

Page 1 of 7

STATE OF IDAHO

Transfer No. 5747

RECEIVED

DEPARTMENT OF WATER RESOURCES

66114

MAY 04 2000

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of Applicant Frank and Mary Jane Veenstra Phone 208-536-6712Post Office address 2729A South 1600 East, Wendell, ID 83355

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split rights *No split, all of right S. F. (per phone G. Bock)*
2. Describe the reason for the proposed changes TRANSFER #3 - to shift acres on remainder of Veenstra irrigation right and to codify an accomplished transfer made prior to 1987.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number T36-02352G Priority 4/29/1958 Amount (cfs/ac-ft) 0.37/73.2 Nature of Use Irrigation Period of Use 4/1 to 10/31
to
to
to
2. Total amount of water being transferred 0.37 cubic feet per second and/or 73.2 acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	NE	23	07S	14E	Gooding	Irrigation well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07S	14E	23	8.3	10.0															18.1 ~~18.3~~
			8.1																
			5.8																

PART 1

6. General Information:

a. Description of diversion system Well and pump to sprinkler system.

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

☐ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

None.

d. Remarks:

The right subject to this transfer are described in a recent agreement between
Veenstra and Bettencourt. To other transfer applications are being filed and
all applications should be processed concurrently.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

Page 3 of 7

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
MAY 04 2000
Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 36-02352 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-02352 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice
 ☐ Warranty Deed
 ☐ Other _____
3. Source of water Groundwater tributary to _____4. Date of priority 4/29/1958

5. Water is used for the following purpose:

Amount 1.48/296.0 for Irrigation purposes from 4/1 to 10/31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.48 cubic feet per second and/or 296.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NW	SE	NE	23	07S	14E	Gooding	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07S	14E	23			33.0	16.0				25.0									74.0

Total acres 74.0

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 0.37/73.2 for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft) _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NW	SE	NE	23	07S	14E	Gooding	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07S	14E	23			16.0	2.3													18.3

Total acres 18.3

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 1.11/222.8 for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft) _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NW	SE	NE	23	07S	14E	Gooding	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07S	14E	23			17.0	13.7				25.0									55.7

Total acres 55.7

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. T36-02352G

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.37 CFS

SOURCE

GROUNDWATER

Priority: 04/29/1958

LOCATION OF POINT(S) OF DIVERSION:NWSENE , Sec. 23, Township 07S, Range 14E
GOODING CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																	
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	14E	23	:					15		02		:									:											:	18.1
																TOTAL ACRES																18.1	

CONDITIONS/REMARKS:

- USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

Prepared by John Freitag



PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
(cfs/ac-ft)
- _____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:
None.
3. Describe the effects on other water uses resulting from the proposed change:
None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

X Frank Clement
(Signature of Applicant)

Subscribed and sworn to before me this 1st day of May, 192000.

Matthew A. Baum
(Notary Public)

My commission expires 12-5-2003

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 1 attachments

Received by John Freitag Date 05/04/00 Protest filed by Helper (withdrawn)

Prelim. check by John Freitag Fee 100.00 Western Legends LC (withdrawn)

Receipted by John Freitag Date 05/04/00 5023072

Published in Gooding Co. Leader Copies of protest forwarded by _____

Pub. dates 6/29 & 7/06/00 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ Approval ☐ Denial

_____ rec'd. _____ by AD

Copy of transfer sent to lien holder _____

JAN 14 2000

Department of Water Resources
Snake River Basin

AGREEMENT

This Agreement is made and entered into this ____ day of _____, 1999, by and between LUIS M. BETTENCOURT, a single man, hereinafter referred to as "Bettencourt" and FRANK W. VEENSTRA and MARY JANE VEENSTRA, husband and wife, hereinafter referred to as "Veenstra."

RECITALS

- A. Bettencourt has filed with the Idaho Department of Water Resource Applications for Transfer Nos. 5103 and 5104, which are now pending.
- B. Veenstra has protested those transfers.
- C. The parties exchanged parcels of real property in 1996 which contained appurtenant water rights to those and other lands, which rights need to be split in accordance with actual ownership of the underlying land.
- D. The parties now wish to agree upon terms and conditions whereby Veenstra will dismiss their protest in regards to Transfer Nos. 5103 and 5104 and Bettencourt will transfer certain water rights to Veenstra, and Water Rights Nos. 36-02352, 36-07368 and 36-07260 will be split.

IT IS THEREFORE AGREED, in consideration of these recitals and the promises and the covenants hereinafter contained as follows:

1. **Dismissal of Protest.** Veenstra will dismiss their protest now filed in The Matter of Application for Transfer Nos. 5103 and 5104 now pending before the Department of Water Resources of the state of Idaho. Veenstra will not re-file, or file a new protest with respect to Transfers No. 5103 and 5104.

2. **Division of Water Rights.** The parties own real property to which portions of existing Water Rights 36-02352, 36-07368 and 36-07260 are appurtenant. The parties agree to split these water rights as follows:

To Veenstra: .64 cfs/32 acres/128 acre feet of Water Right No. 36-02352 and .21 cfs/13.5 acres/54.0 acre feet of Water Right No. 36-07368 and Water Right 36-07260.

To Bettencourt: .84 cfs/42 acres/168 acre feet of Water Right No. 36-02352 and 1.79 cfs/115.5 acres/462 acre feet of Water Right No. 36-07368 and Water Right 36-07260.

3. **Transfer of Water Rights.** Bettencourt agrees to transfer to Veenstra an additional .63 cfs of irrigation water rights now owned by Bettencourt in Basin No. 36, of the Snake River Basin Adjudication. Bettencourt shall, within thirty (30) days of the date of the agreement, identify the exact water rights to be transferred to Veenstra.

T # 5747

4. **Veenstra's Change of Use.** After the water right described in Paragraph 3 above has been identified, Veenstra will file an application for transfer of a change of point of diversion and change of use of those water rights, changing the nature of the use from irrigation to stock water and/or commercial water rights. Bettencourt agrees that in further consideration of the promises and covenants contained in this agreement, he will not protest or object to such change in point of diversion or change in the nature of use.

5. **Clear of Liens.** Bettencourt's transfer of water right to Veenstra shall be free and clear of any liens.

6. **Execution of Documents.** The parties shall execute all further documents, including, but not limited to, quitclaim deeds, stipulations for dismissal of protest, notices of changes of ownership and other documents required to carry into effect the purposes of this agreement.

7. **Integration.** The parties acknowledge that the terms, conditions and covenants of this agreement shall supersede any prior negotiations and agreements of the parties, that there are no other agreements not contained in this agreement, and that this agreement shall be the final expression of the agreement of the parties and shall control. No modifications of this agreement shall be valid unless in writing and executed by all the parties hereto.

8. **Time is of the Essence.** The parties hereto acknowledge and agree that time is, and shall be, the essence of each and every term and condition contained herein.

9. **Binding Effect.** This agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, executors, administrators and assigns.

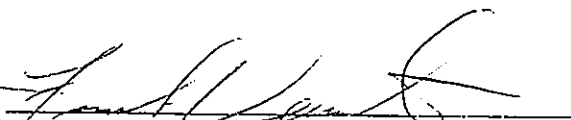
IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names, the day and year in this agreement first above written.

"BETTENCOURT"

"VEENSTRA"



LUIS M. BETTENCOURT



FRANK VEENSTRA

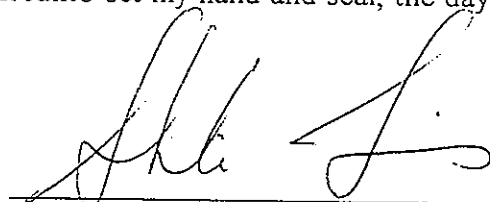


MARY JANE VEENSTRA

STATE OF IDAHO)
) ss.:
County of Jerome

On this 13 day of January, 2000, before me, the undersigned, a Notary Public in and for said County and State, personally appeared LUIS M. BETTENCOURT, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

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

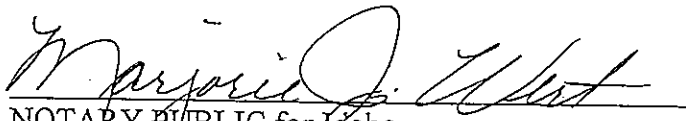


NOTARY PUBLIC for Idaho
Residing at: Jerome ID
Commission Expires: 3/9/01

STATE OF IDAHO)
) ss.:
County of Gooding

On this 28 day of December, 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared FRANK VEENSTRA and MARY JANE VEENSTRA, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed they 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 Idaho
Residing at:
Commission Expires:

