



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

10/28/2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LUIS M BETTENCOURT
2930 S 2300 E
WENDELL ID 83355

RE: Water Right Permit Nos. 36-08739 and 36-08740

Dear Mr. Bettencourt:

The Department of Water Resources is reviewing the permits referenced above prior to issuing water right licenses. By issuing licenses, the Department confirms the extent of development that has been established in compliance with the terms of the permits. The examiner who verified your water use reported that certain elements of the permits have been developed differently than described on your permits. Changes that do not increase the authorized use of water under the permits can be requested and approved in accordance with Section 42-211, Idaho Code. Before licenses can be issued, your permits must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permits:

☒ Point(s) of Diversion

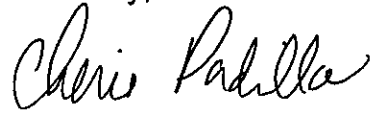
☒ Place(s) of Use

The enclosed Application for Amendment forms depict the elements of the water rights as they will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the \$50.00 filing fee (\$100 total) within 14 days.

In addition, please note that the Department received the correspondence assigning the above referenced permits to you and has modified its records to reflect the change in ownership.

If you have any questions, please call me at 208-287-4944.

Sincerely,

A handwritten signature in black ink, appearing to read "Cherie Padilla". The script is fluid and cursive, with the first name "Cherie" written in a larger, more prominent hand than the last name "Padilla".

Cherie Padilla, Water Resource Agent
Water Allocation Bureau

Enclosures

cc: Frederickson Williams Meservy & Lothspeich LLP
c/o Robert Williams
153 E Main
PO Box 168
Jerome ID 83338-0168

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08740

Date of Priority: May 10, 1995

Maximum Diversion Rate: 0.53 CFS

Maximum Diversion Volume:

Comes now LUIS M BETTENCOURT
2930 S 2300 E

WENDELL ID 83355 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 36-08740, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.53 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NE1/4 Sec. 30, Twp 07S, Rge 16E, B.M.
GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 16E 30								.6	38.2	19.1	17.0	37.0			7.8	6.8	126.5

Total Acres: 126.5

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08740

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, DAVID R. TUTHILL, JR., of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-08740 with the following:

CONDITIONS OF APPROVAL

1. 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. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 36-8740 and 36-10821B when combined shall not exceed a total annual maximum diversion volume of 2506 af at the field headgate, and the irrigation of 626.5 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Right 36-8739 and 36-10821B are also diverted through the point of diversion described above.

Witness my hand this _____ day of _____, 2008.

DAVID R. TUTHILL, JR.
Director