

REVISED M E M O R A N D U M

Date: November 14, 2011
To: Transfer 77551 File – L&S Land Holdings LLC
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer adds 4 new points of diversion to four water rights currently diverting a combined total of 5.3 cfs and 739.4 af from four wells for stock water and commercial use at an existing dairy. There will be a total of eight pods on the four rights upon approval. Three of the four NEW pods are existing irrigation wells and one new well will be drilled. The dairy site straddles the boundary between Basin 45 and Basin 47. The four original wells at the dairy were all located within Basin 47 and one of the NEW wells is in Basin 47. The other two NEW wells and the proposed well are located within Basin 45. Other irrigation rights are currently associated with and being diverted from the three NEW irrigation pods. It was decided not to include those rights as Associated rights but to require installation of separate meters for the lines going to the dairy. The dairy and wells are located approximately 7.0 – 8.0 miles south and 4.0 – 4.5 miles east of the Highway 30 and Rock Creek Road intersection in Hansen.

***The four rights in this transfer were dual numbered to identify the diversion of groundwater from multiple points of diversion located within both Basins 45 and 47:
45-14371 / 47-17091; 45-14372 / 47-17092; 45-14373 / 47-17364; 45-14374 / 47-17365

- **Authority to File:**
The application was filed by Gary Funderburg (TSK Enterprises) on behalf of the applicants, L&S Land Holdings LLC. It was signed by both Luis and Sharon Bettencourt, both members of the Luis and Sharon Bettencourt 2008 Trust and eligible to sign for the LLC according to the IDSOS website. It was determined that a lien holder letter would not be required in this case as the approved transfer will not impact the water rights.
- **Water Right Validity:**
Rights 47-17364 and 47-17365 were decreed in the SRBA on 7/6/2005 and rights 47-17091 and 47-17092 were decreed on 6/1/2010. Recent aerial photos of the area show the dairy has been in continuous operation so forfeiture should not be an issue. (Two Basin 45 ground water rights were renumbered to Basin 47 and converted to stock water and commercial purposes for this proposed dairy in May 2006 by approved transfer 72800.)
- **Injury to Other Water Rights:**
None anticipated. The rights are now within WD140 so measurement and reporting will be required and the rights will be under the jurisdiction of the water master of that district. Some of the wells will be used for irrigation as well as backup in the dairy so separate meters will be required to document each use.
- **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:**
Commercial and stock water use at a dairy 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.