

**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
DEC 22 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

DEC 22 2010

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) G & H DAIRY Phone 208 734-8821Mailing address 299 ADDISON WEST, TWIN FALLS, IDAHO 83301 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 TSL ENTERPRISES LLC C/O GARY L. FUNDERBURG Phone 208 324-6411Mailing address 255 BLUE LAKES BLVD NTH, PMB 617, TWIN FALLS, IDAHO 83301 Email denisekayf@cableone.net☐ 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_____
Print Name and Title if applicable_____
Signature of Applicant or Authorized Representative_____
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**. Applicant wishes to add a new existing well to the system to help with the irrigation of the four Pivots.

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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>
36-7631A	3.17 / 1072	IRRIGATION	3/15 to 11/15	Groundwater
36-7409A	2.19 / 1016	IRRIGATION	3/15 to 11/15	Groundwater
			to	
			to	
			to	
			to	
			to	
			to	

Total 5.36 cfs and/or 1072 ac-ft

2. Total amount of water being transferred or changed 5.36 cubic feet per second and/or 1072 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 #
		Nw	SE	NE	07	08S	15E	GOODING	GROUNDWATER	#1 A0003623
		SW	SW	SE	07	08S	15E	GOODING	GROUNDWATER	#2 A0003624
		NW	NW	NW	18	08S	15E	GOODING	GROUNDWATER	#3 A005527

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	
8S	15E	7	35		40	40									40	40	38	35	268

Total Acres (for irrigation use) 268

Total Acres (for irrigation use)	268
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Total Acres (for irrigation use)	268
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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.

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.: _____

Remarks: This well will only pump 700 gals/min. The filing fee is based on the water to be pumped from this well.

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments.

Received by [Signature] Date 12/22/10

Prelim. Check by [Signature] Date 12/22/10

Fee Paid \$290.00 Date 12/22/10

Received by [Signature] Receipt # SD31726

Add'l Fee Paid _____ Date _____

Received by _____ Receipt # _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/10/2010

WATER RIGHT NO. 36-7631A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	G & H DAIRY LLC 299 ADDISON AVE W TWIN FALLS, ID 83301-5049 (208)734-8821
Directors Report Owner	MARIA A BETTENCOURT 181 W 400 N JEROME, ID 83338 (208)324-1129
Directors Report Owner	LUIS M BETTENCOURT 2930 S 2300 E WENDELL, ID 83355 (208)536-6148
Original Owner	HAWKINS LAND INVESTMENT 302 S 230 W JEROME, ID 83338 (208)324-4382

Priority Date: 06/23/1976

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	3/15	11/15	3.17 CFS	

Total Diversion			3.17 CFS	
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Location of Point(s) of Diversion:

GROUND WATER	NWSENE	Sec. 07	Township 08S	Range 15E	GOODING County
GROUND WATER	SWSWSE	Sec. 07	Township 08S	Range 15E	GOODING 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
08S	15E	7		NENE	35		SWNE	40		SENE	40			
				NESE	40		NWSE	40		SWSE	38		SESE	35

Total Acres: 268

Conditions of Approval:

1.	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.
2.		RIGHT NO. 36-07409A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3.		USE OF THIS RIGHT WITH RIGHT NO. 36-07409A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 268 ACRES IN A SINGLE IRRIGATION SEASON.
4.		USE OF THIS RIGHT WITH RIGHT NO. 36-07409A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.36 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1072 AF.

Dates:

Licensed Date:

Decreed Date: 01/10/2002

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

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number: 130
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 268
Combined Volume Limit: 1072
Combined Rate Limit: 5.36
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

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/10/2010

WATER RIGHT NO. 36-7409A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	G & H DAIRY LLC 299 ADDISON AVE W TWIN FALLS, ID 83301-5049 (208)734-8821
Directors Report Owner	MARIA A BETTENCOURT 181 W 400 N JEROME, ID 83338 (208)324-1129
Directors Report Owner	LUIS M BETTENCOURT 2930 S 2300 E WENDELL, ID 83355 (208)536-6148
Original Owner	HAWKINS LAND INVESTMENT 302 S 230 W JEROME, ID 83338 (208)324-4382

Priority Date: 11/21/1973

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	3/15	11/15	2.19 CFS	

Total Diversion			2.19 CFS	
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Location of Point(s) of Diversion:

GROUND WATER	NWSENE	Sec. 07	Township 08S	Range 15E	GOODING County
GROUND WATER	SWSWSE	Sec. 07	Township 08S	Range 15E	GOODING County

IRRIGATION Use:

Acre Limit: 254

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
08S	15E	7		NENE	35		SWNE	40		SENE	40			
				NESE	40		NWSE	40		SWSE	38		SESE	35

Total Acres: 268

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.		USE OF THIS RIGHT WITH RIGHT NO. 36-07631A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 268 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 254 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.		USE OF THIS RIGHT WITH RIGHT NO. 36-07631A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.36 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1072 AF.
5.		RIGHT NO. 36-07631A IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
6.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 01/10/2002

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

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 268

Combined Volume Limit: 1072

Combined Rate Limit: 5.36

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

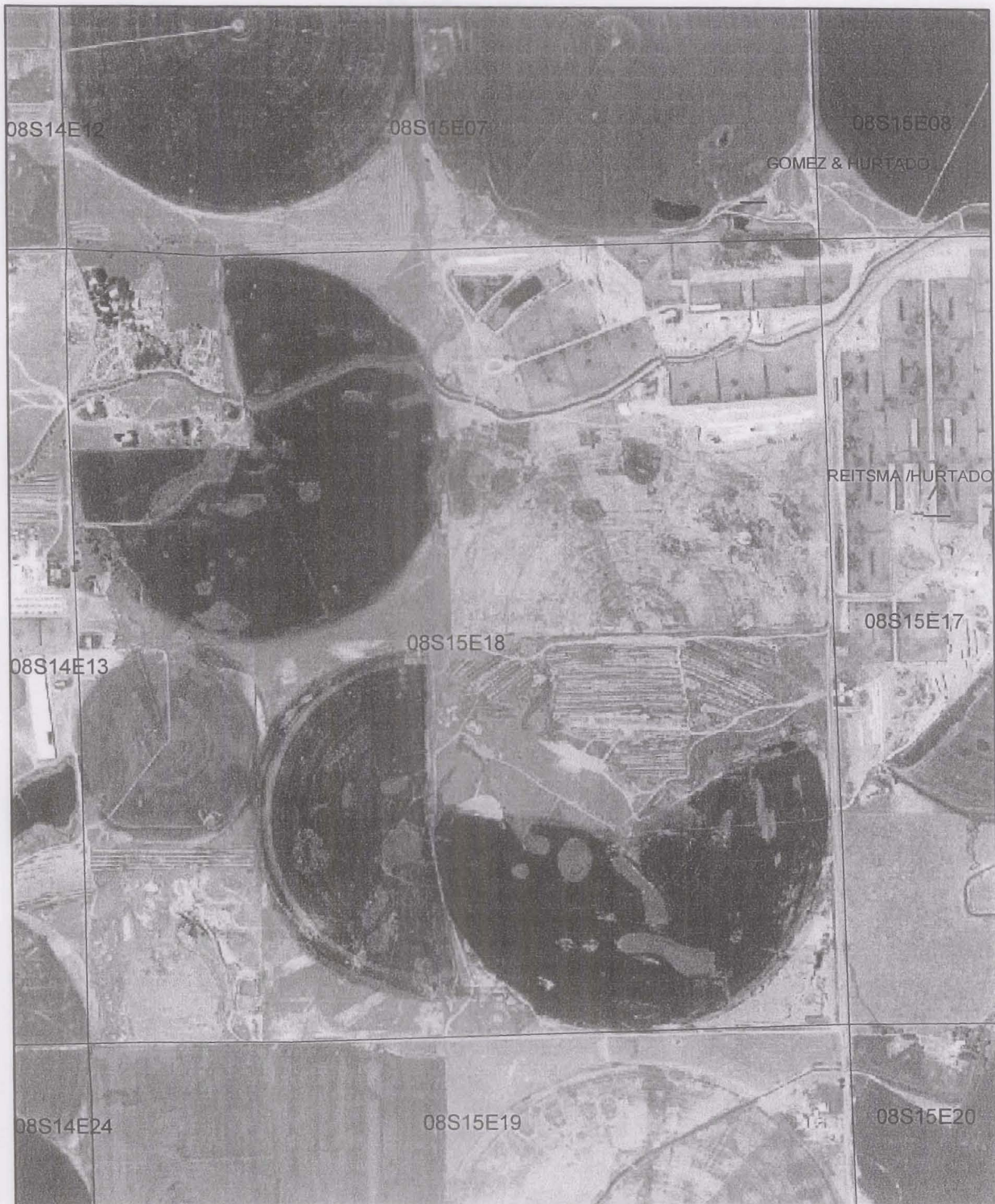
Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False





AG_{TEC}

Gooding County Template

0 330 660 Feet

AFFIDAVIT

STATE OF IDAHO

COUNTY OF JEROME

Before me, the undersigned Notary Jill Hudson on this day
November 4 2010 personally appeared Wayne Hawkins known to me to be a
credible person and of lawful age, which being duly sworn, on his oath, deposes and says:

G&H Dairy Physically transferred the following water right 36-7847 from irrigation to
commercial and stock water use in 2004 when we purchased the property along with the
Dairy. This property was purchased from Wayne Hawkins of Jerome, Idaho.

Water Right # 36-7847

John Gomez
John Gomez

Subscribed before me, this 4 day, of November 2010

Jill Hudson
Signature of Notary
Jill Hudson
Name of Notary

NOTARY PUBLIC

Twin Falls County

My Commission expires 1-31 2013

