STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

## TRANSFER OF WATER RIGHT
## TRANSFER NO. 87822

This is to certify that: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

has 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 Changes

| Water Right | Origin/Basis | Priority Date | Diversion Rate | Diversion Volume | Acre Limit | Total Acres | Source |
|---|---|---|---|---|---|---|---|
| 36-8803 | WR/LICENSE | 7/13/2000 | 0.130 cfs | 22.4 af | N/A | N/A | GROUND WATER |

### Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---|---|---|---|---|---|---|
| 36-8803 | NO | YES | YES | NO | NO | NO |

### Summary Of Water Rights After the Approved Change

| Existing Right | New No. (Changed Portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|
| 36-8803 | 36-8803 | 0.130 cfs | 22.4 af | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| **COMBINED TOTALS** | | **0.130 cfs** | **22.4 af** | **N/A** | **N/A** | | **N/A** | **N/A** | **N/A** | **N/A** |

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 31ST day of August, 2023.

Southern Region Manager

Transfer No. 87822

SCANNED
SEP 06 2023

# WATER RIGHT NO. 36-8803

## As Modified by Transfer No. 87822

In accordance with the approval of Transfer No. 87822, Water Right No. 36-8803 is now described as follows:

**Right Holder:** L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

**Priority Date:** 7/13/2000

**Source:** GROUND WATER

| BENEFICIAL USE | From | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|
| COMMERCIAL | 01/01 | to 12/31 | 0.130 cfs | 22.4 af |
| STOCKWATER | 01/01 | to 12/31 | 0.130 cfs | 22.4 af |
| | | | 0.130 cfs | 22.4 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | |
|---|---|---|
| GROUND WATER | NWNENE | Sec 25 Twp 08S Rge 14E GOODING County |
| GROUND WATER | NWNENE | Sec 25 Twp 08S Rge 14E GOODING County |

**PLACE OF USE: COMMERCIAL**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 08S | 14E | 25 | X | X | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | 0 |

**PLACE OF USE: STOCKWATER**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 08S | 14E | 25 | X | X | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | 0 |

**CONDITIONS OF APPROVAL**

1. Stockwater and commercial use is for a dairy facility.
2. 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.
3. 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).

Transfer No. 87822

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## WATER RIGHT NO. 36-8803

## As Modified by Transfer No. 87822

**CONDITIONS OF APPROVAL**

4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

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 monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

8. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.

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.



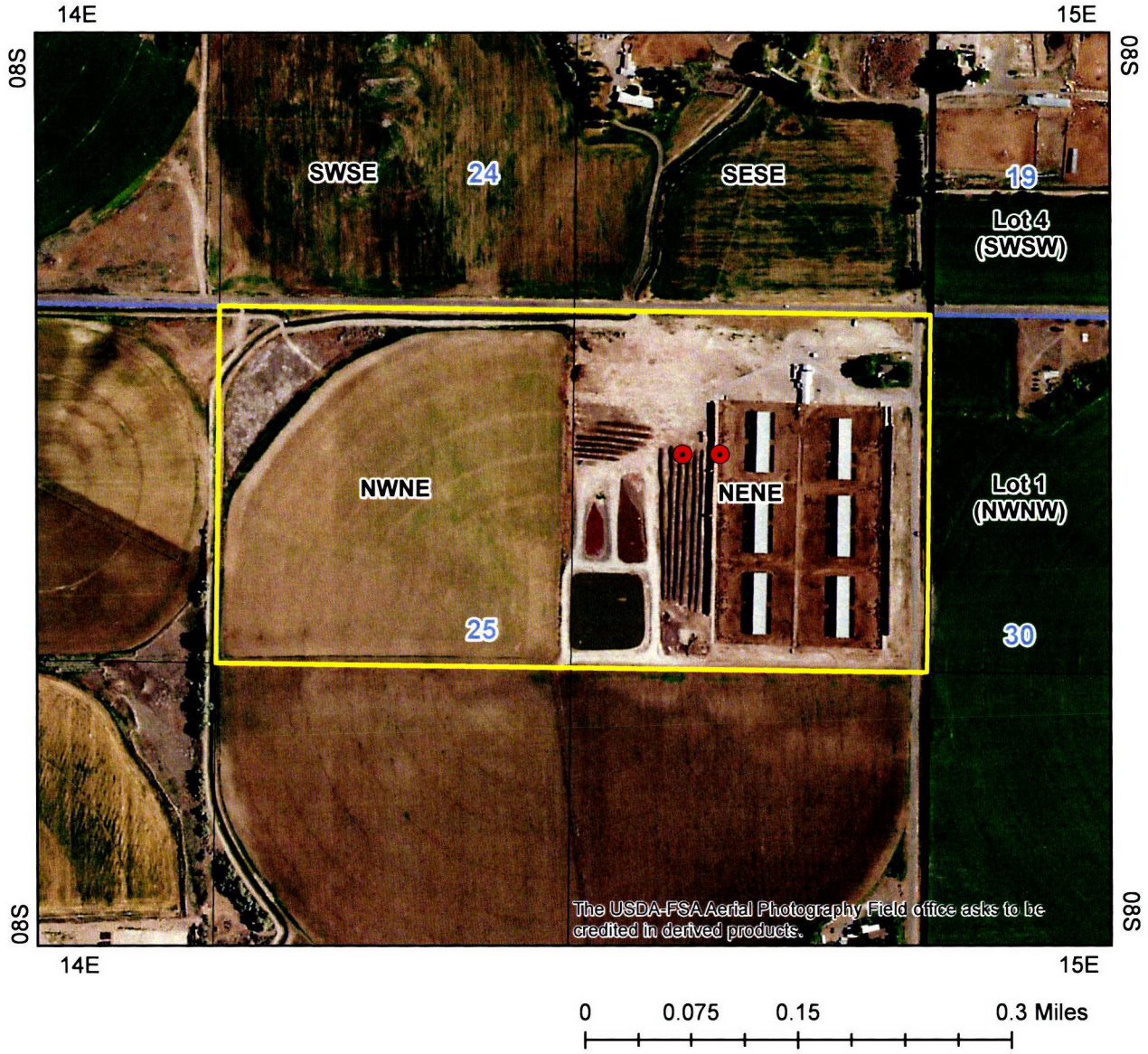
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SEP 06 2023

State of Idaho
Department of Water Resources

# Attachment to Transfer # 87822

36-8803

This map depicts the STOCKWATER & COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

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SOUTHERN REGION

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

**Transfer No.** 87822

# MINIMUM REQUIREMENTS CHECKLIST
## TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) L & S LAND HOLDINGS LLC

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

Yes N/A * Means the item is always required and must be included with the application.

- ☑ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☑ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☑ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☑ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☑ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application -** Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☑ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☑ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☑ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☑ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☑ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☑ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at https://idwr.idaho.gov/water-rights/transfers/resources/.
- ☑ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☑ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☑ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☑ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☑ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☑ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☑ #10 Other. Please describe: _____



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1

Name of Applicant(s) L & S LAND HOLDINGS LLC Phone 2085366148

Mailing address 2930 S 2300 E WENDELL, ID 83355 Email

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan Phone 208-736-8543

Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

☐ Send all correspondence for this application to the representative and not to the applicant.
**OR**
☑ Send original correspondence to the applicant and copies to the representative.

☑ The representative may submit information for the applicant but is not authorized to sign for the applicant.
**OR**
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

**I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.**

| | | |
|---|---|---|
| Signature of Applicant or Authorized Representative | Print Name and Title if applicable | Date |
| | LUIS BETTENCOURT, MANAGING MEMBER | 3-14-23 |
| Signature of Applicant or Authorized Representative | Print Name and Title if applicable | Date |
| | | |

## A. PURPOSE OF TRANSFER

1. ☑ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Is this a transfer for changes pursuant to Idaho Code §42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.
   Move the 22.4 acre feet of stock and commercial water under 36-8803 to a different dairy facility. No ESPA model analysis is required because the FROM and TO POD locations are in adjacent model cells.



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# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1. All | Part | Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use | | Source & Tributary |
|---|---|---|---|---|---|---|---|
| ☑ | ☐ | 36-8803 | 0.13/22.4 | Stockwater | 1/01 | to 12/31 | Ground Water |
| ☐ | ☐ | | 0.13/22.4 | Commercial | 1/01 | to 12/31 | Ground Water |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |

Total authorized under rights 0.13 cfs and/or 22.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.13 cubic feet per second and/or 22.4 acre-feet per year.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |
| | | NW | NE | NE | 25 | 08S | 14E | Gooding | Ground Water | New Well 1 |
| | | NW | NE | NE | 25 | 08S | 14E | Gooding | Ground Water | New Well 2 |
| | | | | | | | | | | |
| | | | | | | | | | | |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Acre Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 08S | 14E | 25 | S/C | S/C | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | Total Acres (for irrigation use) | |

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DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1.

| All | Part | Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use | | Source & Tributary |
|---|---|---|---|---|---|---|---|
| ☑ | ☐ | 36-8803 | 0.13/22.4 | Stockwater | 1/01 | to 12/31 | Ground Water |
| ☐ | ☐ | | 0.13/22.4 | Commercial | 1/01 | to 12/31 | Ground Water |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |
| ☐ | ☐ | | | | | to | |

Superseded

Total authorized under right(s) 0.13 cfs and/or 22.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.13 cubic feet per second and/or 22.4 acre-feet per year.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |
| | | NW | NE | NE | 25 | 08S | 14E | Gooding | Ground Water | New Well 1 |
| | | NW | NE | NE | 25 | 08S | 14E | Gooding | Ground Water | New Well 2 |
| | | | | | | | | | | |
| | | | | | | | | | | |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Acre Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 08S | 14E | 25 | S/C | S/C | S/C | S/C | | | | | | | | | | | | | |
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**Total Acres** (for irrigation use) ____



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DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
The existing well will be abandoned and two new wells will be drilled. Mainlines and delivery system will be updated.

b. Who owns the property at the point(s) of diversion? The Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
**If yes,** ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Met Life

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
**If yes,** ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land will have a reduced number of cattle on the property.

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
36-7387D, 36-2312D and 36-10098

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

**Yes No**

☐ ☑ undergone a period of five or more consecutive years of non-use,
☐ ☑ currently leased to the Water Supply Bank,
☐ ☑ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☑ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

**If yes,** describe:



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DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 2

### A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

### B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: ________________

1. amount__________________(cfs/ac-ft) for_____________________________purposes from_____________to_____________
   amount__________________(cfs/ac-ft) for_____________________________purposes from_____________to_____________
   amount__________________(cfs/ac-ft) for_____________________________purposes from_____________to_____________
   amount__________________(cfs/ac-ft) for_____________________________purposes from_____________to_____________
   amount__________________(cfs/ac-ft) for_____________________________purposes from_____________to_____________
   amount__________________(cfs/ac-ft) for_____________________________purposes from_____________to_____________
   amount__________________(cfs/ac-ft) for_____________________________purposes from_____________to_____________
   amount__________________(cfs/ac-ft) for_____________________________purposes from_____________to_____________

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

| Twp | Rge | Sec | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Acre Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
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| | | | | | | | | | | | | | | | | | | Total Acres (for irrigation use) | |



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# IDAHO DEPARTMENT OF WATER RESOURCES
# APPLICATION FOR TRANSFER OF WATER RIGHT
# PART 2A

**Current Water Right No.: 36-8803**

Current Owner: L & S LAND HOLDINGS LLC

Priority Date: 7/13/2000

Origin: Water Right

Status: Active

Basis: License

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From To | Diversion Rate | Annual Volume |
|---|---|---|---|
| STOCKWATER | 01/01 to 12/31 | 0.13 CFS | 22.4 AF |
| COMMERCIAL | 01/01 to 12/31 | 0.13 CFS | 22.4 AF |
| | Total Diversion | 0.13 CFS | 22.4 AF |

**Location of Point(s) of Diversion**

GROUND WATER — L4(SW1/4SW1/4) Sec. 19, Twp 08S, Rge 15E B.M.
GOODING County

**Place of Use**

STOCKWATER Within GOODING County

T08S R15E S19 Lot 4 SWSW

COMMERCIAL Within GOODING County

T08S R15E S19 Lot 4 SWSW

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**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | X02 | Stockwater and commercial use is for a dairy. |
| 2. | 214 | Upon specific notification the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device. |
| 3. | R02 | A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. |
| 4. | X35 | Rights 36-7763 and 36-8803 when combined shall not exceed a total diversion rate of 0.17 cfs and a total annual maximum diversion volume of 31.5 af . |
| 5. | 213 | Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications. |
| 6. | R05 | 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. |
| 7. | 933 | This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water. |

Licensed Date: 11/23/2016



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MAY 26 2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 3

### A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

### B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

---

**FOR DEPARTMENT USE ONLY**

Transfer contains_____ pages and_____ attachments.
Received by DM / CH Date 4-18-2023 Preliminary check by_____ Date_____
Fee paid $200- Date 4-18-2023 Receipted by DM Receipt # 5039743
Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



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State of Idaho
Department of Water Resources

# Water Right

36-8803

## Stockwater and Commercial

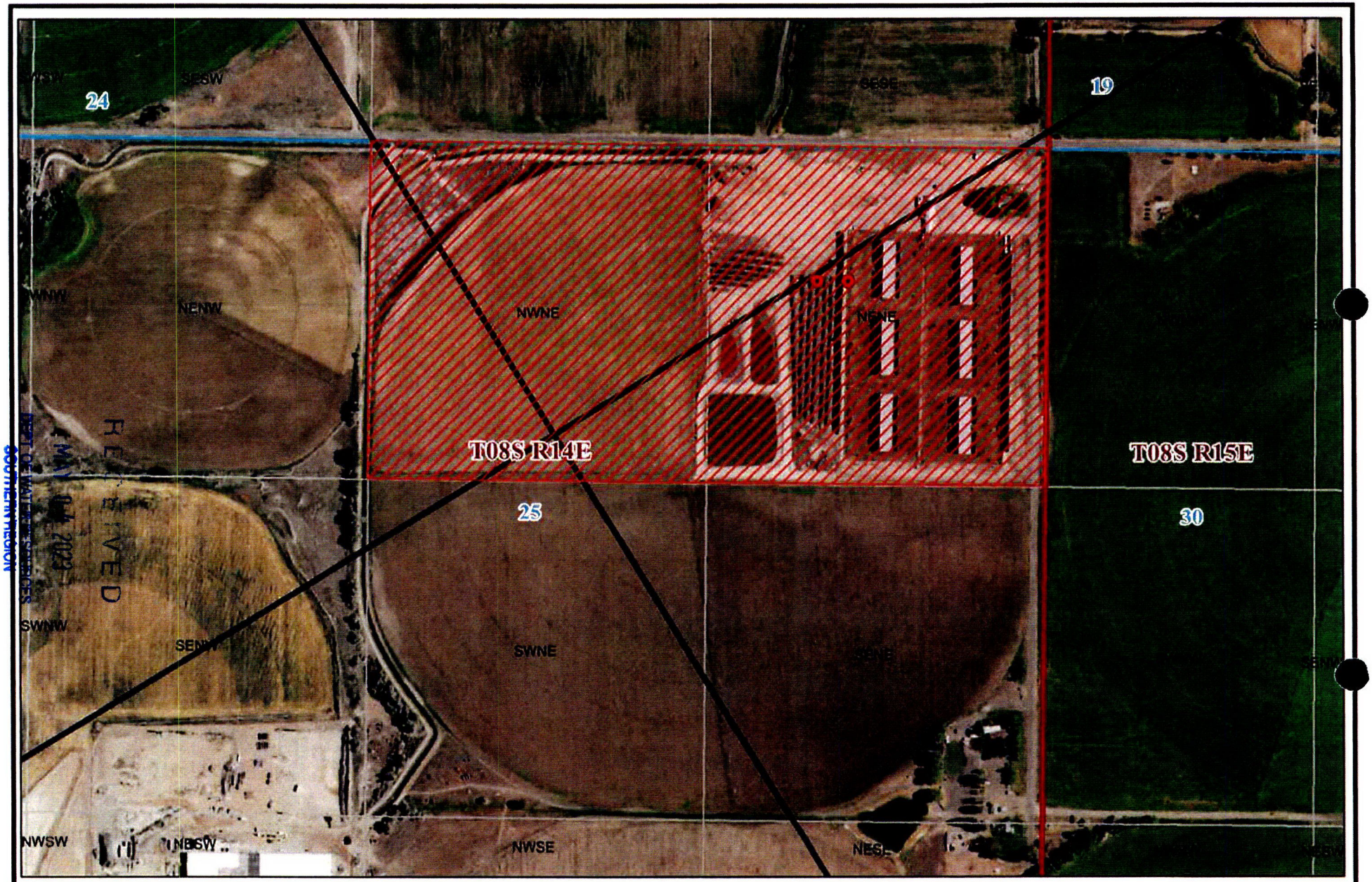
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.




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Path: F:\Projects\Bettencourt\Bettencourt 2023\Arcview\Dairy 7 Barn 3.mxd




**DAIRY #7 Barn 3**
**L&S LAND HOLDINGS LLC**
**NAIP 2021 AERIAL PHOTO**

Legend
- Barn_3_PODs
- Dairy 7 Barn 3 POU
- modelgrid_trimmed

N

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/4/2023

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Path: F:\Projects\Bettencourt\Bettencourt 2023\Arcview\Dairy 7 Barn 3.mxd




Feet
500
1,000

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 4/17/2023

87822

# DAIRY #7 Barn 3
# L&S LAND HOLDINGS LLC
# NAIP 2021 AERIAL PHOTO

Legend
- Barn_3_PODs
- Dairy 7 Barn 3 POU
- modelgrid_trimmed

N

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# Dairy Water Use Requirements

Date 1/24/2023

Owner/Operator Info

Name: Bettencourt Dairies Address: 0 Telephone: 0
County: 0 City: 0 State: 0 Zip Code: 0

Facility Info

Name: Dairy 7 Barn 3 & D4 Heifer Address: 0 Telephone: 0
County: Gooding City: 0 State: 0 Zip Code: 0

## Dairy Stock Water Requirements

| Animal Type | # of Animals | Animal Weight (lbs) | Animal Units | Drinking Requirement (gal/hd/day) | Drinking Requirement (gal/day) | Total Drinking (acft/yr) | Reference |
|---|---|---|---|---|---|---|---|
| Lactating 75 lbs | 6,500 | 1,000 | 6,500.0 | 35.3 | 229,174 | 256.71 | Modified Kertz Equation, A.F. Kertz, Ralston Purina Company |
| none | 0 | 0 | 0.0 | 0.0 | 0 | 0.00 | N/A |
| none | 0 | 0 | 0.0 | 0.0 | 0 | 0.00 | N/A |
| none | 0 | 0 | 0.0 | 0.0 | 0 | 0.00 | N/A |
| Heifer 970 | 5,476 | 600 | 3,285.6 | 9.4 | 51,201 | 57.35 | Fresh Water Needs for Dairy Farms, Dean Faulk U of I Extension Specialist |
| none | 0 | 0 | 0.0 | 0.0 | 0 | 0.00 | N/A |
| none | 0 | 0 | 0.0 | 0.0 | 0 | 0.00 | N/A |
| none | 0 | 0 | 0.0 | 0.0 | 0 | 0.00 | N/A |
| none | 0 | 0 | 0.0 | 0.0 | 0 | 0.00 | N/A |
| Totals | 11,976 | | 9,785.6 | | 280,374 | 314.06 | |

**Stock water requirement in acre ft/ year** **314.1**
**Stock water pumping diversion in cfs** **0.43**

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## Wash Water Estimates

Rotary 106 Stalls 106

| | | | | | | |
|---|---|---|---|---|---|---|
| # Cows milked | **6500** | Milkings per Day | | 2.3 | | |
| Cow Prep. | 0.5 | gal/cow/milking | | | 7475 | gal/day |
| Bulk Tank | 4000 | gal/day | | | 4000 | gal/day |
| Pipelines | 250 | gallons/cycle | 3 | cycles/wash | 1725 | gal/day |
| Claw Backflush | 0.1 | gal/cycle | 4 | cycles/wash | 5980 | gal/day |
| Entry Deck Wash | 18 | gpm | 24 | runtime hrs | 25920 | gal/day |
| Exit Deck Wash | 25 | gpm | 24 | runtime hrs | 36000 | gal/day |
| Claw Wash | 5 | gpm | 24 | runtime hrs | 7200 | gal/day |
| Deck Spray | 8 | gpm | 24 | runtime hrs | 11520 | gal/day |
| Parlor Hand Washdown - | 60 | gal/min | 30 | min/milking | 4140 | gal/day |
| Holding Pen Hand Washdown | 60 | gpm | 30 | min/milking | 4140 | gal/day |
| Holding Pen Flush | 0 | gpm | 3 | # Valves | 0 | gal/day |
| | 15 | time sec. | 10 | #/ milking | | |
| Holding Pen Misters | 0 | gpm | 0 | min/day | 0 | gal/day |
| Milk Room Cleaning | 500 | Gpd | Trouth Cleaning | 2420 | 2920 | gal/day |
| Miscellaneous | 39000 | Gpd | | | 39000 | gal/day |
| | | | | | **150,020** | Total Parlor gal/day |
| | | | | | **3,610,107** | 180 Day Volume ft3 |
| | | | | | **23.1** | gal/head/day |

There is additional water use in the Cross Ventilation barns for cooling. This water is used during the summer period and not during the winter storage period. This water will be included in any water use analysis but not in the 180 day winter storage requirement. Measured as 6 gpd per cow on a yearly average or 39000 GPD

| | | | | | | |
|---|---|---|---|---|---|---|
| **Recyclable Water Use** | **0** | **0** | **0** | **Rotary 106** | **0** | |
| Milking Parlor Throughput | 0 | 0 | 0 | 680 | 0 | Cows/hr |
| Time Milking Per Day | 0.0 | 0.0 | 0.0 | 22.0 | 0.0 | hours/day |
| Plate Cooler Water Use | - | - | - | 98,934 | - | Gal/day |
| Water Cooled Compressor | - | - | - | - | - | Gal/day |
| Water Cooled Vacuum Pump | - | - | - | - | - | Gal/day |
| | - | - | - | 98,934 | - | Total Cooling Parlor Volume/day in gallons |

**Water Use Evaluation**

| | | |
|---|---|---|
| Clean Water Use | 98934 | Gal/day |
| Cow Drinking water use | 280374 | Gal/day |
| Commercial Parlor Use | 150020 | Gal/day |
| Net Excess Cooling Water | 0 | Gal/day |
| Yearly Parlor Cooling Volume (amount exceeding that recycled) | 0.0 | Acre Ft/year |

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## Total Facility Water Use Requirements

| | | |
|---|---|---|
| Stock water Requirement | 314.1 | Acre Ft/yr |
| Commercial Parlor Use | 168.1 | Acre Ft/yr |
| Additional Cooling Use | 0.0 | Acre Ft/yr |
| **Water Use Estimate** | **482.1** | **Acre Ft/yr** |
| **Safety Factor** | **1.0** | **SF** |
| **Total Water Use Estimate** | **482.1** | **Acre Ft/yr** |
| **Total Diversion Rate** | **0.67** | **Cubic Feet/Second (CFS)** |

| | |
|---|---|
| **Dairy 4 Feedlot Use** | **57.4 Acre Ft/yr** |
| **Dairy 7 Barn 3 Use** | **424.8 Acre Ft/yr** |

**298.9 GPM**

**1000 GPM Reccomended**

(this diversion rate is the minimum rate required to pump the above water use estimate 24/7/365)

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## References:

Cattle drinking requirements were calculated using published information from industry accepted sources or from table data. Typically the highest use estimate is reported with the cooresponding source of information. In some cases the designer will override the source values. In those cases an overridden value may include an explaination for the override.

The following sources were evaluated for the milking and dry cow herds.

Fresh Water Needs for Dairy Farms, Dean Faulk U of I Extension Specialist

Water Intake and Quality for Dairy Cattle, Richard S. Adams & William E. Sharpe, Department of Dairy and Animal Science, Pensylvania State University

Modified Kertz Equation, A.F. Kertz, Ralston Purina Company

Water Partitioning and Intake Prediction in Dry and Lactating Holstein Cows, J. B. Holter & W.E. Urban Jr., Journal of Dairy Science 1992

The following sources were evaluated for animals other than milking and dry cows.

Fresh Water Needs for Dairy Farms, Dean Faulk U of I Extension Specialist

Water Intake and Quality for Dairy Cattle, Richard S. Adams & William E. Sharpe, Department of Dairy and Animal Science, Pensylvania State University

Water Requirements of Livestock, Daniel Ward & Kevin McKague, Minstry of Agriculture Food & Rural Affairs, May 2007

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MAY 26 2023

0004838470

**STATE OF IDAHO**
*Office of the secretary of state, Lawerence Denney*
**ANNUAL REPORT**
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

*For Office Use Only*
**-FILED-**
File #: 0004838470
Date Filed: 8/3/2022 7:25:45 AM

Entity Name and Mailing Address:

| | |
|---|---|
| Entity Name: | L & S LAND HOLDINGS, LLC |
| The file number of this entity on the records of the Idaho Secretary of State is: | 0000243192 |
| Address | 2930 S 2300 E<br>WENDELL, ID 83355-3150 |

Entity Details:

| | |
|---|---|
| Entity Status | Active-Existing |
| This entity is organized under the laws of: | IDAHO |
| If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: | W77679 |

The registered agent on record is:

| | |
|---|---|
| Registered Agent | ROBERT E WILLIAMS<br>Registered Agent<br>Physical Address<br>153 E MAIN ST<br>JEROME, ID 83338<br>Mailing Address |

Limited Liability Company Managers and Members

| Name | Title | Business Address |
|---|---|---|
| The Luis & Sharon Bettencourt 2008 Trust | Member | 2930 S 2300 E<br>WENDELL, ID 83355 |

The annual report must be signed by an authorized signer of the entity.
Job Title: Controller

*Brenda Hoxie* — Sign Here
*08/03/2022* — Date

B0728-5031 08/03/2022 7:25 AM Received by ID Secretary of State Lawerence Denney

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MAY 26 2023


Page 1 of 1

MetLife Investment Management

Western Regional Office
Agricultural Finance
MetLife Investment Management
205 E. River Park Circle, Ste. 430
Fresno, CA 93720

Leonides A. Moreno
Managing Director
Phone: (559) 470-6450
Email: lmoreno@metlife.com

Robert Frudden
Director
Phone: (559)-470-6448
Email: robert.frudden@metlife.com

Rainer Telles
Director
Phone: (559)-470-6457
Email: rainer.telles@metlife.com

April 20, 2023

Bettencourt Dairies, LLC
L & S Land Holdings, LLC
The Luis M. and Sharon Bettencourt 2008 Trust
Luis and Sharon Bettencourt
2930 South 2300 East
Wendell, ID 83355

Re MetLife Real Estate Lending LLC ("Lender") Loan Nos. 200467, 201370 and 202610 – Bettencourt Dairies, LLC, L & S Land Holdings, LLC, The Luis S. and Sharon Bettencort 2008 Trust and Luis and Sharon Bettencourt (collectively, the "Borrower")

Mr. and Mrs. Bettencourt,

MetLife holds a security interest in certain water right numbers (the "Water Rights") in Gooding County, Idaho in connection with the above referenced loans. You have requested that MetLife consent to the transfer of certain Water Rights as described in the State of Idaho Department of Water Resources Application for Transfer of Water Rights ("Application").

This letter serves as written acknowledgement and consent to the transfer of 22.4 acre-fee of stock and commercial water under the Water Rights as identified in the Application to be filed by the Borrower for the Water Right listed therein and as follows:

Water Right 36-8803

Metropolitan Life Insurance Company,
a New York corporation

By: MetLife Investment Management, LLC,
its investment manager

By: _____
Robert Frudden
Authorized Signatory and Director

cc: Kassie Van Reit
Clear Creek Land and Mortgage

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MAY 26 2023

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF Fresno

On April 20, 2023, before me, Erin E Thorpe, a Notary Public, personally appeared Robert Frudden, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Erin E Thorpe
Signature

This area for official notarial seal.




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MAY 26 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

August 31, 2023

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL ID 83355-3150

Re: Transfer No: 87822
Water Right No(s).: 36-8803

**Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

METLIFE REAL ESTATE LENDING LLC
C/O METLIFE INVESTMENT MANAGEMENT LLC
10801 MASTIN ST STE 700
OVERLAND PARK KS 66210-1673

WATER DISTRICT 130
COREY KING
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858



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SEP 06 2023

## CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87822
Water Right No(s).: 36-8803

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL ID 83355-3150

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

METLIFE REAL ESTATE LENDING LLC
C/O METLIFE INVESTMENT MANAGEMENT LLC
10801 MASTIN ST STE 700
OVERLAND PARK KS 66210-1673

WATER DISTRICT 130
COREY KING
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Denise Maline

Denise Maline
Administrative Assistant



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SEP 06 2023

# EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

## PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

## EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

## REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

## ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.



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## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



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SEP 06 2023

# MEMORANDUM

**Date:** June 28, 2023

**To:** Transfer 87822 File

**From:** William Mills

**Re:** Evaluation of Sufficiency of Information Submitted

---

Transfer proposes moving a stock and commercial water right from one dairy facility to a second existing dairy facility (0.13 cfs, 22.4 af). Transfer also proposes adding two new wells and abandoning an existing well at the second facility. The current water right place of use (POU) and point of diversion (POD) are located 4.3 to 4.5 miles south and 2.2 to 2.4 miles west of Wendell. Proposed POU & PODs at the second facility are located approximately 0.1 to 0.3 miles south and 0.0 to 0.5 miles west of the currently authorized dairy facility.

All wells and places of use involved in the transfer are located within the ESPA model boundary, but modeling was not required as the wells are all located in adjacent cells. All wells and POUs in the transfer are also located within water District 130. Watermaster comments were solicited and the Watermaster did not oppose approval of the transfer application.

Transfer applications #87821, #87823 and #87935 are companion transfers. They are proposing moving stock and commercial water rights from different facilities to the same second facility this application is moving water to.

- **Authority to File:**
  IDWR records indicate the applicant currently owns the water rights and properties associated with this transfer.

- **Water Right Validity:** Water right 36-8803 was licensed on 11/23/2016. Aerial imagery indicates the water right appears to be in use.

- **Injury to Other Water Rights:**
  None anticipated.

- **Enlargement of Use:**
  None anticipated.

- **Local Public Interest:**
  No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed uses are recognized as beneficial uses of water.

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- **Effect on the Economy of the Local Area:**
  None Anticipated.

- **Effect on Agricultural Base of the Local Economy:**
  None Anticipated.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.**

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SEP 06 2023

# Proof of Publication

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RECEIVED
JUN 12 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES Southern Region
Denise Maliine Adminisrative Assistant
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 137630

Sherri Davis

(Legals Clerk)

STATE OF IDAHO )
.SS
COUNTY OF TWIN FALLS )

On this 8 day of June in the year of 2023 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Amy Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-26

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO
MY COMM. EXPIRES 09/04/2026

Section: Legals
Category: 50 Legal
PUBLISHED ON: 06/01/2023, 06/08/2023

| | |
|---|---|
| TOTAL AD COST: | 295.27 |
| FILED ON: | 6/8/2023 |

✓ OK SM 6/20/2023

SCANNED
SEP 06 2023

*** Proof of Publication ***

RECEIVED

JUN 12 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**
**TRANSFER NO. 87821**

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355-3150 has filed Application No. 87821 for changes to the following water rights within GOODING County(s): Right No(s). 36-7713B. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a stock and commercial water right from one dairy facility to a second existing dairy facility (0.13 cfs, 20.7 af). Transfer also proposes adding two new wells and abandoning an existing well at the second facility. The current water right place of use (POU) and points of diversion (PODs) are located 4.7 to 5.2 miles south and 1.5 to 2.0 miles west of Wendell. Proposed POU & PODs at the second facility are located approximately 0.4 to 0.7 miles west and 0.0 to 0.2 miles north of the currently authorized dairy facility.

**TRANSFER NO. 87822**

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355-3150 has filed Application No. 87822 for changes to the following water rights within GOODING County(s): Right No(s). 36-8803. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a stock and commercial water right from one dairy facility to a second existing dairy facility (0.13 cfs, 22.4 af). Transfer also proposes adding two new wells and abandoning an existing well at the second facility. The current water right place of use (POU) and point of diversion (POD) are located 4.3 to 4.5 miles south and 2.2 to 2.4 miles west of Wendell. Proposed POU & PODs at the second facility are located approximately 0.1 to 0.3 miles south and 0.0 to 0.5 miles west of the currently authorized dairy facility.

**TRANSFER NO. 87823**

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355-3150 has filed Application No. 87823 for changes to the following water rights within GOODING County(s): Right No(s). 36-7291D. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a 0.08 cfs, 16.9 af portion of a stock and commercial water right from one dairy facility to a second existing dairy facility. Transfer also proposes adding two new wells and abandoning an existing well at the second facility. The current water right place of use (POU) and points of diversion (PODs) are located 5.5 to 5.8 miles south and 3.4 to 3.7 miles west of Wendell. Proposed POU & PODs at the second facility are located approximately 0.7 to 1.0 miles north and 0.5 to 1.0 miles east of the currently authorized dairy facility.

**TRANSFER NO. 87923**

PELICAN POINT SUBDIVISION ASSN INC, 98 PELICAN DR, RUPERT, ID 83350-8714 has filed Application No. 87923 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-8772. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) for domestic ground water right 36-8772 (0.73 cfs, 60.0 AF) which currently serves 50 lots in the Pelican Point Subdivision located approximately 7.3 miles east and 0.5 mile north of the intersection of Main Street and Overland Avenue in Burley. The proposed POU will consist of 48 lots within the subdivision.

**TRANSFER NO. 87935**

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355-3150 has filed Application No. 87935 for changes to the following water rights within GOODING County(s): Right No(s). 36-10098, 36-2312D, 36-7387D. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes updating the place of use for three ground water rights (commercial, stockwater and domestic uses; 0.20 cfs when combined) to match the current place of use at an existing dairy facility. Transfer also proposes adding two new wells and abandoning an existing well at the facility. The current and proposed water right place of use (POU) and points of diversion (PODs) are located 5.5 to 5.8 miles south and 3.4 to 3.7 miles west of Wendell.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **June 20, 2023.** The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 1st & 8th, 2023

OK DM 6/20/2023

SCANNED

SEP 06 2023

RECEIVED
JUN 08 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources

# RECOMMENDATION OF WATERMASTER

Transfer No: 87821, 87822, 87935, 87823
Applicant Name: L&S LAND HOLDINGS

Watermaster's Recommendation:

a) __X__ I do not oppose approval of these applications

b) ____ I do not oppose approval of this application under the following terms:

c) ____ I oppose approval of this application(s) for the following reasons:

d) ____ Additional comment:

**Dated:** **June 8, 2023**

**Water District 130**

**Corey King, Watermaster**

SCANNED
SEP 06 2023

# Customer Ad Proof

**164-60002276 ID DEPARTMENT OF WATER RESOURCES** **Order Nbr 137630**

Southern Region

| | | | |
|---|---|---|---|
| **Publication** | **Times News** | | |
| Contact | ID DEPARTMENT OF WATER RESOURCES | PO Number | |
| Address 1 | 650 ADDISON AVE W, STE 500 | Rate | Legal Notice |
| Address 2 | | Order Price | 295.27 |
| City St Zip | TWIN FALLS ID 83301 | Amount Paid | 0.00 |
| Phone | 2087363033 | Amount Due | 295.27 |
| Fax | | | |
| Section | Legals | Start/End Dates | 06/01/2023 - 06/08/2023 |
| SubSection | | Insertions | 2 |
| Category | 50 Legal | Size | 183 |
| Ad Key | 137630-1 | Salesperson(s) | Legal Notices |
| Keywords | NOTICE OF PROPOSED CHANGE OF W | Taken By | Amy Packham |
| Notes | | | |

**Ad Proof**

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**
**TRANSFER NO. 87821**

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355-3150 has filed Application No. 87821 for changes to the following water rights within GOODING County(s): Right No(s). 36-7713B. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a stock and commercial water right from one dairy facility to a second existing dairy facility (0.13 cfs, 20.7 af). Transfer also proposes adding two new wells and abandoning an existing well at the second facility. The current water right place of use (POU) and points of diversion (PODs) are located 4.7 to 5.2 miles south and 1.5 to 2.0 miles west of Wendell. Proposed POU & PODs at the second facility are located approximately 0.4 to 0.7 miles west and 0.0 to 0.2 miles north of the currently authorized dairy facility.

**TRANSFER NO. 87822**

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355-3150 has filed Application No. 87822 for changes to the following water rights within GOODING County(s): Right No(s). 36-8803. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a stock and commercial water right from one dairy facility to a second existing dairy facility (0.13 cfs, 22.4 af). Transfer also proposes adding two new wells and abandoning an existing well at the second facility. The current water right place of use (POU) and point of diversion (POD) are located 4.3 to 4.5 miles south and 2.2 to 2.4 miles west of Wendell. Proposed POU & PODs at the second facility are located approximately 0.1 to 0.3 miles south and 0.0 to 0.5 miles west of the currently authorized dairy facility.

**TRANSFER NO. 87823**

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355-3150 has filed Application No. 87823 for changes to the following water rights within GOODING County(s): Right No(s). 36-7291D. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a 0.08 cfs, 16.9 af portion of a stock and commercial water right from one dairy facility to a second existing dairy facility. Transfer also proposes adding two new wells and abandoning an existing well at the second facility. The current water right place of use (POU) and points of diversion (PODs) are located 5.5 to 5.8 miles south and 3.4 to 3.7 miles west of Wendell. Proposed POU & PODs at the second facility are located approximately 0.7 to 1.0 miles north and 0.5 to 1.0 miles east of the currently authorized dairy facility.

**TRANSFER NO. 87923**

PELICAN POINT SUBDIVISION ASSN INC, 98 PELICAN DR, RUPERT, ID 83350-8714 has filed Application No. 87923 for

*Proof of legal notice received from Times News 5/25/2023 (2 pgs)*

✓ Dm 5/26/2023



SCANNED
MAY 26 2023

Southern Region

changes to the following water rights within MINIDOKA County(s): Right No(s). 36-8772. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) for domestic ground water right 36-8772 (0.73 cfs, 60.0 AF) which currently serves 50 lots in the Pelican Point Subdivision located approximately 7.3 miles east and 0.5 mile north of the intersection of Main Street and Overland Avenue in Burley. The proposed POU will consist of 48 lots within the subdivision.

**TRANSFER NO. 87935**

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355-3150 has filed Application No. 87935 for changes to the following water rights within GOODING County(s): Right No(s). 36-10098, 36-2312D, 36-7387D. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes updating the place of use for three ground water rights (commercial, stockwater and domestic uses; 0.20 cfs when combined) to match the current place of use at an existing dairy facility. Transfer also proposes adding two new wells and abandoning an existing well at the facility. The current and proposed water right place of use (POU) and points of diversion (PODs) are located 5.5 to 5.8 miles south and 3.4 to 3.7 miles west of Wendell.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **June 20, 2023.** The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director•
Published on June 1st & 8th, 2023



SCANNED
MAY 26 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

May 25, 2023

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

RE: Transfer No. 87821
Water Right No(s). 36-7713B

RE: Transfer No. 87822
Water Right No(s). 36-8803

RE: Transfer No. 87823
Water Right No(s). 36-7291D

RE: Transfer No. 87935
Water Right No(s). 36-10098, 36-2312D, 36-7387D

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 6/1/2023 and 6/8/2023.** Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of $25.00 for each application, on or before **June 20, 2023.**

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC
Kimberly L Williams, attorney
Metropolitan Life Insurance Company, Fresno, CA
Metropolitan Life Insurance Company, Overland Park, KS
MetLife Real Estate Lending LLC, Overland Park, KS

SCANNED
MAY 26 2023

IDAHO DEPARTMENT
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

May 25, 2023

COREY KING
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

RE: Transfer No. 87821, 87822, 87823 & 87935 (L & S Land Holdings LLC)

RE: Transfer No. 87923 (Pelican Point Subdivision Assn Inc.)

Dear Corey:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
MAY 26 2023

## Maline, Denise

**From:** Maline, Denise
**Sent:** Thursday, May 25, 2023 11:48 AM
**To:** Times News
**Subject:** LEGAL NOTICE - ACCOUNT #164-60002276
**Attachments:** Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on June 1st & 8th, 2023. This publication is for Idaho Dept of Water Resources in Twin Falls, Idaho, under account number 164-60002276.

Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls, Idaho

**Denise Maline, Administrative Assistant I**
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



SCANNED
MAY 26 2023

IDAHO DEPARTMENT
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

May 25, 2023

**LEGAL NOTICE DEPARTMENT**
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 87821
Water Right No(s). 36-7713B

RE: Transfer No. 87823
Water Right No(s). 36-7291D

RE: Transfer No. 87822
Water Right No(s). 36-8803

RE: Transfer No. 87923
Water Right No(s). 36-8772

RE: Transfer No. 87935
Water Right No(s). 36-10098, 36-2312D, 36-7387D

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 20, 2023. Your cooperation is appreciated.

Sincerely,
Denise Maline
Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
MAY 26 2023

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT
## TRANSFER NO. 87821

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GARY SPACKMAN, Director
Published on June 1st & 8th, 2023

SCANNED
MAY 26 2023

# MEMORANDUM

**Date:** May 22, 2023

**To:** Transfer 87822 File

**From:** Bill Mills

**Re:** Transfer Proposal

---

Transfer proposes moving a stock and commercial water right from one dairy facility to a second existing dairy facility (0.13 cfs, 22.4 af). Transfer also proposes adding two new wells and abandoning an existing well at the second facility. The current water right place of use (POU) and point of diversion (POD) are located 4.3 to 4.5 miles south and 2.2 to 2.4 miles west of Wendell. Proposed POU & PODs at the second facility are located approximately 0.1 to 0.3 miles south and 0.0 to 0.5 miles west of the currently authorized dairy facility.

All wells and places of use involved in the transfer are located within the ESPA model boundary, but modeling was not required as the wells are all located in adjacent cells. All wells and POUs in the transfer are also located within water District 130. Watermaster comments will be solicited.

Transfer applications #87821, #87823 and #87935 are companion transfers. They are proposing moving stock and commercial water rights from different facilities to the same second facility this application is moving water to.

SCANNED
MAY 26 2023

# MEMORANDUM

**Date:** May 4, 2023

**To:** Transfer 87822

**From:** Bill Mills

**Re:** Fee Evaluation

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Filing fees charged for transfer application #87822 were based on the current transfer fee schedule and included $200.00 for the 0.13 cfs being transferred in the application (Receipt No.S039743).

SCANNED
MAY 26 2023

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
APR 18 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

April 17, 2023

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: L&S Land Holdings LLC

Dear Mr. Skinner:

L&S Land Holdings LLC desires to update the dairy milk facilities in Gooding County, Idaho. It is proposed to consolidate some of the smaller milking facilities in the general area into a more centralized and manageable operation.

It is proposed to move 22.4 acre feet of stock and commercial water from water right 36-8803 from the facility in T08S R15E Section 19 SW ¼ to Dairy #7 Barn 3 located in T08S R14E Section 25 NE ¼.

The existing water rights at the Dairy #7 Barn 3 are 36-7387D, 36-2312D and 36-10098. These water rights provide a total of 50.7 acre feet of annual volume for the dairy facility.

The beneficial use, period use and ownership of the 22.4 AFA will not be changing with this transfer application.

No ESPA model analysis was performed because the TO and FROM ESPA cells are adjacent to one another.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: L&S Land Holdings LLC
Enc: Transfer Application, Aerial Map, MetLife Consent Letter, Dairy Water Use Requirement, Annual Report, Brockway Engineering Check # 17417 for $200.00.

SCANNED
MAY 26 2023