

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72800**

This is to certify that: LUIS M BETTENCOURT And
SHARON L BETTENCOURT
PO BOX 587
JEROME ID 83338
(208)536-6148

have 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>
45-2286	WR/Decreed	12/23/1948	7.00 cfs	2200.0 af	N/A	550.0	GROUND WATER
45-2407	WR/Decreed	02/14/1952	2.97 cfs	1449.3 af	N/A	550.0	GROUND WATER
47-17091	AJC/License	02/23/1952	1.50 cfs	N/A	N/A	156.0	GROUND WATER
47-17092	AJC/License	12/19/1952	0.90 cfs	N/A	N/A	156.0	GROUND WATER

Associated Water Right Also Included in Transfer Approval (Conditions Updated)

<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>
45-504	WR/Decreed	10/21/1908	1.20 cfs	N/A	60.0	117.0	DRY CREEK

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>
45-2286	YES	YES	YES	YES	YES	YES
45-2407	YES	YES	YES	YES	YES	YES
47-17091	NO	YES	YES	YES	YES	YES
47-17092	NO	YES	YES	YES	YES	YES

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>
45-2286	47-17364	2.04 cfs	374.4 af	N/A	N/A	45-14007	4.96 cfs	1560.0 af	N/A	390.0
45-2407	47-17365	0.86 cfs	374.4 af	N/A	N/A	45-14009	2.11 cfs	1027.7 af	N/A	390.0
47-17091	47-17091	1.50 cfs	365.0 af	N/A	N/A		N/A	N/A	N/A	N/A
47-17092	47-17092	0.90 cfs	365.0 af	N/A	N/A		N/A	N/A	N/A	N/A

COMBINED

TOTALS **5.30 cfs** **739.4 af** **N/A** **N/A** **7.07 cfs** **1560.0 af** **N/A** **390.0**

SUPPORT DATA
IN FILE # **45-2286**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72800

Detailed Water Right Description(s) attached

Dated this 28th day of July, 2006

Bary Spackman
Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17091
As Modified by Transfer No. 72800

In accordance with the approval of Transfer No. 72800, Water Right No. 47-17091 is now described as follows.

Right Holder: LUIS M BETTENCOURT And
 SHARON L BETTENCOURT
 PO BOX 587
 JEROME ID 83338

Priority Date: February 23, 1952

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	1.50 CFS	365.0 AF
COMMERCIAL	01/01	to 12/31	1.50 CFS	365.0 AF
			1.50 CFS	365.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

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					

CONDITIONS OF APPROVAL

1. Rights 47-17091 and 47-17092 when combined shall not exceed a total diversion rate of 2.40 cfs nor a total annual maximum diversion volume of 365 af.
2. Rights 47-17091, 47-17092, 47-17364, and 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Rights 47-17092, 47-17364, and 47-17365 are also diverted through the point(s) of diversion described above.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

WATER RIGHT NO. 47-17091
As Modified by Transfer No. 72800

CONDITIONS OF APPROVAL

6. 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.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Commercial use is for a dairy operation
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 28th day of July, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17092
As Modified by Transfer No. 72800

In accordance with the approval of Transfer No. 72800, Water Right No. 47-17092 is now described as follows.

Right Holder: LUIS M BETTENCOURT And
 SHARON L BETTENCOURT
 PO BOX 587
 JEROME ID 83338

Priority Date: December 19, 1952

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	0.90 CFS	365.0 AF
COMMERCIAL	01/01	to 12/31	0.90 CFS	365.0 AF
			0.90 CFS	365.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNWSW	Sec. 34 Twp 11S	Rge 19E	TWIN FALLS County
GROUND WATER	NWNWSW	Sec. 34 Twp 11S	Rge 19E	TWIN FALLS Count
GROUND WATER	NWSWSW	Sec. 34 Twp 11S	Rge 19E	TWIN FALLS County
GROUND WATER	NWSWSW	Sec. 34 Twp 11S	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					

CONDITIONS OF APPROVAL

1. Rights 47-17091 and 47-17092 when combined shall not exceed a total diversion rate of 2.40 cfs nor a total annual maximum diversion volume of 365 af.
2. Rights 47-17091, 47-17092, 47-17364, and 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Rights 47-17091, 47-17364, and 47-17365 are also diverted through the point(s) of diversion described above.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

WATER RIGHT NO. 47-17092
As Modified by Transfer No. 72800

CONDITIONS OF APPROVAL

6. 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.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Commercial use is for a dairy operation
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 28th day of July, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-504
As Modified by Transfer No. 72800

In accordance with the approval of Transfer No. 72800, Water Right No. 45-504 is now described as follows.

Right Holder: LUIS M BETTENCOURT And
SHARON L BETTENCOURT
PO BOX 587
JEROME ID 83338

Priority Date: October 21, 1908

Source: DRY CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	11/15	1.20 CFS
			1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK SWSW Sec. 13 Twp 12S Rge 19E CASSIA 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	
12S	19E	2						39.0											39.0
								L 4											
12S	19E	3	39.0			39.0													78.0
			L 1																

Total Acres: 117

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 390 acres in a single irrigation season. Combined right nos.: 45-504, 45-14007, 45-14009.
3. This right is delivered via the Strong Ditch.
4. 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 28th day of July, 2006


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-14007
As Modified by Transfer No. 72800

In accordance with the approval of Transfer No. 72800, Water Right No. 45-14007 is now described as follows.

Right Holder: LUIS M BETTENCOURT And
 SHARON L BETTENCOURT
 PO BOX 587
 JEROME ID 83338

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>
IRRIGATION	03/15 to 11/15	4.96 CFS	1,560.0 AF
		4.96 CFS	1,560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (SWNWNW)	Sec. 2	Twp 12S	Rge 19E	CASSIA County
GROUND WATER	SWNE	Sec. 3	Twp 12S	Rge 19E	CASSIA County
GROUND WATER	SENE	Sec. 3	Twp 12S	Rge 19E	CASSIA County
GROUND WATER	SENW	Sec. 3	Twp 12S	Rge 19E	CASSIA 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	
12S	19E	2					39.0	39.0											78.0
							L4												
12S	19E	3	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0									312.0
			L1	L2			L3	L4											

Total Acres: 390

CONDITIONS OF APPROVAL

1. Use of the rights listed below is limited to a total combined annual diversion volume of 1560 af. Combined right nos.: 45-14007, 45-14009.
2. Use of the rights listed below is limited to the irrigation of a combined total of 390 acres in a single irrigation season. Combined right nos.: 45-504, 45-14007, 45-14009.
3. 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 28th day of July, 20 06


 Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17364
As Modified by Transfer No. 72800

In accordance with the approval of Transfer No. 72800, Water Right No. 47-17364 is now described as follows.

Right Holder: SHARON L BETTENCOURT And
 LUIS M BETTENCOURT
 PO BOX 587
 JEROME ID 83338

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	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

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					

CONDITIONS OF APPROVAL

1. Rights 47-17364 and 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.
2. Rights 47-17091, 47-17092, 47-17364, and 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Rights 47-17091, 47-17092, and 47-17365 are also diverted through the point(s) of diversion described above.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. 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.

WATER RIGHT NO. 47-17364
As Modified by Transfer No. 72800

CONDITIONS OF APPROVAL

7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Commercial use is for a dairy operation
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 28th day of July, 2006


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-14009
As Modified by Transfer No. 72800

In accordance with the approval of Transfer No. 72800, Water Right No. 45-14009 is now described as follows.

Right Holder: SHARON L BETTENCOURT And
 LUIS M BETTENCOURT
 PO BOX 587
 JEROME ID 83338

Priority Date: February 14, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	2.11 CFS	1,027.7 AF
		2.11 CFS	1,027.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNW	Sec. 3	Twp 12S	Rge 19E	CASSIA County
GROUND WATER	SENW	Sec. 3	Twp 12S	Rge 19E	CASSIA 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	
12S	19E	2						39.0	39.0										78.0
								L 4											
12S	19E	3	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0									312.0
			L 1	L 2			L 3	L 4											

Total Acres: 390

CONDITIONS OF APPROVAL

1. Use of the rights listed below is limited to the irrigation of a combined total of 390 acres in a single irrigation season. Combined right nos.: 45-504, 45-14007, 45-14009.
2. Use of the rights listed below is limited to a total combined annual diversion volume of 1560 af. Combined right nos.: 45-14007, 45-14009.
3. 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 28th day of July, 2006


 Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17365
As Modified by Transfer No. 72800

In accordance with the approval of Transfer No. 72800, Water Right No. 47-17365 is now described as follows.

Right Holder: SHARON L BETTENCOURT And
 LUIS M BETTENCOURT
 PO BOX 587
 JEROME ID 83338

Priority Date: February 14, 1952

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	0.86 CFS	374.4 AF
COMMERCIAL	01/01	to 12/31	0.86 CFS	374.4 AF
			0.86 CFS	374.4 AF

LOCATION OF POINT(S) OF DIVERSION:

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

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					

CONDITIONS OF APPROVAL

1. Rights 47-17364 and 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.
2. Rights 47-17091, 47-17092, 47-17364, and 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Rights 47-17091, 47-17092, and 47-17364 are also diverted through the point(s) of diversion described above.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

WATER RIGHT NO. 47-17365
As Modified by Transfer No. 72800

CONDITIONS OF APPROVAL

6. 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.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Commercial use is for a dairy operation
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 28th day of July, 20 06


Chief, Water Allocation Bureau