

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72644

This is to certify that: LUIS M 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>
47-4107B	AJC/Beneficial Use	03/15/1956	1.90 cfs	412.0 af	103.0	103.0	GROUND WATER
47-2496A	AJC/License	12/13/1943	1.39 cfs	402.4 af	100.6	256.0	GROUND WATER
47-2496B	AJC/License	12/13/1943	0.27 cfs	84.6 af	1.0	1.0	GROUND WATER
47-2509	AJC/License	05/31/1947	0.52 cfs	219.7 af	84.0	256.0	GROUND WATER

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>
47-4107B	YES	YES	YES	NO	YES	YES
47-2496A	YES	YES	YES	NO	YES	YES
47-2496B	NO	NO	YES	NO	NO	NO
47-2509	YES	YES	YES	NO	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>
47-4107B	47-17290	0.17 cfs	11.5 af	N/A	N/A	47-17289	1.73 cfs	374.0 af	N/A	93.5
47-2496A	47-17286	0.13 cfs	11.2 af	N/A	N/A	47-17285	1.26 cfs	365.6 af	91.4	232.5
47-2496B	47-2496B	0.27 cfs	84.6 af	N/A	1.0		N/A	N/A	N/A	N/A
47-2509	47-17288	0.05 cfs	9.3 af	N/A	N/A	47-17287	0.47 cfs	199.3 af	76.3	232.5
COMBINED										
TOTALS		0.62 cfs	113.0 af	N/A	1.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 8th day of June, 20 06

SUPPORT DATA

IN FILE # 47-2496A


 Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17285
As Modified by Transfer No. 72644

In accordance with the approval of Transfer No. 72644, Water Right No. 47-17285 is now described as follows.

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

Priority Date: December 13, 1943

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	1.26 CFS	365.6 AF
			1.26 CFS	365.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWNE	Sec. 31 Twp 11S	Rge 19E	TWIN FALLS County
GROUND WATER	SESWSE	Sec. 31 Twp 11S	Rge 19E	TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S	Rge 19E	TWIN FALLS 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	
11S	19E	31	38.0	39.0	34.0	36.0									9.5	37.0	39.0		232.5

Total Acres: 232.5

CONDITIONS OF APPROVAL

1. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
2. The total instantaneous diversion of water from 47-17285 and 47-2496B shall not exceed 1.53 cfs, nor total combined annual volume of 450.2 af.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. Right No. 47-17285 is limited to the irrigation of 91.4 acres in the place of use described above in a single irrigation season.
6. Three points of diversion are located within SESE, S31, T11S, R19E; one for use under Right 47-17285 and two for use under Rights 47-2496B, 47-17286, 47-17288, and 47-17290.

WATER RIGHT NO. 47-17285
As Modified by Transfer No. 72644

CONDITIONS OF APPROVAL

7. Use of water under this right may be affected by an agreement between the protestant and the right holder.
8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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 8th day of June, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17286
As Modified by Transfer No. 72644

In accordance with the approval of Transfer No. 72644, Water Right No. 47-17286 is now described as follows.

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

Priority Date: December 13, 1943

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	0.13 CFS	11.2 AF
COMMERCIAL	01/01	to 12/31	0.13 CFS	11.2 AF
			0.13 CFS	11.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESE Sec. 31 Twp 11S Rge 19E TWIN FALLS County

GROUND WATER NESESE Sec. 31 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	31													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	31													X				X

CONDITIONS OF APPROVAL

1. Rights 47-17286, 47-17288, and 47-17290 when combined shall not exceed a total diversion rate of 0.35 cfs, nor a total annual maximum diversion volume of 28.4 af.
2. Rights 47-2496B, 47-7529, 47-17285, 47-17286, 47-17287, and 47-17288 when combined shall not exceed a total diversion volume of 1009.9 af.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. 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. 47-17286
As Modified by Transfer No. 72644

CONDITIONS OF APPROVAL

5. 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.
6. Commercial use is for a dairy operation.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 8th day of June, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17287
As Modified by Transfer No. 72644

In accordance with the approval of Transfer No. 72644, Water Right No. 47-17287 is now described as follows.

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

Priority Date: May 31, 1947

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.47 CFS	199.3 AF
		0.47 CFS	199.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWNE	Sec. 31 Twp 11S	Rge 19E	TWIN FALLS County
GROUND WATER	SESWSE	Sec. 31 Twp 11S	Rge 19E	TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S	Rge 19E	TWIN FALLS 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	
11S	19E	31	38.0	39.0	34.0	36.0									9.5	37.0	39.0		232.5

Total Acres: 232.5

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion shall not exceed 0.47cfs, nor a total combined annual volume of 199.3 af.
2. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. See remarks for additional conditions of approval.
5. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
6. Right No. 47-17287 is limited to the irrigation of 76.3 acres in the place of use described above in a single irrigation season. .

WATER RIGHT NO. 47-17287
As Modified by Transfer No. 72644

CONDITIONS OF APPROVAL

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. The right holder shall accomplish the change authorized by this transfer within one (1) 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 8th day of June, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17288
As Modified by Transfer No. 72644

In accordance with the approval of Transfer No. 72644, Water Right No. 47-17288 is now described as follows.

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

Priority Date: May 31, 1947

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.05 CFS	9.3 AF
STOCKWATER	01/01	to 12/31	0.05 CFS	9.3 AF
			0.05 CFS	9.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESE Sec. 31 Twp 11S Rge 19E TWIN FALLS County

GROUND WATER NESESE Sec. 31 Twp 11S Rge 19E TWIN FALLS County

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 31													X				X

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 31													X				X

CONDITIONS OF APPROVAL

1. Rights 47-17286, 47-17288, and 47-17290 when combined shall not exceed a total diversion rate of 0.35 cfs, nor a total annual maximum diversion volume of 28.4 af.
2. Rights 47-2496B, 47-7529, 47-17285, 47-17286, 47-17287, and 47-17288 when combined shall not exceed a total diversion volume of 1009.9 af.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. 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. 47-17288
As Modified by Transfer No. 72644

CONDITIONS OF APPROVAL

5. 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.
6. Commercial use is for a dairy operation.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 8th day of June, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17289
As Modified by Transfer No. 72644

In accordance with the approval of Transfer No. 72644, Water Right No. 47-17289 is now described as follows.

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

Priority Date: March 15, 1956

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	1.73 CFS	374.0 AF
		1.73 CFS	374.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWNE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESWSE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS 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	
11S 19E 31	25.0	25.0	25.0	18.5													93.5

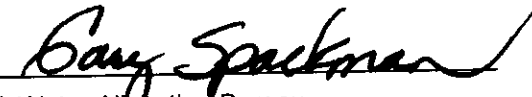
Total Acres: 93.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands below.
2. 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 8th day of June, 20 06


 Chief, Water Allocation Bureau

WATER RIGHT NO. 47-17290
As Modified by Transfer No. 72644

In accordance with the approval of Transfer No. 72644, Water Right No. 47-17290 is now described as follows.

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

Priority Date: March 15, 1956

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	0.17 CFS	11.5 AF
COMMERCIAL	01/01 to	12/31	0.17 CFS	11.5 AF
			0.17 CFS	11.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESE Sec. 31 Twp 11S Rge 19E TWIN FALLS County

GROUND WATER NESESE Sec. 31 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 31													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 31													X				X

CONDITIONS OF APPROVAL

1. Rights 47-17286, 47-17288, and 47-17290 when combined shall not exceed a total diversion rate of 0.35 cfs, nor a total annual maximum diversion volume of 28.4 af.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
3. 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.
4. 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.
5. Commercial use is for a dairy operation.

WATER RIGHT NO. 47-17290
As Modified by Transfer No. 72644

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 8th day of June, 20 06



Chief, Water Allocation Bureau

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

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.03 CFS	4.0 AF
STOCKWATER	01/01	to 12/31	0.27 CFS	78.8 AF
COMMERCIAL	01/01	to 12/31	0.27 CFS	78.8 AF
DOMESTIC	01/01	to 12/31	0.06 CFS	1.8 AF
			0.27 CFS	84.6 AF

GROUND WATER	NESESE	Sec. 31 Twp 11S	Rge 19E	TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S	Rge 19E	TWIN FALLS County

PLACE OF USE:		IRRIGATION																	
		NE				NW				SW				SE					
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31																1.0	1.0
Total Acres:		1																	

<u>PLACE OF USE:</u>		<u>STOCKWATER</u>																	
<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
11S	19E	31													X			X	

PLACE OF USE:		COMMERCIAL												Totals					
Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S	19E	31													X			X	

[illegible]

WATER RIGHT NO. 47-2496B
As Modified by Transfer No. 72644

CONDITIONS OF APPROVAL

1. Rights 47-2496B, 47-7529, 47-17285, 47-17286, 47-17287, and 47-17288 when combined shall not exceed a total diversion volume of 1009.9 af.
2. Domestic use is for 3 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
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.
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 (1) 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 8th day of June, 20 06


Chief, Water Allocation Bureau