHO 83301
PH & FAX 208-324-6411
CEL-208 320-0897
GARY L. FUNDERBUR

February 21, 2012

Idaho Dept. of Water Res.
1341 Filmore St.
Suite 200
Twin Falls, Idaho 83301

Re: Water right transfer for 36-16479 & 36-7539
(Luis M. and Sharon L. Bettencourt)
L & S LAND HOLDINGS LLC

Gentlemen:

Please find enclosed an application for a transfer for Luis M. and Sharon L. Bettencourt.(L&S LAND HOLDINGS, LLC)

This transfer is to add water to existing grounds with other water rights.

Water right 36-16479 has been in the state water bank and has been requested to be with drawn at this time.

If there are any questions or need additional information please contact me.

Gary L. Funderburg
TSK ENTERPRISES LLC

RECEIVED
MAR 07 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
FEB 23 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

COPY

RECEIVED

MAR 07 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Feb. 28, 2012

Bettencourt Dairies, LLC
2930 S. 2300 E.
Wendell, ID 83355

To Whom It May Concern:

We are needing to withdraw Water Right 36-16479 from the Water Bank.

Sincerely,

Bettencourt Dairies, LLC