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Documents
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MAY 30 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
36-15475	36-15475	- DISALLOWED			
36-7260B	36-7260B	- PROCESSED BY ADJ.			
36-8411	36-8411				
36-7345B	36-7345B				

2. The following REQUIRED information must be submitted with this form:

A. The appropriate FILING FEE. See instructions for fee amounts.

B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) JOHN REITSMA and SUSAN REITSMA
75 N 400 W, JEROME ID 83338
4. New Owner/Claimant(s) LUIS M. BETTENCOURT and SHARON L. BETTENCOURT
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address PO. BOX 587
City, State and ZIP Code JEROME ID 83338
New Telephone Number 208) 536-6148
5. Date you acquired the property May, 2003

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

James H. Stevenson
Chad A. Batterson

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <i>[Signature]</i>	Date <i>5/30/03</i>	Fee <i>\$100.00 x 4</i>	
Received by <i>[Signature]</i>	Date <i>5/30/03</i>	Receipt No. <i>0069329</i>	
Processed by _____	AJ Date _____	WR _____	Date _____

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COPY

Instrument # 2033209

JEROME COUNTY, JEROME, IDAHO

2003-05-28

02:59:56 No. of Pages: 7

Recorded for : LAND TITLE & ESCROW

CHERYL WATTS

Fee: 21.00

Ex-Officio Recorder Deputy

Bunch

WARRANTY DEED

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MAY 30 2003

FOR VALUE RECEIVED,

Department of Water Resources

JOHN REITSMA and SUSAN REITSMA, husband and wife, the "Grantors", do hereby grant, bargain, sell and convey unto **LUIS M. BETTENCOURT and SHARON L. BETTENCOURT**, husband and wife, whose address is PO Box 587, Jerome, ID 83338, the "Grantee", the following described premises located in Jerome County, Idaho, to wit:

See ***Exhibit A*** attached hereto.

Together with all water rights appurtenant thereto, including, but not limited to Water Rights No. 36-7345B, 36-8411, 36-15475, and 36-7260B and 168 shares of stock in the North Side Canal Co., Ltd., appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee, his heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantee, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

1. 2003 taxes and subsequent years, taxes are an accruing lien, not yet due or payable.
2. Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.
3. Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.
4. Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.
5. Reservations contained in Deed from The Union Central Life Insurance Company, a Corporation, to Miroslav Fiala and Bessie Fiala, covering above lands, recorded January 2, 1948 in Book 135 Page 510 as Instrument Number 101617, Jerome County records, substantially as follows: First party reserves an undivided one half of all oil, gas and

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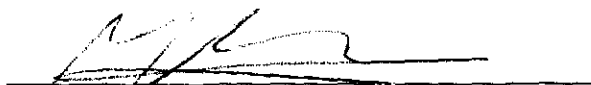
other hydrocarbons and minerals and all easements and rights of way necessary for production and transportation thereof.

6. Conditions contained in Right of Way Deed given by Harry V. Miller and Ethel Miller, husband and wife, to the State of Idaho, dated August 21, 1953, recorded September 12, 1953 in Book 153 Page 209 as Instrument Number 120162, Jerome County records; wherein an easement is granted adjacent to the highway right of way for relocation of all irrigation and drainage ditches and structures and such surface drain ditches as may be necessary to the proper construction of the highway. Grantors also agree that no buildings or structures, except irrigation structures will be permitted to be constructed within 20 feet of the right of way line of the highway and that no bill boards or other advertising signs will be permitted closer than 100 feet from the highway right of way line excepting signs pertaining to business established on land adjacent to the right of way.
7. Channel Change Easement given by Harry V. Miller and Ethel Miller, husband and wife, to the State of Idaho, dated August 21, 1953, recorded September 12, 1953 in Book 150 Page 348, as Instrument Number 120163, Jerome County records, granting to the State of Idaho permission to occupy a strip of land 35.0 feet in width for the purpose of constructing a channel change across a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 8 South, Range 16 East, Boise Meridian.
8. Waiver of Access Rights, Easements for relocation of irrigation and drainage ditches, and agreement to advertising signs granted by Deed filed September 28, 1953 in Book 153 Page 214, Jerome County records, from Miroslav Fiala dn Bessie Fiala, husband and wife and Kenneth J. Lane and Evelyn M. Lane, to the State of Idaho.
9. Power Line Easement in favor of Idaho Power Company, a corporation, dated October 3, 1966, recorded May 2, 1967 in Book 184 of Miscellaneous, Page 115, as Instrument Number 172032, Jerome County records, affecting the SE $\frac{1}{4}$ NE $\frac{1}{4}$.
10. Easement over a strip of land 20 feet wide adjacent and contiguous to and on the Westerly side of county road survey of Grade Separation No. 3, Project I-80N-3(22)159 highway survey lying between Station 40+70 and the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, for the purpose of constructing a headwall and an irrigation line, together with right of ingress and egress, granted to the State of Idaho and the North Side Canal Co., Ltd. by Instrument dated March 11, 1969, recorded March 21, 1969 in Book 196 Page 115.

184 of Miscellaneous, Page 235, as Instrument Number 180195, Jerome County records.

11. Conditions and Restrictions contained in Warranty Deed given by Leonard J. Huber and Lavelda M. Huber, husband and wife, to the State of Idaho, by and through the Idaho Board of Highway Directors, dated February 18, 1969, recorded April 8, 1969 in Book 182 Page 1279 as Instrument Number 180429, Jerome County records.
12. Conditions and Restrictions contained in Corporation Quitclaim Deed given by The Union Central Life Insurance Company, a corporation, to the State of Idaho, by and through the Idaho Board of Highway Directors, dated March 4, 1969, recorded April 8, 1969 as Instrument Number 180430, Jerome County records.
13. Easement over a strip of land 20 feet wide adjacent and contiguous to and on the Westerly side of Interstate 80N in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ for the purpose of constructing a concrete pipeline with risers, headwall diversion, ditch and irrigation facilities, together with right of ingress and egress, granted to the State of Idaho and the North Side Canal Co., Ltd., by instrument dated February 18, 1969, recorded April 8, 1969 in Book 184 of Miscellaneous, Page 258, as Instrument Number 180431, Jerome County records.
14. Conditions and restrictions contained in Warranty Deed given by Helen J. Derby Deaton, whose name also appears of record as Hellen J. Derby Deaton, Paul Myers and Barbara J. Myers, husband and wife, and Luther E. Myers, a bachelor, to the State of Idaho, dated May 8, 1969, recorded January 23, 1970 in Book 182 page 159 as Instrument Number 183322, Jerome County records.
15. Power Line Easement given by John Reitsma, sole owner, to Idaho Power Company, a corporation, dated June 20, 1989, recorded February 13, 1990 as Instrument Number 319585, Jerome County records, affecting a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 8 South, Range 16, East Boise Meridian.

DATED THIS 27th day of MAY, 2003.


JOHN REITSMA


SUSAN REITSMA

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STATE OF IDAHO)

:SS.

County of Jerome)

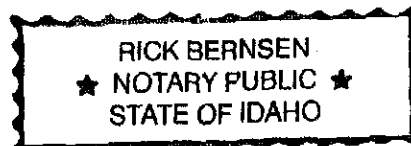
On this 27th day of May, 2003, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOHN REITSMA and SUSAN REITSMA, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed 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: Severe

Commission Expires: 7/20/03



RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-03

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JUN 23 2003

TOWNSHIP 8 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: N $\frac{1}{2}$ SW $\frac{1}{4}$ and all that portion of the NW $\frac{1}{4}$ lying South and West of Interstate I-84N (formerly I-80N).

TOWNSHIP 8 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: A parcel of land located in the NE $\frac{1}{4}$, described as follows:

Commencing at the West quarter corner of said Section 16;
Thence South 89°27'03" East along the South boundary of the NW $\frac{1}{4}$ of Section 16 for a distance of 2639.92 feet to the center quarter corner of Section 16 and being THE TRUE POINT OF BEGINNING;
Thence North 0°14'45" East along the West boundary of the NE $\frac{1}{4}$ of Section 16 for a distance of 1279.89 feet to a point on the South right of way line of Interstate Highway I-84;
Thence South 78°52'36" East along the South right of way line of Interstate Highway I-84 for a distance of 732.14 feet;
Thence South 0°14'45" West parallel with the West boundary of the NE $\frac{1}{4}$ of Section 16 for a distance of 1145.54 feet to a point on the South boundary of the NE $\frac{1}{4}$ of Section 16;
Thence North 89°27'03" West along the South boundary of the NE $\frac{1}{4}$ of Section 16 for a distance of 719.00 feet to THE TRUE POINT OF BEGINNING.

TOWNSHIP 8 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: A parcel of land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ described as follows:

Commencing at the East one quarter corner of said Section 16, from which the Northeast corner of said Section 16 bears North 00°13'16" East 2643.50 feet;
Thence North 89°27'03" West along the South boundary of the NE $\frac{1}{4}$ of Section 16 for a distance of 1252.10 feet to a point in the center of an irrigation lateral and being THE TRUE POINT OF BEGINNING;
Thence continuing North 89°27'03" West along the South boundary of the NE $\frac{1}{4}$ of Section 16 for a distance of 668.41 feet;
Thence North 00°14'44" East parallel with the West boundary of the NE $\frac{1}{4}$ of Section 16 for a distance of 1145.53 feet to a point on the Southerly right of way boundary of Interstate Highway I84N;
Thence South 78°52'36" East along the Southerly right of way boundary of Interstate Highway I84N for a distance of 1284.01 feet to a point in the center of an irrigation lateral;

-Continued-

EXHIBIT

a

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JUL 23 2003

Thence along the centerline of the irrigation lateral on the following courses:
 South 09°27'26" West 83.69 feet to the point of curve of a curve right;
 Southwesterly along the arc of the curve right for a distance of 106.41 feet to the
 point of tangent, said arc having a radius of 98.0 feet and a long chord
 bearing and distance of South 40°33'44" West, 101.25 feet;
 South 71°40'02" West 180.99 feet to the point of curve of a curve left;
 Southwesterly along the arc of the curve left for a distance of 114.91 feet to the
 point of tangent, said arc having a radius of 282.20 feet and a long chord
 bearing and distance of South 60°00'09" West 114.11 feet;
 South 48°20'15" West 48.61 feet;
 South 11°13'58" West 52.68 feet;
 South 43°48'20" East 73.78 feet to the point of curve of a curve right;
 Southerly along the arc of the curve right for a distance of 118.26 feet to the point
 of a reverse curve left, said arc having a radius of 73.0 feet and a long
 chord bearing and distance of South 02°36'18" West 105.75 feet;
 Southwesterly along the arc of the curve left for a distance of 174.51 feet to the
 point of tangent, said arc having a radius of 285.02 feet and a long chord
 bearing and distance of South 31°28'30" West 171.80 feet;
 South 13°56'03" West 50.89 feet;
 South 08°36'58" West 71.47 feet to the point of curve of a curve right;
 Southwesterly along the arc of the curve right for a distance of 34.88 feet to the
 point of tangent, said arc having a radius of 43.0 feet and a long chord
 bearing and distance of South 31°51'12" West 33.93 feet;
 South 55°05'26" West 69.65 feet;
 South 47°52'56" West 78.47 feet to THE TRUE POINT OF BEGINNING.

TOWNSHIP 8 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
 JEROME COUNTY, IDAHO

Section 17: That part of the NE¼, described as follows:

Beginning at the Southeast corner of Section 17;
 Thence North 0°03' West, 2640.00 feet along the Easterly boundary of Section 17
 to the East quarter corner of Section 17, THE TRUE POINT OF
 BEGINNING;
 Thence North 0°03' West, 1326.15 feet along the Easterly boundary of Section 17
 to the Northeast corner of the SE¼NE¼;

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-Continued-

JUN 23 2003

Thence North 0°03' West, 385.94 feet along the Easterly boundary of Section 17
to the Southeast corner of that certain parcel of land deeded to the State of
Idaho by Vernon L. Miller and Lila Fern Miller, husband and wife, dated
April 7, 1971, recorded June 11, 1971 in Book 182 Page 2264 as
Instrument Number 189675, Jerome County records;
Thence Northwesterly along the boundary of said parcel the following courses
and distances;
Thence South 89°57' West, 25.00 feet;
Thence North 57°23'18" West, 85.28 feet;
Thence North 27°27'34" West, 60.00 feet;
Thence North 18°30'11" East, 105.16 feet to a point in the Southerly boundary of
Interstate Highway I-80N right of way, Idaho Department of Highways
Project I-80N-3(22) 159, Section A;
Thence North 71°29'49" West, 572.69 feet along said Interstate right of way to a
point on the Easterly bank of the Northside Canal Company "S" Coulee;
Thence South 19°38'32" West, 644.92 feet to a point on the Easterly bank of said
coulee;
Thence South 58°46'54" West, 296.21 feet along the Easterly bank of said coulee
to a point in the Northerly boundary of S½NE¼;
Thence North 89°42'24" West, 974.07 feet along the Northerly boundary of
S½NE¼;
Thence South 0°04'14" East, 504.10 feet;
Thence North 86°20'17" West, 560.10 feet to a point in the Westerly boundary of
the NE¼, Section 17 and the Westerly bank of the "S" Coulee;
Thence South 0°04'14" East, 852.34 feet along the Westerly boundary of the NE¼
to the center quarter corner of Section 17;
Thence South 89°38'59" East, 2637.23 feet along the Southerly boundary of the NE¼ to
THE TRUE POINT OF BEGINNING.

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JUL 23 2003

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

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MAY 16 2002

Department of Water Resources

Important Information About Your Water Right

May 15, 2002

John Reitsma
susan Reitsma
75 N 400 W
Jerome, ID 83338

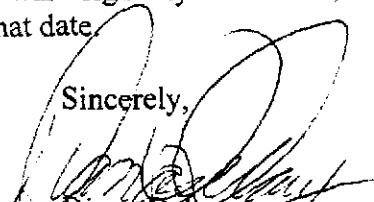
Dear Water Right Claimant(s):

This letter accompanies a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc** (hereinafter "**Order**") issued for water right number 36-7345. Following the issuance of the **Partial Decree** for water right 36-7345, the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water right 36-7345A, which represents a water right resulting from the split of water right 36-7345. If you are not the current owner, please contact IDWR immediately at:

1301 North Orchard, Boise, ID 83706, 800-451-4129.

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for water right 36-7345. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for water right 36-7345 on January 15, 1998, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 36-7345.) The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of the **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued and, therefore, does not supercede any administrative changes occurring after that date.

Sincerely,


Diana Delaney
Case Administrator

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JUL 23 2002

SCANNED

MAY 16 2002

2003 MAY 15 PM 12:14

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	For Decreed Water Right 36-7345
	)	(Split administratively into water
	)	rights 36-7345A & 36-7345B.)
Case No. 39576	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
	)	INCORPORATING INTO PARTIAL DECREE AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, NUNC PRO TUNC

A *Partial Decree* was entered for water right 36-7345 ("decreed water right") on January 15, 1998. The period of use element therein was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR), the decreed water right was split into two water rights designated as 36-7345A and 36-7345B ("split water rights"). On August 2, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for split water right 36-7345A.¹ There are no outstanding objections to IDWR's recommendation. The Court finds that IDWR's recommendation for the irrigation period of use for split water right 36-7345A is based on the irrigation period of use for the decreed water right.

THEREFORE, IT IS ORDERED that period of use element for the irrigation portion of the above-captioned decreed water right is hereby amended and decreed as:

¹ It is the understanding of the Court that 36-7345B is not an irrigation water right, and hence IDWR did not include it in the *Supplemental Director's Report*.

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned decreed water right is hereby amended and decreed to contain the following:

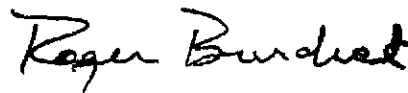
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: May 15, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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JUL 23 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5066
WATER RIGHT NO. 36-07345B

This is to certify that: JOHN REITSMA
SUSAN REITSMA
75 N 400 W
JEROME ID 83338

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.12 CFS	37.8 AF
COMMERCIAL	01/01 to 12/31	0.12 CFS	11.4 AF
	Totals	* 0.12 CFS	* 49.2 AF

SOURCE

GROUNDWATER

Priority: 06/21/1973

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 16, Township 08S, Range 16E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 16E 16

NENW

NWNW

SWNW

SEnw

PLACE OF USE: COMMERCIAL

TWN RGE SEC

08S 16E 16

SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

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TRANSFER NO. 5066
WATER RIGHT NO. 36-07345B

CONDITIONS OF APPROVAL AND REMARKS

3. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5066 shall not exceed 0.12 cfs, nor total combined annual volume of 49.2 af.
- * 9. Rights 36-07345B and 36-08411 when combined shall not exceed a total diversion rate of 0.50 cfs.
10. The remainder of Right 36-07345 is identified as 36-07345A and is limited to a diversion rate of 3.45 cfs, an annual diversion volume of 766.8 af, and irrigation of 191.7 acres each year.
11. Prior to use of water for irrigation purposes under Right 36-07345A the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.
12. The acres which are no longer authorized for irrigation under Right 36-07345A are specifically described as follows: 12.3 acres within NESE, S18, T08S, R15E.
13. Two points of diversion are located within SWNW, S16, T08S, R16E.

Dated this 6th day of

January, 1998


Chief, Water Allocation Bureau

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JAN 12 1998

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NOV 18 1997

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07345

1998 JUN 15 PM 12:17

FILED
JUN 15 1998
TWIN FALLS, IDAHO

NAME & ADDRESS: SUSAN REITSMA
JOHN REITSMA
75 N 400 W
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 3.45 CFS
816.0 AFY

PRIORITY DATE: 06/21/1973

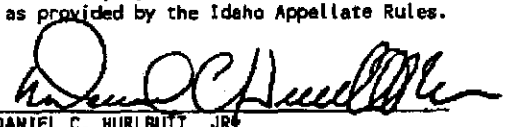
POINT OF DIVERSION: T08S R15E S18 SWNWSE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.45 CFS 816.0 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County			
	T08S R15E S18	NESW 34	SESW 34	NESE 34	NWSE 34
	204 ACRES TOTAL	SWSE 34	SESE 34		

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07345

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NOV 18 2002

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DEC-16-1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2003

LUIS M BETTENCOURT
SHARON L BETTENCOURT
PO BOX 587
JEROME ID 83338

RE: Change of Ownership for Water Rights 36-7345B and 36-8411

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

In addition to the above listed water rights, you also requested an ownership change on water rights 36-15475 and 36-7260B. Water right 36-15475 was disallowed in the SRBA court and is not a valid water right. Water right 36-7260B is already registered in your name. A refund of \$50.00 will be sent to Land Title & Escrow, Inc.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: Laury Lamb @ Land Title & Escrow, Inc.

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Idaho Department of Water Resources Receipt

Receipt ID C069329

Payment Amount \$100.00 Date Received 5/30/2003 1:20:32 PM Region State Status
Payment Type Check Check Number 23438

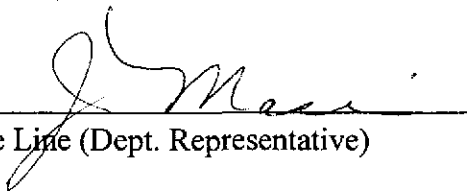
Payer LAND TITLE AND ESCROW INC

Comment WATER RIGHTS 36-15475 36-7260B 36-8411 36-7345B

no fee required

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155

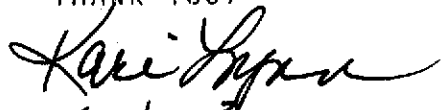

Signature Line (Dept. Representative)

DEBBIE ALLEN . . .

PLEASE ARRANGE FOR A \$50.00 REFUND TO LAND TITLE & ESCROW, INC.
PO Box 349
JEROME, ID 83338

PLEASE REFERENCE THEIR FILE # GJ-32100.

THANK YOU,

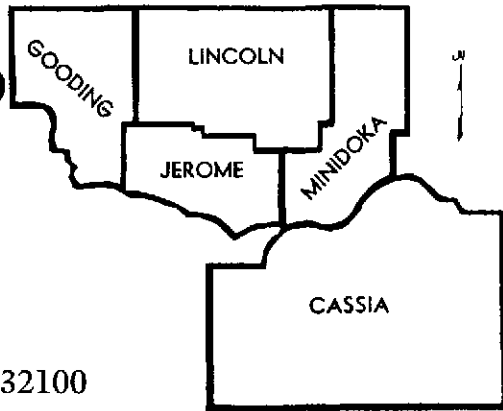

6.4.03

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JUL 23 2003

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: GJ-32100
OFFICE: Jerome

RECEIVED
MAY 30 2003

Department of Water Resources

May 29, 2003

IDWR
Kari Lynn
1301 N. Orchard
Boise, ID 83706-2237

RE: Change in Water Right Ownership
REITSMA/BETTENCOURT

Dear Kari Lynn:

Enclosed please find the following in connection with the above referenced transfer.

1. Completed form for Change in Water Right Ownership
2. Land Title and Escrow, Inc. check #23438 in the amount of \$100.00
3. Copy of executed and recorded Warranty Deed, recorded May 28, 2003 as Instrument #2033209, records of Jerome County, Idaho.

If you have any questions regarding this matter, please do not hesitate to contact this office at 208-324-3357.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Laury Lamb".

Laury Lamb
Escrow Assistant

encs.

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JUL 23 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7345B

WATER RIGHT NUMBER: 36-7345B

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	EMMA BENNETT
	, ID
Current Owner	JOHN REITSMA
	75 N 400 W
	JEROME, ID 83338
	(208) 324-4536
Directors Report Owner	ELMER BENNETT
	, ID
Current Owner	SUSAN REITSMA
	75 N 400 W
	JEROME, ID 83338
	(208)324-3366

Priority Date: 06/21/1973

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>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.120 CFS	11.40 AF
STOCKWATER	1/01 to 12/31	0.120 CFS	37.80 AF
	<u>Total Diversion:</u>	0.120 CFS	49.20 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 16, Twp 08S, Rge 16E, B.M.
JEROME 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	
08S	16E	16							X										

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	
08S	16E	16					X	X	X	X									

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-7345B

Conditions of Approval:

1. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T17 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.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Transfer 5066 shall not exceed 0.12 cfs, nor total combined annual volume of 49.2 af.
The remainder of Right 36-07345 is identified as 36-07345A and is limited to a diversion rate of 3.45 cfs, an annual diversion volume of 766.8 af, and irrigation of 191.7 acres each year.
Prior to use of water for irrigation purposes under Right 36-07345A the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.
The acres which are no longer authorized for irrigation under Right 36-07345A are specifically described as follows: 12.3 acres within NESE, S18, T08S, R15E.
Rights 36-07345B and 36-08411 when combined shall not exceed a total diversion rate of 0.50 cfs.
Two points of diversion are located within SWNW, S16, T08S, R16E.

Comments:

1. SSHERMAN 4/17/1995 SECOND ADDRESS ADDED
Comment: ADDED ADDRESS FOR SUSAN REITSMA.
2. PSKAGGS 12/30/1997 TRANSFER 5066
Comment: Transfer 5066 changes the point of diversion, place, nature & season of use under a portion of Right 36-07345, splitting the right into parts A & B.

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-7345B

Dates and Other Information:

Licensed Date:
Decreed Date: 1/15/1998
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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