

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77551

This is to certify that: L & S LAND HOLDINGS LLC
 2930 S 2300 E
 WENDELL ID 83355
 (208)536-6148

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-17091	WR/Decreed	02/23/1952	1.5 cfs	365 af	N/A	N/A	GROUND WATER
47-17092	WR/Decreed	12/19/1952	0.9 cfs	365 af	N/A	N/A	GROUND WATER
47-17364	WR/Decreed	12/23/1948	2.04 cfs	374.4 af	N/A	N/A	GROUND WATER
47-17365	WR/Decreed	02/14/1952	0.86 cfs	374.4 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-17091	NO	YES	NO	YES	NO	NO
47-17092	NO	YES	NO	YES	NO	NO
47-17364	NO	YES	NO	YES	NO	NO
47-17365	NO	YES	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-17091	45-14371/47-17091	1.5 cfs	365 af	N/A			N/A	N/A	N/A	N/A
47-17092	45-14372/47-17092	0.9 cfs	365 af	N/A			N/A	N/A	N/A	N/A
47-17364	45-14373/47-17364	2.04 cfs	374.4 af	N/A			N/A	N/A	N/A	N/A
47-17365	45-14374/47-17365	0.86 cfs	374.4 af	N/A			N/A	N/A	N/A	N/A
COMBINED TOTALS		5.3 cfs	739.4 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of November, 20 11

SUPPORT DATA


 Southern Region Manager

IN FILE # 47-17091

WATER RIGHT NO. 45-14373/47-17364
As Modified by Transfer No. 77551

In accordance with the approval of Transfer No. 77551, Water Right No. 45-14373/47-17364 is now described as follows.

Right Holder: LUIS M BETTENCOURT And
 SHARON L BETTENCOURT
 2930 S 2300 E
 WENDELL ID 83355

Priority Date: December 23, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	2.04 CFS	374.4 AF
COMMERCIAL	01/01	to 12/31	2.04 CFS	374.4 AF
			2.04 CFS	374.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESWNE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWSWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWSWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SWSWNW	Sec. 3 Twp 12S Rge 19E TWIN FALLS County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 19E 34	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X	X	X	X	X	X	X					

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 19E 34	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X	X	X	X	X	X	X					

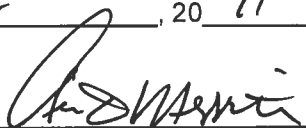
WATER RIGHT NO. 45-14373/47-17364
As Modified by Transfer No. 77551

CONDITIONS OF APPROVAL

1. Right 45-14373 is also recorded as Right 47-17364 to identify the diversion of ground water from multiple points of diversion located within both Basins 45 and 47 as a result of Transfer approval 77551. These two water right numbers represent a single right.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. Rights 45-14373/47-17364 and 45-14374/47-17365 when combined shall not exceed a total diversion rate of 2.90 cfs nor a total annual maximum diversion volume of 374.4 af.
4. Rights 45-14371/47-17091, 45-14372/47-17092, 45-14373/47-17364, and 45-14374/47-17365 when combined shall not exceed a total diversion rate of 5.30 cfs nor a total annual maximum diversion volume of 739.4 af.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
6. Prior to diversion and use of water under Transfer approval 77551, the right holder shall install and maintain separate acceptable measuring devices for the dairy use and the irrigation use at the authorized points of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. Commercial use is for a dairy operation
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of November, 20 11



Southern Region Manager

WATER RIGHT NO. 45-14374/47-17365
As Modified by Transfer No. 77551

In accordance with the approval of Transfer No. 77551, Water Right No. 45-14374/47-17365 is now described as follows.

Right Holder: LUIS M BETTENCOURT And
 SHARON L BETTENCOURT
 2930 S 2300 E
 WENDELL ID 83355

Priority Date: December 23, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	2.04 CFS	374.4 AF
COMMERCIAL	01/01	to 12/31	2.04 CFS	374.4 AF
			2.04 CFS	374.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESWNE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWSWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWSWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SWSWNW	Sec. 3 Twp 12S Rge 19E TWIN FALLS County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 19E 34					X	X	X	X	X	X	X	X					

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 19E 34					X	X	X	X	X	X	X	X					

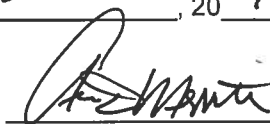
WATER RIGHT NO. 45-14374/47-17365
As Modified by Transfer No. 77551

CONDITIONS OF APPROVAL

1. Right 45-14374 is also recorded as Right 47-17365 to identify the diversion of ground water from multiple points of diversion located within both Basins 45 and 47 as a result of Transfer approval 77551. These two water right numbers represent a single right.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. Rights 45-14373/47-17364 and 45-14374/47-17365 when combined shall not exceed a total diversion rate of 2.90 cfs nor a total annual maximum diversion volume of 374.4 af.
4. Rights 45-14371/47-17091, 45-14372/47-17092, 45-14373/47-17364, and 45-14374/47-17365 when combined shall not exceed a total diversion rate of 5.30 cfs nor a total annual maximum diversion volume of 739.4 af.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
6. Prior to diversion and use of water under Transfer approval 77551, the right holder shall install and maintain separate acceptable measuring devices for the dairy use and the irrigation use at the authorized points of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. Commercial use is for a dairy operation
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of November, 2011



Southern Region Manager

WATER RIGHT NO. 45-14371/47-17091
As Modified by Transfer No. 77551

In accordance with the approval of Transfer No. 77551, Water Right No. 45-14371/47-17091 is now described as follows.

Right Holder: LUIS M BETTENCOURT And
 SHARON L BETTENCOURT
 2930 S 2300 E
 WENDELL ID 83355

Priority Date: December 23, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	2.04 CFS	374.4 AF
COMMERCIAL	01/01	to 12/31	2.04 CFS	374.4 AF
			2.04 CFS	374.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESWNE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWSWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWSWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SWSWNW	Sec. 3 Twp 12S Rge 19E TWIN FALLS County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
11S 19E 34					X	X	X	X	X	X	X	X					

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
11S 19E 34					X	X	X	X	X	X	X	X					

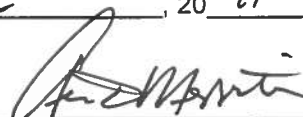
WATER RIGHT NO. 45-14371/47-17091
As Modified by Transfer No. 77551

CONDITIONS OF APPROVAL

1. Right 45-14371 is also recorded as Right 47-17091 to identify the diversion of ground water from multiple points of diversion located within both Basins 45 and 47 as a result of Transfer approval 77551. These two water right numbers represent a single right.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. Rights 45-14371/47-17091 and 45-14372/47-17092 when combined shall not exceed a total diversion rate of 2.40 cfs nor a total annual maximum diversion volume of 365.0 af.
4. Rights 45-14371/47-17091, 45-14372/47-17092, 45-14373/47-17364, and 45-14374/47-17365 when combined shall not exceed a total diversion rate of 5.30 cfs nor a total annual maximum diversion volume of 739.4 af.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
6. Prior to diversion and use of water under Transfer approval 77551, the right holder shall install and maintain separate acceptable measuring devices for the dairy use and the irrigation use at the authorized points of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
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This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of November, 20 11



Southern Region Manager

WATER RIGHT NO. 45-14372/47-17092
As Modified by Transfer No. 77551

In accordance with the approval of Transfer No. 77551, Water Right No. 45-14372/47-17092 is now described as follows.

Right Holder: LUIS M BETTENCOURT And
 SHARON L BETTENCOURT
 2930 S 2300 E
 WENDELL ID 83355

Priority Date: December 23, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	2.04 CFS	374.4 AF
COMMERCIAL	01/01	to 12/31	2.04 CFS	374.4 AF
			2.04 CFS	374.4 AF

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GROUND WATER	NWSWSW	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NWNWSE	Sec. 34 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SWSWNW	Sec. 3 Twp 12S Rge 19E TWIN FALLS County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S 19E 34					X	X	X	X	X	X	X	X					

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S 19E 34					X	X	X	X	X	X	X	X					

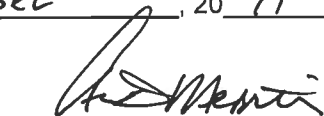
WATER RIGHT NO. 45-14372/47-17092
As Modified by Transfer No. 77551

CONDITIONS OF APPROVAL

1. Right 45-14372 is also recorded as Right 47-17092 to identify the diversion of ground water from multiple points of diversion located within both Basins 45 and 47 as a result of Transfer approval 77551. These two water right numbers represent a single water right.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. Rights 45-14371/47-17091 and 45-14372/47-17092 when combined shall not exceed a total diversion rate of 2.40 cfs nor a total annual maximum diversion volume of 365.0 af.
4. Rights 45-14371/47-17091, 45-14372/47-17092, 45-14373/47-17364, and 45-14374/47-17365 when combined shall not exceed a total diversion rate of 5.30 cfs nor a total annual maximum diversion volume of 739.4 af.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
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Dated this 18th day of November, 20 11



Southern Region Manager

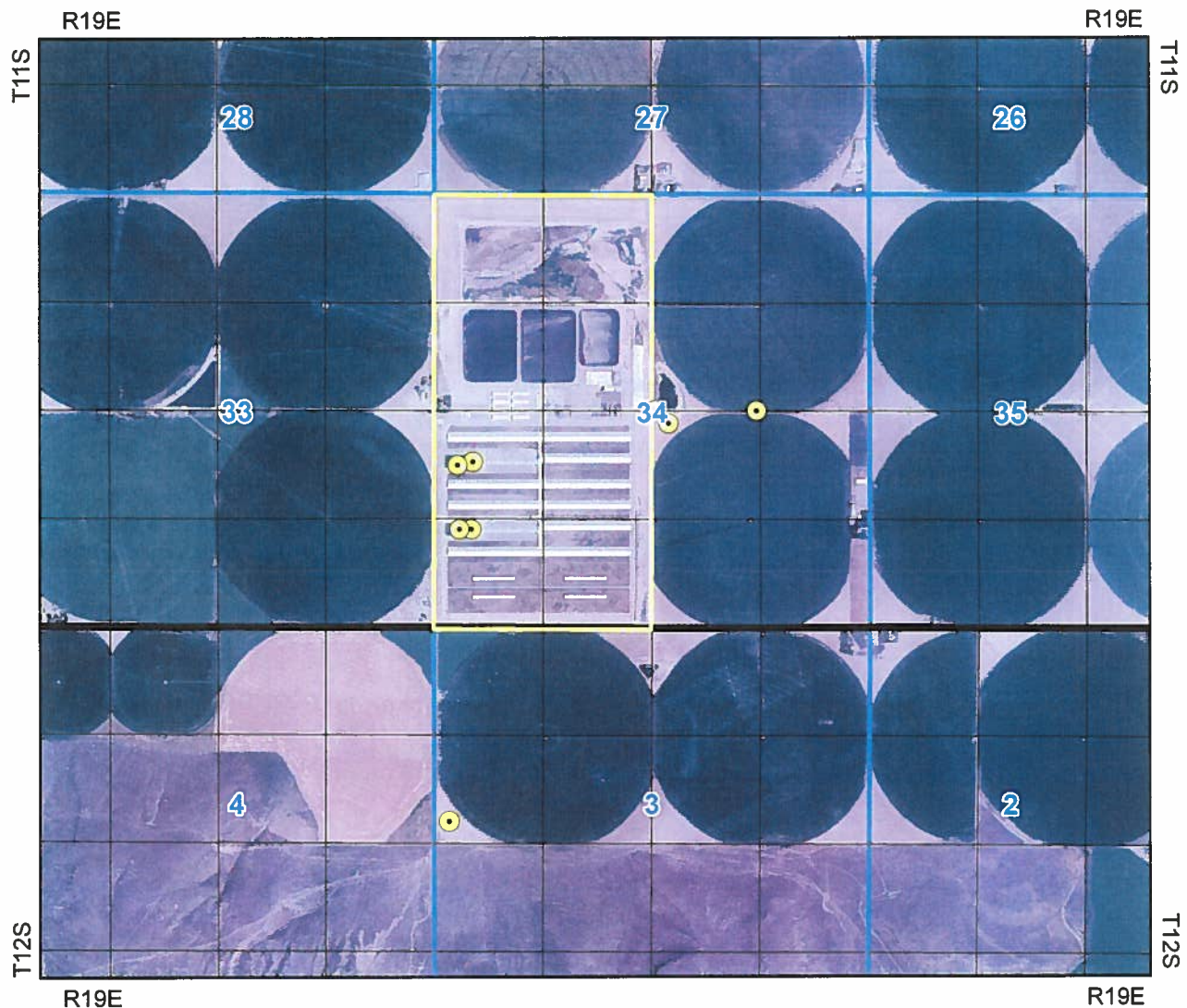
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77551

Rights: 47-17091/45-14371, 47-17092/45-14372, 47-17364/45-14173 & 47-17365/45-14374

This map depicts the STOCKWATER & COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

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