

65-0253

250

65-02696

17 acres from
NWSW 520 to
NWNW 529.
BLM land to
private land
affects rights
65-02696 +
65-06628
see attachments
C2 and C3

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

T13N R04E

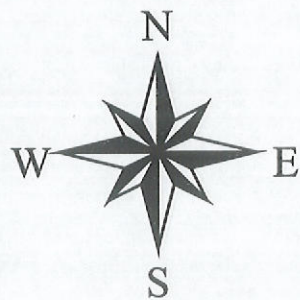
WATER RIGHT(S): 65-02534

OWNER(S): PANCHERI

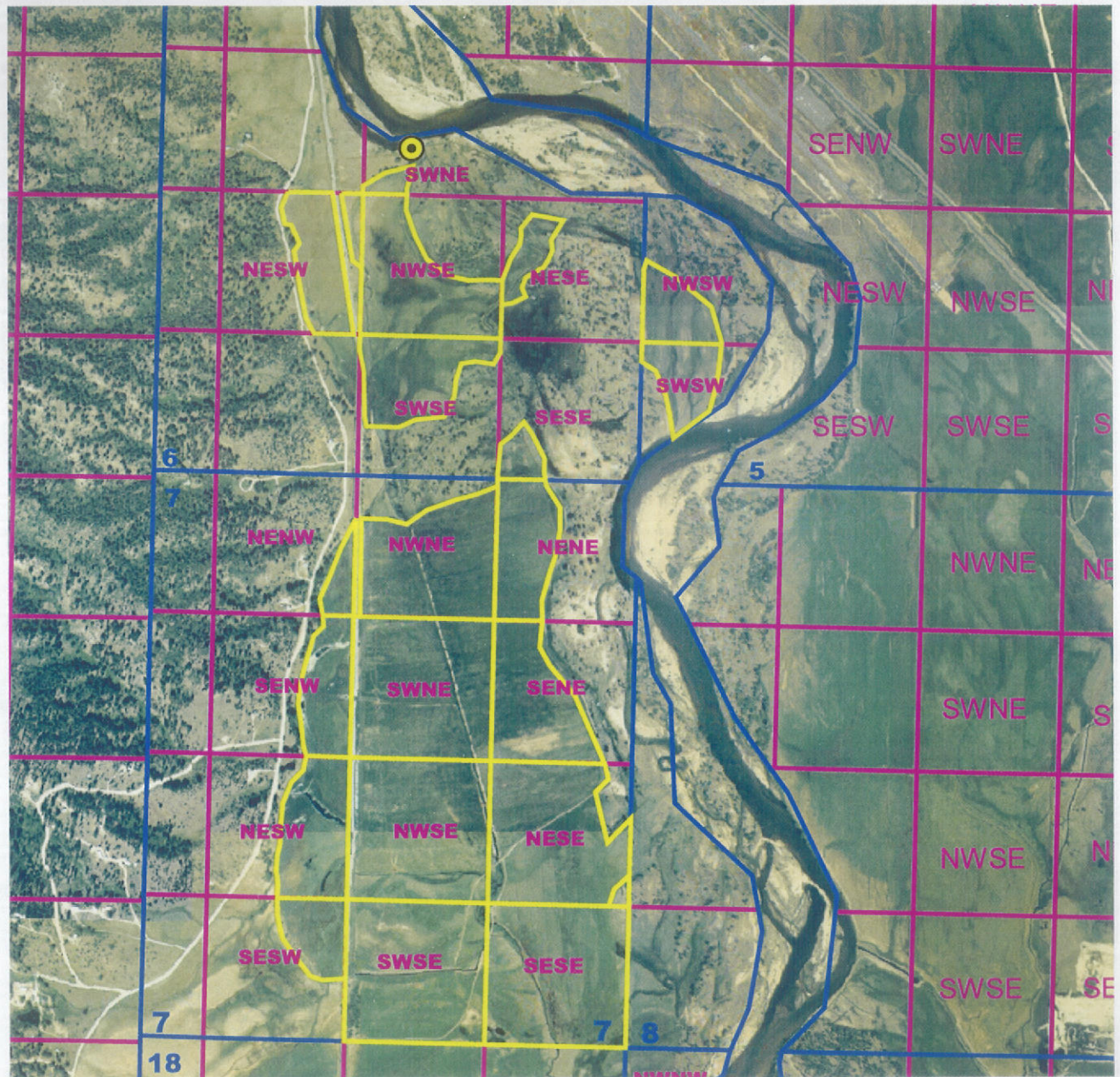
PREPARED BY SCOTT VAN HOFF

3 JUNE 1999

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER SECTION LINES



NAPP 1987



0 0.6 Miles

State of Idaho

License and Certificate of Water Right

Water License No. 21619

Amount 10 second feet

Water District No.

Priority July 21, 1950

THIS IS TO CERTIFY that CHRIS E. MILLER of Cascade, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 21, 1950; that Permit No. 21619 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 10 second feet, was issued thereunder on September 13, 1951, showing that said works were completed on the 6th day of July, 1951; and that on the 6th day of July, 1951,

CHRIS E. MILLER of Cascade, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Payette River, tributary of, for the purpose of Irrigation and domestic use, under Use Permit No. 21619 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4319, on the 13th day of September, 1951; The right hereby confirmed dates from July 21, 1951;

The Point of Diversion is located in the SW 1/4 NE 1/4, Sec. 6, Tp. 13 N., R. 4 E., B.M. Valley County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 10 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N.	4 E.	6	SW 1/4 NE 1/4	19.10	15
			NE 1/4 SW 1/4	16.9	5
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	37
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	39.65	39.65
		7	NE 1/4 NE 1/4	36.85	36.65
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	20
			SE 1/4 SE 1/4	40	40
		5	NW 1/4 SW 1/4	15.55	15.55
			SW 1/4 SW 1/4	12.70	12.70

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13th day of September, 1951.

(SEAL)

MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21619

This proof is for Completion of Works and Beneficial use in Water District No. _____

1. Name of applicant Chris E. Miller, Cascade, Idaho2. Source of water supply: Payette River3. Location of point of diversion: Is in the SW 1/4 NE 1/4 of Section 6T. 13 N. R. 4 E. County of Valley

4. Describe works as they exist, giving dimensions and capacities of same: Pump and motor set on a plank and timber arch 8 feet by 8 feet extended 2 feet above the level of the ground and over the edge of the river, and filled with large rocks. 15 H.P. motor, Make U.S., 220 volts, 40 amps., 3 phase, 60 cycles, 1800 R.P.M. Serial No. 857145. Pump is Johnston turbine No. 10-4150. The pump intake is 16 inch o.d., pump discharge is 16 inch o.d. and approximately 3 feet discharge is to the south into a plank flume. Flume sections as follows: 14 feet, 14 feet wide by 3 feet high, 10 feet, 3 feet wide by 3 feet high, 16 feet, 3 feet wide by 1 foot high. Switches and controls are Trumbull and Westinghouse.

5. Water is used for: Irrigation and domestic purposes.

6. State whether or not water has been turned into works of diversion: Yes. Serial No. 4, Cont. Power demand is 1.7 Kilowatt times 10. Motor is 240 volt C.E. Serial No. 857145. The motor and boxes are mounted on a square post 6 inches by 6 inches on the SW corner of the platform. The sump for the pump is directly over the pump in the river.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4 NE 1/4, NE 1/4 SW 1/4, SE 1/4 Section 6; E 1/4 Section 7; W 1/4 SW 1/4 Section 5;

All in Township 13 North, Range 4 East, B. M.

See map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: This is a large farm producing hay, grain and cloverseed, and pasturing live stock during the summer. Irrigation is both by wild flooding and subbing.

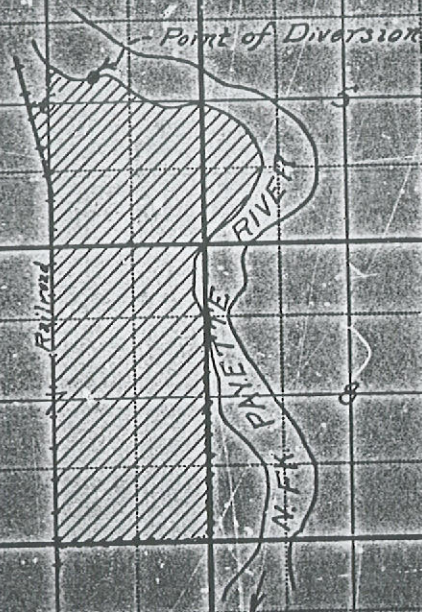
This examination was made on the 22nd day of August, 1951.

(Signed)

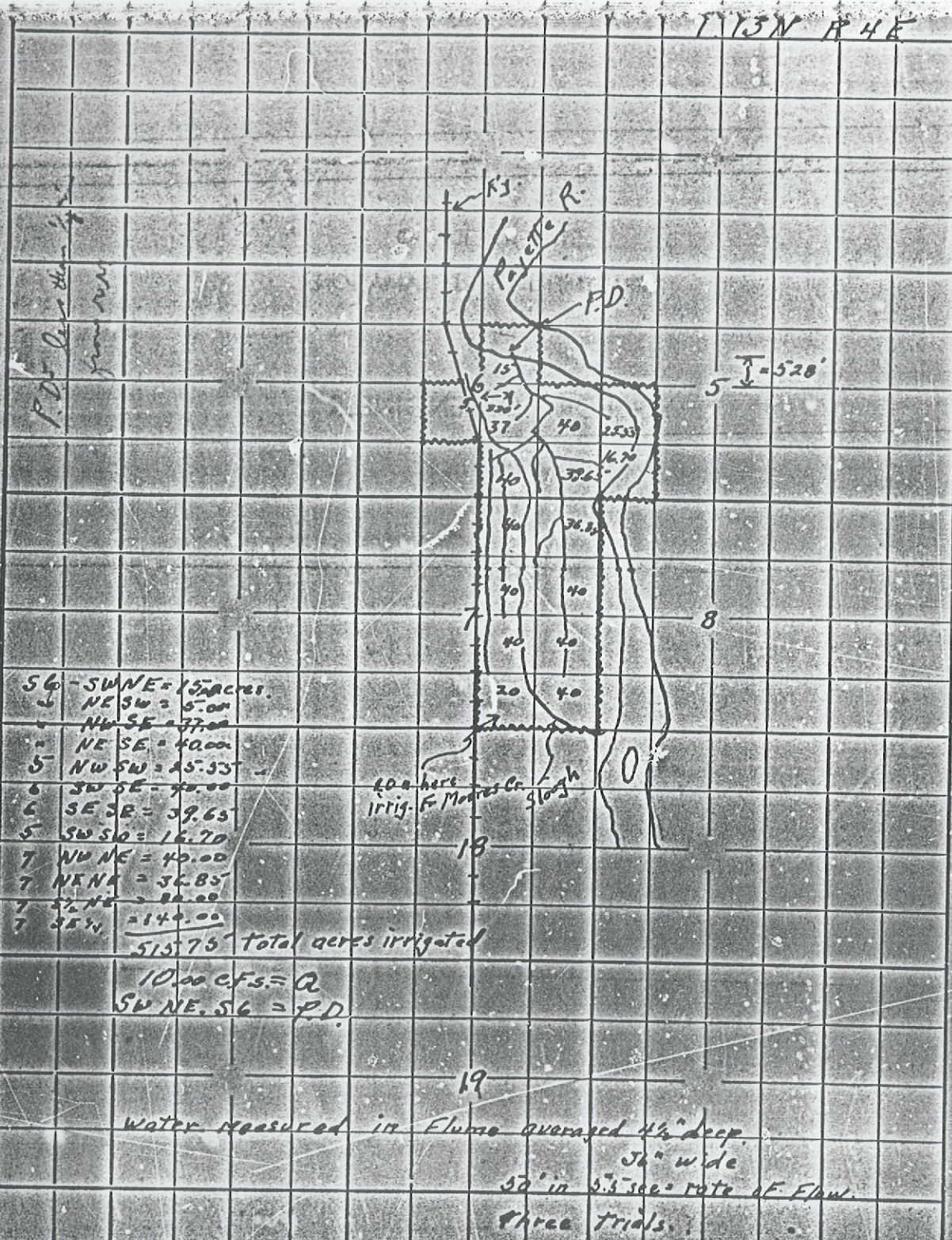
E. H. Humphrey

Examiner

T. 13 N., R. 4 E.



Permit Map No. 21619



1. Name of apt
 2. Source of w
 3. Location of
T. 13 N
 4. Describe w
a plank and
and over the
220 volts, A
turbine No.
MA approx
as follows:
16 feet, 3
5. Water is 1
 6. State whe
4, Cont. 1
23355890.2
corner of 1
7. List lega
4. There 1
of acres
than irri
SW.
A
 8. What
Remarks:
live.
- This

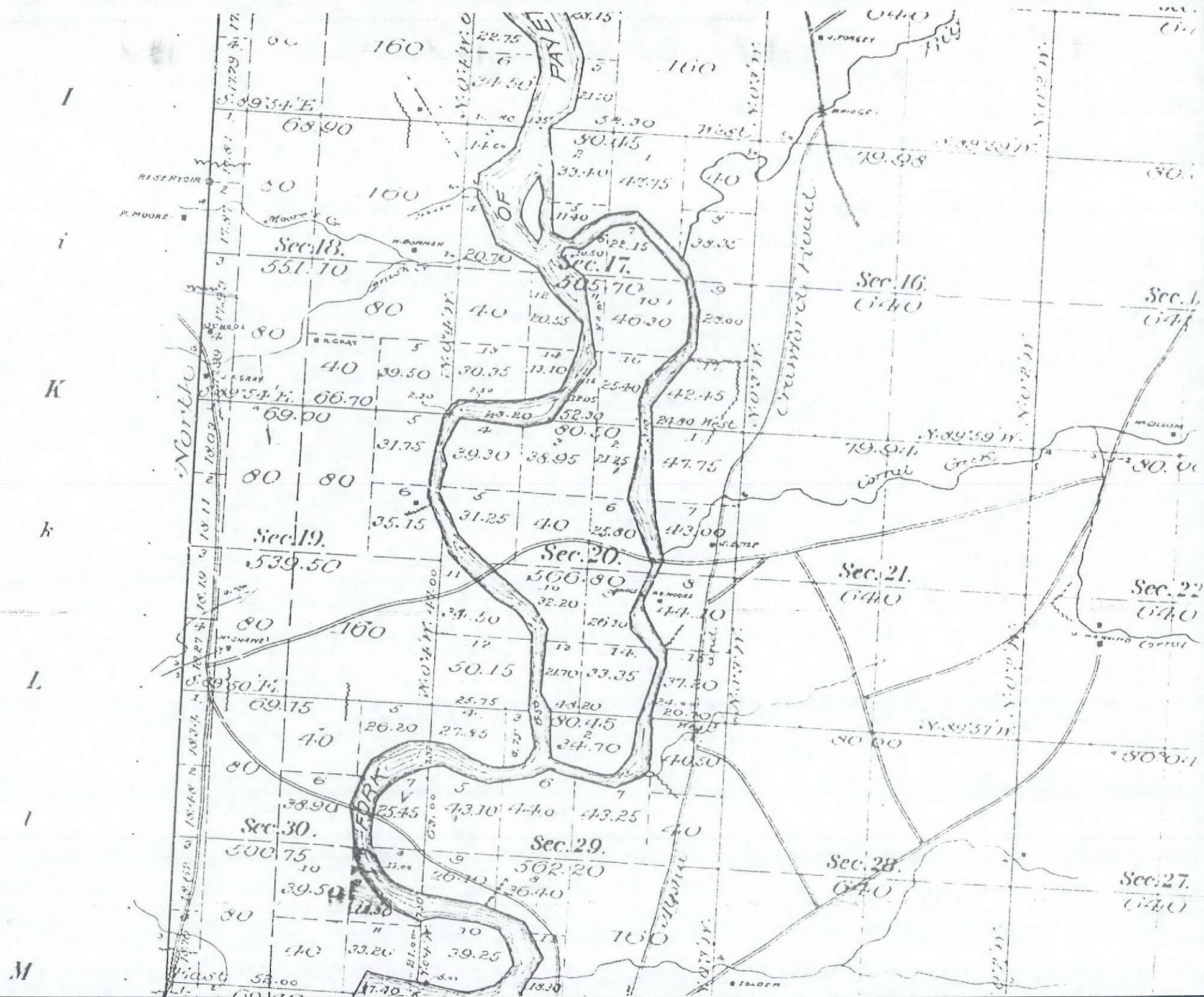


EXHIBIT A - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: NORTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2534	PANCHERI, DARWIN & PANCHERI, JOAN L. & PANCHERI, DUANE & PANCHERI, LAURA MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-6629 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/21/1950	IRRIGATION	4/15 10/15	--- AFA 10.0 CFS	SWNE S 6 T13N R 4E	NESW(15) NESE(5) NWSE(26) SWSE(18) SESE(4) LOT 13(SWNE)(2) S 6 T13N R 4E NENE(15) NWNE(30) SWNE(40) SENE(21) NENW(4) SENW(13) NESW(18) SESW(9) NESE(33) NWSE(40) SWSE(38) SESE(37) S 7 T13N R 4E LOT 12(NWSW)(9) LOT 13(SWSW)(9) S 5 T13N R 4E *386*	LICENSE
65-2696	PANCHERI, DARWIN & PANCHERI, JOAN L. & PANCHERI, LAURA & PANCHERI, DUANE MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-6628 & 65-6629 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/28/1961	IRRIGATION	4/15 10/15	--- AFA 13.46 CFS	LOT 13 (SWNE)S 6 T13N R 4E LOT 4 (SWNW) S 17 T13N R 4E LOT 14 (SESW) S17 T13N R 4E	NWSW(19) LOT 3(NWNW)(14) LOT 4(SWNW)(14) LOT 13(SWSW)(16) LOT 14(SESW)(6) S 17 T13N R 4E LOT 5 (NENE)(32) NWNE(40) SWNE(40) LOT 6 (SENE)(22) NENW(5) SENW(15) NESE(40) NWSE(20)	LICENSE

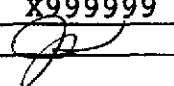
(Continued on next page)

INDICATES TOTAL

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02534
Date Received: 11/21/1988
Receipt No: X999999
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	DARWIN PANCHERI	208-467-1348
Address:	RT. 4, BOX 4261	
	NAMPA, ID	83686
OR		
Name:	JOAN L. PANCHERI	208-467-1348
Address:	RT. 4, BOX 4261	
	NAMPA, ID	83686
OR		
Name:	DUANE PANCHERI	208-495-2513
Address:	RT. 1, BOX 48	
	MELBA, ID	83641
OR		
Name:	LAURA PANCHERI	208-495-2513
Address:	RT. 1, BOX 48	
	MELBA, ID	83641

2. Date of Priority: JUL 21, 1950

3. Source: PAYETTE RIVER, NORTH FORK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	04E	6	SW	NE			VALLEY

5. Description of diverting works:
PUMP IN RIVER W/DITCHES FOR GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	10.000		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.

A65-02534

Page 1

Date: 11/21/88

MICROFILMED
SEP 18 1992

8. Total consumptive use is 772.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	04E	5	NW		SW	12	IRR	9.0
			SW		SW	13	IRR	9.0
							Section Acres	18.0
		6	SW		NE	13	IRR	2.0
			NE		SW		IRR	15.0
			NE		SE		IRR	5.0
			NW		SE		IRR	26.0
			SW		SE		IRR	18.0
			SE		SE		IRR	4.0
							Section Acres	70.0
		7	NE		NE		IRR	15.0
			NW		NE		IRR	30.0
			SW		NE		IRR	40.0
			SE		NE		IRR	21.0
			NE		NW		IRR	4.0
			SE		NW		IRR	13.0
			NE		SW		IRR	18.0
			SE		SW		IRR	9.0
			NE		SE		IRR	33.0
			NW		SE		IRR	40.0
			SW		SE		IRR	38.0
			SE		SE		IRR	37.0
							Section Acres	298.0
							Total Acres	386.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
CLAIM NO. A65-11250.

14. Remarks:

15. Basis of Claim: DECREED

A65-02534

Page 2

Date: 11/21/88

MICROFILMED

SEP 18 1992

Water Right Number: 21619
Case Number:
Court :
Decree date:

STATE OF IDAHO
Decree Plaintiff

A & C CORP., ET AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Darwin Sanchez Date: 11-21-88
Rene Sanchez Date: 11-21-88

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of November 19 88
Jan Sharte
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-02534**
Date Received: 11/21/1988
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name:	DARWIN PANCHERI	208-467-1348
Address:	9325 MISSOURI AVE	
	NAMPA ID	83686
OR		
Name:	JOAN L PANCHERI	208-467-1348
Address:	9325 MISSOURI AVE	
	NAMPA ID	83686
OR		
Name:	DUANE PANCHERI	208-495-2513
Address:	RT 1 BOX 48	
	MELBA ID	83641
OR		
Name:	LAURA PANCHERI	208-495-2513
Address:	RT 1 BOX 48	
	MELBA ID	83641

2. Date of Priority: JUL 21, 1950

3. Source: PAYETTE RIVER, NORTH FORK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	04E	6	SW	NE			VALLEY

5. Description of diverting works:
PUMP IN RIVER W/DITCHES FOR GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	10.000		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 772.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	04E	5	NW		SW	12	IRR	9.0
			SW		SW	13	IRR	9.0
							Section Acres	18.0
		6	SW		NE	13	IRR	2.0
			NE		SW		IRR	15.0
			NE		SE		IRR	5.0
			NW		SE		IRR	26.0
			SW		SE		IRR	18.0
			SE		SE		IRR	4.0
							Section Acres	70.0
		7	NE		NE		IRR	15.0
			NW		NE		IRR	30.0
			SW		NE		IRR	40.0
			SE		NE		IRR	21.0
			NE		NW		IRR	4.0
			SE		NW		IRR	13.0
			NE		SW		IRR	18.0
			SE		SW		IRR	9.0
			NE		SE		IRR	33.0
			NW		SE		IRR	40.0
			SW		SE		IRR	38.0
			SE		SE		IRR	37.0
							Section Acres	298.0
							Total Acres	386.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
CLAIM NO. A65-11250.

14. Remarks:
ADDRESS CHANGED PER CLAIMANT REQUEST 9/17/98. DB

15. Basis of Claim: DECREED

Water Right Number: 21619

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

IN THE DISTRICT COURT OF THE THIRD JUD. AL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

Valley

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM

IDENT. NO.

MAP NO.

TO A
WATER RIGHT

65-2534

Pancheri
(Name of Claimant)

Notice is hereby given that

Judson Valley Irrigation Assoc.

Judson Valley, Idaho 83632
(Mailing Address)

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued)

4/21/54 7/21/1950

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean)

N. Fork Payette River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

10 to 8:55 AM 10:20 AM 11:50 AM
Use (Domestic, irrigation, stock, etc.)

Period of Use From April 15 To Oct 15
(Mo., Day) (Mo., Day)
(Both Dates Inclusive)

Use (Domestic, irrigation, stock, etc.)

Period of Use From To
(Mo., Day) (Mo., Day)
(Both Dates Inclusive)

Use (Domestic, irrigation, stock, etc.)

Period of Use From To
(Mo., Day) (Mo., Day)
(Both Dates Inclusive)

(4) Quantity of water claimed: 68 10 Cubic Feet Per Second, or 1158 Acre Feet Per Annum, and/or Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 NE 1/4, Sec. 6, Twp. 13 N, Rge. 4 E, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible.

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
13 N	4 E	6			2						15				5	26	18	4	70
		7	15	30	40	21	4				13	18		9	33	40	38	37	254 298
		5									9	9							18
											412	413							

Total No. of acres 342 38

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into

(8) If you are claiming water as a member of an organization, list name of organization.

(9) Remarks This right when combined with 65-11250 shall not provide more than .02 cfs/A for 3 AKA

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case

☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

File 65-2534

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

KEYPUNCHED

(Date)

(Signature of Claimant)

2/10/77

Organization

(Signature of Spouse)

6/11/77

State of

ss.

Organization
Seal

County of

(Signature of Authorized Agent)

On this day of , in the year , before me,

a notary public, personally appeared

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing at

My commission expires

2/11/77

AKA

10/77

✓

MAP NO.

TO A

(Name of Claimant)

(Mailing Address)

The extent and nature of said claim is as follows:

- | | | |
|--|---|--|
| Quantity <u>14.0 cfs.</u>
(CFS. GPD. AF.) | Use <u>Irrigation & Domestic</u>
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both Dates Inclusive) |
| Quantity _____
(CFS. GPD. AF.) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both Dates Inclusive) |
| Quantity _____
(CFS. GPD. AF.) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both Dates Inclusive) |

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible.

- [illegible]

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- RECEIVED
MAR 23 1976

Department of Water Resources
Western Regional Office

Individual

(Signature of Claimant)

(Signature of Spouse)

(Signature of Authorized Agent)

Notary Public residing at _____

51-112800-11

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM**

**NOTICE OF CLAIM
TO A
WATER RIGHT**

MAP NO.

(Name of Claimant)

(Mailing Address)

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) 7/21/51
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) N. F. Payette River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(Both Dates Inclusive)
- Use Irrigation & Domestic Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)
- Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)
- Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)
- (4) Quantity of water claimed: 10.0 Cubic Feet Per Second, or _____ Acre Feet Per Annum,
and/or _____ Gals. Per Minute.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 6, Twp. 13 N., Rge. 4 E., B.M.; additional points: _____
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. _____
- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for
irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13 N. 4 E.	6				2						5				40	37	40	39.65	176.65
	7		16.85	40	40	40					15				40	40	20	40	296.85
	5		/	/	/	/						25.55	16.7		1		1	1	42.25
			/	30		21						1			13		38	37	
			15									9		9					

Total No. of acres 515.75

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic & irrig.

- (7) Effluent, sewage waste, or return water from this use is discharged into _____
- (8) If you are claiming water as a member of an organization, list name of organization. _____
- (9) Remarks _____
- (10) Basis of claim. (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case _____
☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.: _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

June 20 1973
(Date)

(Signature of Claimant)

State of Idaho } ss.
County of Blaine }

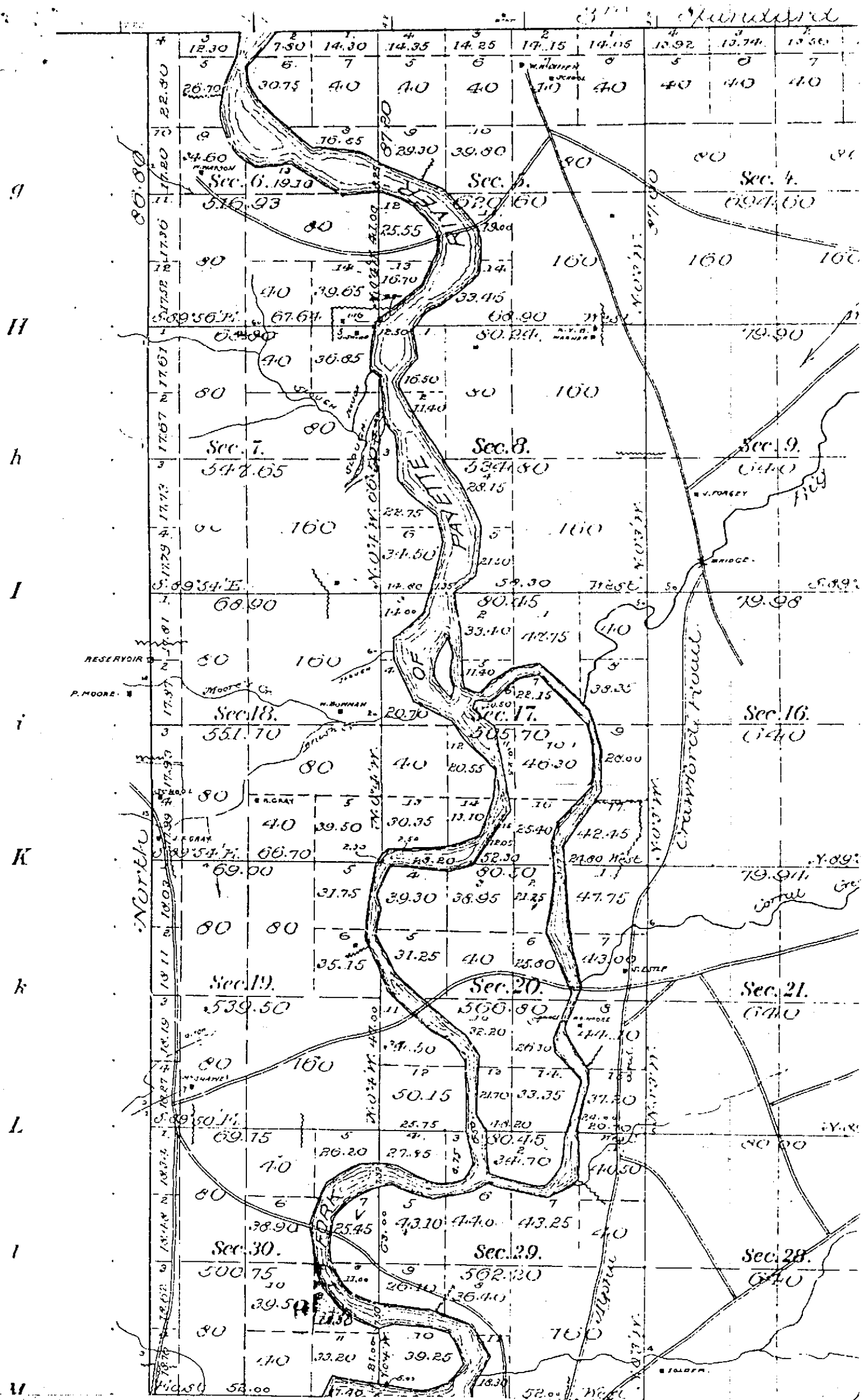
**Organization
Seal**

Organization Indian Valley Grap. Ass.
Clifford Johnson, Pres.
(Signature of Authorized Agent)

On this 20th day of June, in the year 1973, before me, a notary public, personally appeared Clifford Johnson known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

Notary Public residing at Boise, Idaho

My commission expires



MEMORANDUM

TO: File
From: Liberty Gagnon
Date: February 17, 2005
Subj: 65-2534, 65-2696, 65-6622, 65-6629, 65-6628, 65-11250

Old PRBA documents in 65-2534 file.

Thank you.

05/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-2534

NAME AND ADDRESS: JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

DUANE PANCHERI
19010 S CAN ADA RD
MELBA ID 83641

LAURA PANCHERI
19010 S CAN ADA RD
MELBA ID 83641

DARWIN PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

SOURCE: NORTH FORK PAYETTE RIVER

TRIBUTARY: PAYETTE RIVER

QUANTITY: 10.00 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-11250 AND ALL OTHER RIGHTS
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.0 AFA PER
ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

PRIORITY DATE: 07/21/1950

POINT OF DIVERSION:

T13N R04E S6 SWNE Within VALLEY County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	10.000 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T13N R04E S05 Lot 12 NWSW	9.0	T13N R04E S05 Lot 13 SWSW	9.0
T13N R04E S06 NESW	15.0	T13N R04E S06 NESE	5.0
T13N R04E S06 NWSE	28.0	T13N R04E S06 SWSE	18.0
T13N R04E S06 SESE	4.0	T13N R04E S07 NENE	15.0
T13N R04E S07 NWNE	30.0	T13N R04E S07 SWNE	40.0
T13N R04E S07 SENE	21.0	T13N R04E S07 NENW	4.0
T13N R04E S07 SENW	13.0	T13N R04E S07 NESW	18.0
T13N R04E S07 SESW	9.0	T13N R04E S07 NESE	33.0
T13N R04E S07 NWSE	40.0	T13N R04E S07 SWSE	38.0
T13N R04E S07 SESE	37.0		

386 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

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 AT A POINT IN TIME NO LATER THAN THE

ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

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.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

PURSUANT TO SECTION 42-1412(6), IDAHO CODE, THIS WATER RIGHT IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF WATER RIGHTS AS MAY BE DETERMINED BY THE SNAKE RIVER BASIN ADJUDICATION COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF THE FINAL UNIFIED DECREE.

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 65, PAYETTE RIVER.

WATER RIGHT NO. 65-2534
As Modified by Transfer No. 68958

In accordance with the approval of Transfer No. 68958, Water Right No. 65-2534 is now described as follows.

Right Holder: DARWIN PANCHERI OR
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

OR

DUANE PANCHERI OR
LAURA PANCHERI
19010 S CAN ADA RD
MELBA ID 83641

Priority Date: 07/21/1950

Source: NORTH FORK PAYETTE RIVER **Tributary:** PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	10.00 CFS	
			10.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NORTH FORK PAYETTE RIVER SWNE Sec. 6 Twp 13N Rge 04E VALLEY County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N 04E 5									9.0	9.0							18.0
									L 12	L 13							
13N 04E 6								15.0					5.0	28.0	18.0	4.0	70.0
13N 04E 7	15.0	30.0	40.0	21.0	4.0			13.0	18.0			9.0	33.0	40.0	38.0	37.0	298.0

Total Acres: 386

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65, Payette River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with Right 65-11250 and all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

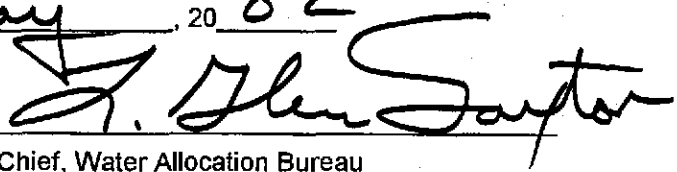
WATER RIGHT NO. 65-2534
As Modified by Transfer No. 68958

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1st day of May, 2002


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68958

RECEIVED

MAY 02 2002

WATER RESOURCES
WESTERN REGION

This is to certify that: DARWIN PANCHERI OR
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686
(208)467-1348
OR

DUANE PANCHERI OR
LAURA PANCHERI
19010 S CANADA RD
MELBA ID 83641
(208)495-2513

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. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
65-2534	AJC/Decreed	07/21/1950	10.00 cfs			386.0	PAYETTE RIVER
65-2696	AJC/Decreed	07/28/1961	14.96 cfs			673.0	PAYETTE RIVER
65-6628	AJC/Decreed	04/01/1912	12.56 cfs			628.0	BRUSH CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
65-2534	NO	NO	YES	NO	NO	NO
65-2696	NO	NO	YES	NO	NO	NO
65-6628	NO	NO	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
65-2534	65-2534	10.00 cfs	N/A	N/A	386.0		N/A	N/A	N/A	N/A
65-2696	65-2696	14.96 cfs	N/A	N/A	747.0		N/A	N/A	N/A	N/A
65-6628	65-6628	12.56 cfs	N/A	N/A	628.0		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68958

Detailed Water Right Description(s) attached

Dated this

1st

day of

May

, 20

02

J. Glen Saylor

Chief, Water Allocation Bureau



[illegible]

PART 1**6. General Information:**a. Description of diversion system NO CHANGEb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes / No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

FEDERAL LAND WILL NO LONGER BE IRRIGATED

d. Remarks:

affected water right portions: 65-2534 - 2 acres from SWNE 56 to NWSE 56 (05 cfs), 65-2696 + 65-6628 - 17 acres from NWSW 520 to NWNW 529 (34 cfs each)**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

Pg 3 of 9

WR5809NP
No. 65-02534IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORTDATE: 02/07/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	DARWIN PANCHERI RT. 4, BOX 4261 NAMPA ID 83686 (208) 467-1348	07/21/1950	IRRIGATION	04/15 10/15	10.000 CFS	
					TOTAL DIVERSION:	10.000 CFS
P	DUANE PANCHERI RT. 1, BOX 48 MELBA ID 83641 (208) 495-2513					
C	DARWIN PANCHERI					
C	JOAN L. PANCHERI 9325 MISSOURI AVE NAMPA ID 83686 (208) 467-1348					
C	DUANE PANCHERI					
C	LAURA PANCHERI					

Water Source: PAYETTE RIVER, NORTH FORK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T13N R04E S06

SWNE

VALLEY County

Place of use Legal Description for: IRRIGATION

NE								NW								SW								SE								
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
13N	04E	5	:					:					:										:								18.0	
13N	04E	6	:			13-02	:					:				15	:		05		26		18		04	:					70.0	
13N	04E	7	:	15		30		40		21	:	04			13	:	18			09	:	33		40		38		37	:		298.0	
																TOTAL ACRES										386.0						

Pou County: VALLEY

Dates: App. Received: Priority Date: 07/21/1950
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date: 09/13/1951

Misc: Water District Number: 65 Field Exam Fee:

Audit: 03/31/87 04/30/88 CONVERT 08/05/92 NAME-ADD 08/05/92 NAME-ADD
 02/08/98 CLEARFLD 09/17/98 KTownSEN

pg 4 of 9

WR5809NP
No. 65-02696

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO		DIVERSION RATE	DIVERSION VOLUME
P	DARWIN PANCHERI RT. 4, BOX 4261 NAMPA ID 83686 (208) 467-1348	07/28/1961	IRRIGATION	04/15	10/15	13.460 CFS	
				TOTAL DIVERSION:		13.460 CFS	
P	DUANE PANCHERI RT. 1, BOX 48 MELBA ID 83641 (208) 495-2513						
C	DARWIN PANCHERI 9325 MISSOURI AVE NAMPA ID 83686 (208) 467-1348						
C	LAURA PANCHERI						
C	DUANE PANCHERI						
C	JOAN L. PANCHERI 9325 MISSOURI AVE NAMPA ID 83686 (208) 467-1348						

+1.5 CFS
14.96 CFS per.
attached stipul
ation. IDWR
failed to update
data base.
see Attachment

Water Source: PAYETTE RIVER, NORTH FORK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:	T13N R04E S06 Lot 13(SWNE)	VALLEY County
	S17 Lot 04(SWNW) Lot 14(SESW)	VALLEY County
	S19 Lot 05(NENE)	VALLEY County
	S20 Lot 11(NWSW)	VALLEY County
	S29 Lot 04(NWNW)	VALLEY County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
13N	04E	17	:													69.0
13N	04E	18	:	39	38	38	39					28	30	39	05-38	289.0
13N	04E	19	:	05-32	40	40	06-22	05			15	40	20		40	254.0
13N	04E	20	:							11-17	12-20					37.0
13N	04E	29	:						04-01							1.0
13N	04E	30	:	05-23												23.0
															TOTAL ACRES	673.0

Pou County: VALLEY

Dates:	App. Received:	Priority Date:	07/28/1961
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		12/22/1969

Misc: Water District Number: 65 Field Exam Fee:

2 acres from
SWNE S6 to
NWSE S6.
BLM land to
private land
affects right
65-02534
see attachment
C1.

150

7

18

65-026

38

39

14

65-0269

18



affects rights
65-02696 +
65-06628
see attachments
C2 and C3

PART 3**B. CHANGES IN NATURE OF USE**N/A

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Subscribed and sworn to before me this

Duane Ranche

(Signature of Applicant)

16th

day of

February2001

, 19

Jan Thurtell

(Notary Public)

My commission expires

9-14-2006**FOR DEPARTMENT USE ONLY**Transfer contains 9 pages and 9 attachmentsReceived by [Signature] Date 2-16-01

Protest filed by _____

Prelim. check by [Signature] Fee 250.00Receipted by [Signature] Date 2-16-01RECEIPT W027374Published in Tong Valley Advocate

Copies of protest forwarded by _____

Pub. dates 2-4-11-11-21 Aug 1 & 8-01

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____

65-02534

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
13N	4E	5						⁴¹² 9	⁴¹³ 9										18
		6								15					5	28	18	4	70
		7	15	30	40	21	4			13	18			9	33	40	38	37	298

TOTAL 386

65-02696

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
13N	4E	17						⁴¹³ 14	⁴¹⁴ 14		⁴¹² 26	40	⁴¹³ 32	⁴¹⁴ 13					139
		18	39	38	38	39									34	26	39	⁴¹⁵ 38	291
		19	⁴¹⁵ 32	40	40	⁴¹⁶ 21	5			15					40	20		40	253
		20											⁴¹² 20						20
		29						⁴¹⁴ 17											17
		30	⁴¹⁵ 27																27

TOTAL 747

65-06628

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
13N	4E	17							⁴¹⁴ 3		18	⁴¹³ 15	⁴¹⁴ 6						42
		18										⁴¹⁴ 5	19	15	6	39	⁴¹⁵ 38		122
		19	⁴¹⁵ 32	40	40	⁴¹⁶ 22	12			27	38			32	40	40	40	40	403
		20										⁴¹² 20							20
		29						⁴¹⁴ 18											18
		30	⁴¹⁵ 23																23

TOTAL 628

FILED

SEP 13 1979

DAVID H. LEROY
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

THELMA R. KOLODZIEJ, CLERK

DEBBIE BRADY, DEPUTY

W. HUGH O'RIORDAN
Deputy Attorney General
Chief, Natural Resources Division

JOSEPHINE P. BEEMAN
Deputy Attorney General
Natural Resources Division
Telephone: (208) 384-2215

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)	CIVIL NO. 3667
DETERMINATION OF THE RIGHT)	
TO THE USE OF SURFACE AND)	NOTICE OF HEARING FOR MOTION
GROUNDWATERS OF THE PAYETTE)	TO AMEND THE PROPOSED FINDING
RIVER DRAINAGE BASIN.)	OF WATER RIGHTS TO CONFORM TO
	UNCONTESTED OBJECTION

TO: Warren H. Brown, Jane D. Flack, Joseph W. Jensen, Rhea B. Jensen, Dr. Floyd G. Johnson, F. Elizabeth Johnson, Harold L. Rohlfing, James A. Warner, Carl J. Wilt, Grace G. Wilt

YOU WILL PLEASE TAKE NOTICE That the Idaho Department of Water Resources will bring its NOTICE OF HEARING FOR MOTION TO AMEND THE PROPOSED FINDING OF WATER RIGHTS TO CONFORM TO UNCONTESTED OBJECTIONS on for hearing before this Court at the Canyon County Courthouse in Caldwell on the 20th day of September, 1979 at the hour of 2:00 o'clock p.m. or as soon thereafter as counsel can be heard.

DATED This 13th day of September, 1979.

DAVID H. LEROY

Attorney General of Idaho

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Natural Resources Division

RECEIVED
MAR 3 1982
F I L E D

Department of Water Resources

FEB 26 1982

William R. Hobbins CLERK
Arthur B. Reed DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO THE)
USE OF SURFACE AND GROUNDWATERS)
OF THE PAYETTE RIVER DRAINAGE)
BASIN.)

Civil No. 3667

O R D E R

This matter having come before the Court for hearing on March 24, 1980 upon Motion To Correct Clerical Oversights, filed by the Department of Water Resources which motion was granted in all other respects by Order dated September 20, 1979, and upon Motion For Order Approving Proposed Findings of Water Rights and Objection to Proposed Amendment thereto by the State of Idaho Department of Water Resources, filed by Orville Jackson, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that the proposed finding of water rights be amended in conformance with Exhibit A which is attached hereto and incorporated herein by this reference.

DATED this 25th day of February, 1982.

Gilbert C. Norris
GILBERT C. NORRIS
District Judge

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2696 VOL. II P. 234	PANCHERI, DARWIN & PANCHERI, JOAN L. & PANCHERI, LAURA & PANCHERI, DUANE MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-6628, 65-6622, & 65-6629 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/28/1961	IRRIGATION	4/15 10/15	--- AFA 24.90 CFS 14.96 CFS	LOT13 S 6 T13N R 4E LOT 4 S17 T13N R 4E LOT14 S17 T13N R 4E LOT 5 S19 T13N R 4E LOT11 S20 T13N R 4E LOT 4 S29 T13N R 4E	NWSW(40) LOT 3(14) LOT 4(14) LOT12(26) LOT13(32) LOT14(13) S17 T13N R 4E NENE(32) NUNE(39) SWNE(41) SENE(21) NENW(5) SENW(15) NESE(40) NWSR(20) SESE(40) S19 T13N R 4E NENE(27) S30 T13N R 4E NENE(39) NUNE(38) SWNE(38) SENE(39) NESE(34) NWSE(26) SWSE(39) SESE(38) S18 T13N R 4E LOT11(17) LOT12(20) S20 T13N R 4E *747*	LICENSE
65-3229 VOL. II P. 332	PANCHERI, DUANE & PANCHERI, JOSEPH ROUTE 1, MELBA, IDAHO 83641 REMARKS: SOURCE IS ALSO KNOWN AS HARPHAM CREEK, SCHOOL SECTION CREEK OR SILVER CREEK & PARKS CREEK.	8/12/1901	IRRIGATION	4/15 10/15	--- AFA .50 CFS	TRIBUTARY TO: NENW S36 T17N R 2E	CURTIS CREEK NWSW(11) SWSW(15) SESW(39) S25 T17N R 2E *65*	DECREE

CFS

Total Acres

POU

No Remarks

EXHIBIT A PAGE 16 OF 22

NOTION TO CORRECT CLERICAL ERRORS

AJ0749NP
No. R65-02534

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAURA PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513	07/21/1950	IRRIGATION	04-15 10-15	10.000 CFS	
				TOTAL DIVERSION:	10.000 CFS	
C	DARWIN PANCHERI					
C	JOAN L PANCHERI 9325 MISSOURI AVE NAMPA ID 83686 (208) 467-1348					
C	DUANE PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513					

Water Source: PAYETTE RIVER, NORTH FORK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T13N R04E S06

SWNE

VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM				
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac						
13N	04E	5	:												12-09	13-09				28	18	04	:	18.0				
13N	04E	6	:												15					05	26	18	04	:	70.0			
13N	04E	7	:	15	30	40	21	:	04			13	:	18			09	:	33	40	38	37	:	298.0				
																						TOTAL ACRES			386.0			

POU County: VALLEY

Other Rights: CLAIM NO. A65-11250.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-11250, 65-06628 &
65-02696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOAN L PANCHERI 9325 MISSOURI AVE NAMPA ID 83686 (208) 467-1348	07/28/1961	IRRIGATION	04-15 10-15	14.900 CFS	
				TOTAL DIVERSION:	14.900 CFS	
C	LAURA PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513					
C	DARWIN PANCHERI 9325 MISSOURI AVE NAMPA ID 83686 (208) 467-1348					
C	DUANE PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513					

Water Source: PAYETTE RIVER, NORTH FORK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T13N R04E S06 Lot13(SWNE)
S17 Lot04(SWNW) Lot14(SESW)
S19 Lot05(NENE)
S20 Lot11(NWSW)
S29 Lot04(NWNW)

VALLEY County
VALLEY County
VALLEY County
VALLEY County
VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
13N	04E	17	:					03-14	04-14			12-26	40	13-32	14-13					139.0
13N	04E	18	:	39	38	38	39									34	26	39	05-38	291.0
13N	04E	19	:	05-32	40	40	06-21	05		15						40	20		40	253.0
13N	04E	20	:																	37.0
13N	04E	30	:	05-27																27.0
																				TOTAL ACRES
																				747.0

POU County: VALLEY

Other Rights: 65-6628, 65-11250.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02534, 65-11250 &
65-06628 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DUANE PANCHERI	04/01/1912	IRRIGATION	04-15 10-15	12.560 CFS	
C	LAURA PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513					
				TOTAL DIVERSION:	12.560 CFS	
C	DARWIN PANCHERI					
C	JOAN L PANCHERI 9325 MISSOURI AVE NAMPA ID 83686 (208) 467-1348					

Water Source: BRUSH CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T13N R03E S13
R04E S18

SWSE
SESW

VALLEY County
VALLEY County

Place of use Legal Description for: IRRIGATION

			NE								NW								SW								SE												
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM						
13N	04E	17	:													04-03					18	13-15	14-06	:									42.0						
13N	04E	18	:																			04-05	19	:	15	06	39	05-38					122.0						
13N	04E	19	:	05-32		40		40	06-22	:	12				27				38					32	:	40	40	40	40				403.0						
13N	04E	20	:							:															:								37.0						
13N	04E	29	:							:															:								1.0						
13N	04E	30	:	05-23						:															:								23.0						
																																			TOTAL ACRES				628.0

POU County: VALLEY

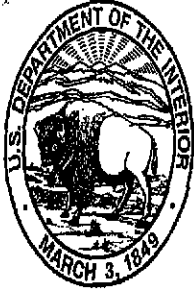
Other Rights: CLAIM NOS. 65-11250, 65-02696.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02534, 65-11250 &
65-02696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

POD 2 POINTS OF DIVERSION LOCATED IN T13N, R04E, S18 SESW

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

RECEIVED

APR 05 2001

WATER RESOURCES
WESTERN REGION

In Reply Refer To:
7250 (SRWR) (933b)

March 30, 2001

Gary Spackman, Regional Manager
Western Regional Office
Idaho Department of Water Resources
State of Idaho
2735 Airport Way
Boise, Idaho 83705

**RE: Transfer #68958, Pancheri
65-02534, 65-02696 and 65-06628**

Dear Mr. Spackman:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that the Pancheri's wish to transfer water under rights 65-02534, 65-02696 and 65-06628 from the federal public property to land which the Pancheri's own as private property. The federal public property legal descriptions are as follows:

65-02534:

T13N R04E S06 Lot 13 (SWNE) 2.0 acres

65-02696 and 65-06628:

T13N R04E S20 Lot 11 (NWSW) 17.0 acres
19.0 acres

TOTAL to be transferred off
of public land.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water

Transfer #68958, Pancheri

being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary A. Madenford". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gary A. Madenford

Water Rights Team Leader

cc:

Larry A. Brown, Dept. of Justice, ENRD
CACI, Boise

STATE OF IDAHO

)

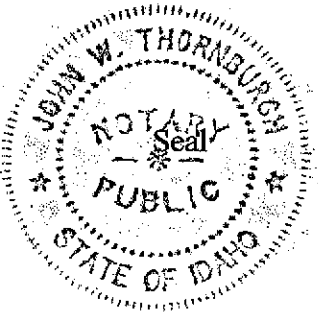
) ss:

COUNTY OF ADA

)

On this 30TH day of March, 2001, personally came before me, a notary public in and for said County and State, the within-named GARY A. MADENFORD, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



John W. Thornburgh

Notary public in and for the

State of Idaho,

County of Ada

Residing at Boise

My commission expires: 5-16-2003

**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

)
)
)
)
)

**Water Rights: 65-2534, 65-2696 &
65-6628**

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐

Address change

☐

Substitution of Party

XX IC § 42-222 transfer

☐

Point of diversion

XX

Place of use

☐

Period of use

☐

Nature of use

☐

Split of water right

☐

Change in ownership

XX Other – Remarks & Conditions

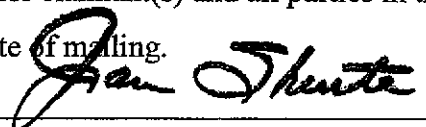
☐

IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 7, 2002



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 7, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

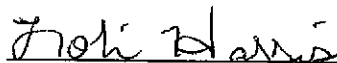
3. Copies to all parties to the subcase:

Duane Pancheri
Laura Pancheri
19010 S. Can Ada Rd.
Melba, ID 83641

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Darwin Pancheri
Joan L. Pancheri
9325 Missouri Ave.
Nampa, ID 83686

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

01/22/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-2534

NAME AND ADDRESS: DUANE PANCHERI
LAURA PANCHERI
19010 S CAN ADA RD
MELBA, ID 83641

DARWIN PANCHERI
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA, ID 83686

SOURCE: NORTH FORK PAYETTE RIVER TRIBUTARY: PAYETTE RIVER

QUANTITY: 10 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-11250, 65-06628 & 65-02696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE

PRIORITY DATE: 07/21/1950

POINT OF DIVERSION: T13N R04E S6 SWNE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-15 10-15	10.00 CFS

PLACE OF USE:

IRRIGATION Within VALLEY County

T13N R04E S5	LOT 12	NWSW	9	T13N R04E S5	LOT 13	SWSW	9
T13N R04E S6	LOT 13	SWNE	2	T13N R04E S6		NESW	15
T13N R04E S6		NESE	5	T13N R04E S6		NWSE	26
T13N R04E S6		SWSE	18	T13N R04E S6		SESE	4
T13N R04E S7		NENE	15	T13N R04E S7		NWNE	30
T13N R04E S7		SWNE	40	T13N R04E S7		SENE	21
T13N R04E S7		NENW	4	T13N R04E S7		SENW	13
T13N R04E S7		NESW	18	T13N R04E S7		SESW	9

T13N R04E S7	NESE	33	T13N R04E S7	NWSE	40
T13N R04E S7	SWSE	38	T13N R04E S7	SESE	37

386 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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	)	SUBCASE NO. 65-02534, 65-02696,
	)	65-06628 & 65-11250
Case No. 39576	)	
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

Duane Pancheri
Laura Pancheri
19010 S Can-Ada Rd
Melba ID 83641

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: January 22, 2001

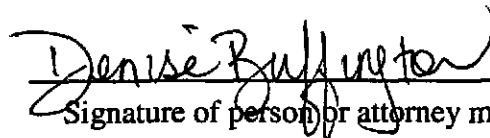


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 22, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Duane Pancheri
Laura Pancheri
19010 S Can-Ada Rd
Melba ID 83641
3. One Copy to:
Each party in the subcase or attorney of record:
N / A
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RECEIVED

JAN 18 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[X] Water Right Number(s):

65-02534

65-021096

65-06628 & 11250

[X] Claimant Name(s):

DUANE & LAURA PANCHERI

[X] Old Mailing Address:

RE 1 BOX 48

MELBA

ID 83641

[X] New Mailing Address:

19010 S. CAN-ADA RD.

MELBA

TO 83641

Telephone Number:

(208) 495-2513

[X] Signature of Claimant(s):

Duane Pancheri

Date:

1/18/01

9/8/98 -

New address: 9325 Missouri Ave.
Nampa, ID 83686

Names: Darwin Pancheri
Joan Pancheri

if possible add our son's name -
Joseph Kurt Pancheri

✓ Phone: 467-1348

Wells: Valley Co. Idaho

✓ Fax - 467-1348



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR DARWIN PANCHERI
~~15501 STAGECOACH~~
NAMPA ID 83686

9325 Missoula
Ave

Nampa 83686

per AS West
Director 1998

7/2/98

RE: LICENSING OF WATER RIGHT PERMITS

Dear Darwin:

After your call a few days ago, I checked the status of all your water rights in the Cabarton area. All of your permits for that site have been field examined in the last several years. The permits are now in the licensing process.

A perennial problem at this agency is not having the resources to complete everything in a timely manner. More often than not, completion of the licensing process is forced to take a back seat to more urgent work. This is regrettable but unavoidable given the present realities.

I hope that the licenses can be issued soon. The good news is that the beneficial use developed under the permits has been verified. The rights remain fully protected by completion of that verification.

Please let me now if you have any questions about this subject.

Sincerely,

Steve Lester
Water Rights Supervisor

INTER-DEPARTMENT MEMO--1

FROM Steve L.

DATE 9/15/98

TO Karlynn T.

SUBJECT Change in Address

They have Bs. 63 + Bs. 65 rights, maybe others too?

Recently I sent letter to Darwin P. c 5732 Grand Rd. address but it was returned w/ P.O. "forwarding address expired" language. I re-sent letter to new address as shown. I rec'd the attached from Darwin P. c 9/10/98.

Looks like can show new address for Darwin/John P. per attached. Does not appear can add son's name based on this, however (?).

thanks, -JK
SIGNATURE

CC - Western PRBA staff for claims



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 17, 1998

Re: Notice of Claim to a Water Right No. A65-02534, A65-02696, A65-06628
A65-11250, A63-25988 and A63-26208

Darwin Pancheri
Joan Pancheri
9325 Missouri Ave
Nampa ID 83686

Dear Mr. & Mrs. Pancheri:

Enclosed are copies of the above referenced claims which reflect the changes in address of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you would like to add Joseph Kurt Pancheri to any of your claims, please complete the enclosed Notice of Change of Water Right Ownership form and return with any appurtenant documentation indicating his interest in these claims.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure

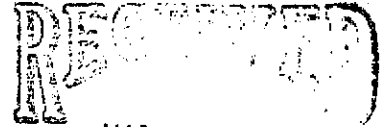
ANDERSON, KAUFMAN, ANDERSON AND RINGERT
CHARTERED
LAWYERS

EUGENE H. ANDERSON (1902-1972)
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
HOWARD R. FOLEY
JEFFREY R. CHRISTENSON

IDAHO BUILDING
BOISE, IDAHO 83701

March 22, 1978

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773



Idaho Department of Water Resources
Western Regional Office
92 South Cole Road
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

Re: Darwin Pancheri et al - Payette River Adjudication

Gentlemen:

Darwin and Joan L. Pancheri, husband and wife, and Duane and Laura Pancheri, husband and wife, of Melba, Idaho, are purchasing the property of Indian Valley Grazing Association south of Cascade, Idaho. The property is described on pages 1 and 2 of the Contract of Sale made August 10, 1973, between Indian Valley Grazing Association, Inc., and a partnership known as Skyline-Wepac Company, copies of which pages are herewith. The 1973 contract was assigned to the Pancheris by Assignment Agreement made the first day of May, 1976, a copy of which agreement is enclosed herewith.

In order to show the Pancheris as claimants with respect to water rights on the properties covered by the Contract of Sale with Indian Valley Grazing Association, we enclose herewith Amended Notice of Claim to a Water Right with respect to claims filed by Indian Valley Grazing Association under the following identification numbers: 65-2534, 65-2696, 65-6622, 65-6628, 65-6629 and 65-7379.

Please process these Amended Notices of Claims through your office, and forward them to the Clerk of the Third District Court, Gem County, for filing in the Payette River adjudication suit.

Our research indicates that additional waters from Moores Creek are appurtenant to portions of the land covered by the Contract of Sale. These additional rights were the subject matter of an action in the District Court for Valley County entitled Chris E. Miller, Plaintiff, vs. Dora R. House et al, Defendants. The rights identified in the Complaint in that case included the

March 22, 1978

water rights claimed in Notice No. 65-6622, as well as flow rights for 6.6 cfs. with priority date of May 1, 1891. We are enclosing a Notice of Claim covering the last mentioned water rights, which please process and forward to the Clerk for filing.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON & RINGERT

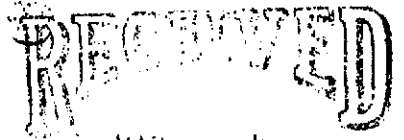
By


W. F. Ringert

WFR:am

Enclosures

cc: Clerk of the District Court, Emmett, Idaho



MAR 23 1974

CONTRACT OF SALE

Department of Water Resources
Western Regional Office

THIS AGREEMENT AND CONTRACT OF SALE, Made and entered into on this the 16th day of August, 1973, by and between INDIAN VALLEY GRAZING ASSOCIATION, INC., an Idaho corporation, hereinafter referred to as Seller; and a partnership composed of SKYLINE CORPORATION, an Idaho corporation, as first partner, and VAR SELLE WEAVER and ROBERT C. PACKARD, doing business as WE-PAC COMPANY, as second partner, hereinafter referred to as Buyers, and known as SKYLINE-WEPAC COMPANY;

WITNESSETH: That for and in the total consideration of the sum of ONE HUNDRED THIRTY-FOUR THOUSAND NINE HUNDRED SIXTY DOLLARS (\$134,960.00) to be paid by Buyers to the Seller at the times and in the manner hereinafter set forth, Seller does hereby agree to sell to Buyers and Buyers do hereby agree to purchase from Seller, upon the terms and conditions hereinafter set forth, certain real property situate in the County of Valley, State of Idaho, and more particularly described as follows, to wit:

In Township 13 North, Range 4 E.B.M.

Sec. 5: Lots 12 and 13;

Sec. 6: All that part of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ lying East of Cabarton Road. Also the W $\frac{1}{2}$ of the SE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, and Lot 14;

Sec. 7: The E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$.

Together with all water and water rights heretofore and now existing for use on the above described lands, including but not limited to all filed upon water rights with the State of Idaho, Department of Water Administration, as reflected where pertinent by Permit/License No. 21619, now designated as License No. 65-2534, a copy of which license is hereto attached and by reference there to made a part hereof the same as though set forth herein in full and at length.

Also, together with one 15 horsepower electric motor No. JC4150 with attached pumps, switches and other facilities.

Exhibit B

1 Also, together with a proportionate use ease-
2 ment in and to that certain easement grant
3 from the United States Department of Interior,
4 Bureau of Land Management, dated January 22,
5 1968, Serial No. I-608, for irrigation purposes,
6 and further including a term grazing permit
7 from the same government department dated
8 November 7, 1969, and continuing until February 28,
9 1980, for the equivalent of 3 AUM's of feed per-
10 taining to Lot 13 of Section 6, above described.

SUBJECT, HOWEVER, to Sellers and Grantors reserving
a certain ditch right-of-way crossing the above
described premises which carries irrigation water
from the North Fork of the Payette River to other
lands belonging to Sellers and Grantors situate
in Section 7 and Section 8 of Township 13 North,
Range 4 East of Boise Meridian.

RECORDED
INDEXED
MAY 1976

Deposited with the
Register of Deeds

ASSIGNMENT AGREEMENT

THIS AGREEMENT, Made and entered into this first day of May, 1976, by and between SKYLINE-WE PAC COMPANY, a partnership composed of The Skyline Corporation, an Idaho Corporation, and We-Pac, Company, a partnership composed of Var Belle Weaver and Robert C. Packard and their assigns as "Assignors," and DARWIN PANCHERI and JOAN L. PANCHERI, Husband and Wife, and DUANE PANCHERI and LAURA PANCHERI, Husband and Wife, as "Assignees,"

WITNESSETH:

That for and in consideration of the mutual covenants and conditions herein contained Assignors do hereby assign and set over to Assignees and Assignees do accept and agree to assume all Assignor's right, title, interest and obligations in and to those certain documents and the property described therein in Valley County, Idaho, to-wit:

1. Farmers Home Administration: That certain assumption agreement dated January 1, 1974 wherein the United States Government, acting through the Farmer's Home Administration, and the Assignors herein agreed to allow Assignees to assume certain obligations with the U. S. Government incurred by Indian Valley Grazing Association, Inc., incorporated herein and attached hereto as Exhibit C with an outstanding balance owed the U. S. Government of \$444,761.61 as of January 1, 1976, plus interest thereon at 7.625% from said date.
2. Indian Valley Grazing Association, Contract #1: That certain real estate purchase agreement dated 10th August, 1973 by and between Indian Valley Grazing Association, Inc., an Idaho Corporation as Seller and Assignors herein as Buyers in the original sum of Nine Hundred Fifteen Thousand Forty (\$915,040.00) Dollars and describing certain property in Valley County, Idaho, which description is

included therein, all of which is incorporated herein and attached hereto as Exhibit A, with an outstanding balance of \$283,104.37 as of January 1, 1976 with interest thereon at 7.5% per annum from said date.

3. Indian Valley Grazing Association, Contract #2: That certain real estate purchase agreement dated 10th August, 1973 by and between Indian Valley Grazing Association, Inc., an Idaho Corporation as Seller and Assignors herein as Buyers in the original sum of One Hundred Thirty Four Thousand Nine Hundred Sixty (\$134,960.00) Dollars and describing certain property in Valley County, Idaho, which description is included therein, all of which is incorporated herein and attached hereto as Exhibit B, with an outstanding balance of \$93,359.88 as of January 1, 1976 with interest thereon at 7.5% per annum from said date.

PROVISO:

It is understood and agreed that the balance shown as outstanding on the U. S. Government FHA assumption agreement paragraph herein may not properly credit Assignors with all payments made by them on said agreement prior to December 31, 1975. In the event an adjustment is necessary to accurately reflect said transactions, the parties agree that the amount of correction necessary to make the balance accurate will be paid by the appropriate party to the other within 60 days after the correction is entered by the FHA on the assumption agreement herein.

(It is anticipated that a payment made by Assignors in December 1973 was not properly applied to the assumption agreement in the amount of \$25,000.00 but that said amount (\$25,000.00) was deducted from the December 1975 payment by agreement of the Idaho State FHA office and not required to be paid by the Assignors herein, intending to reduce the amount showing as owed on the assumption agreement to a corrected amount, allowing for the December 1973 payment of \$25,000.00. However, interest on the amount not properly applied was probably charged to

Assignors in error, which amount, when determined, should be deducted from the amount being assumed herein by Assignees, reducing their debt. The amount should be paid over to Assignors if such is the case.)

DATE OF ASSIGNMENT:

It is agreed that Assignees are entitled to possession of said premises as of the date of this agreement and that taxes and interest on said indebtedness will be pro-rated as of the date of this agreement. Assignors share of taxes and interest will not be due and payable until the respective due dates of such payments in December 1976.

CONSIDERATION:

The consideration for this assignment is the reciprocal assignment to Assignors herein or their designees, by Assignees herein of their equity in approximately 1144 acres of property lying north of Cascade Reservoir and along the western edge of Long Valley in Valley County, Idaho.

It is agreed that Assignors shall be entitled to retain the use of the name Sky Ranch and the sign at the ranch entrance.

Assignees agree to promptly pay all annual mortgage or contract payments and taxes as they become due. In the event payments are not promptly made, Assignors may exercise the rights of Buyer set forth in Exhibits A and B and in the event FHA or Indian Valley shall bring suit to re-take possession of said premises or shall notify assignees or Assignors that they intend to declare the entire unpaid balance immediately due and payable because of default, Assignors may retake possession of the premises and may make any such delinquent payments as will remedy the default and may remain in possession until Assignees shall have compensated Assignor for all payments, costs and interest at 10% per annum on such total amount.

TITLE INSURANCE:

Each party warrants to the other that clear title is in them on the property being traded, subject only to the encumbrances disclosed and easements of record. Neither party will be required to furnish title insurance to the other. However, if an undisclosed cloud on title should arise, the warranty party shall be responsible for causing it to be removed within a reasonable time.

ESCROW:

A copy of this agreement and Assignor's Warranty deeds to the premises will be filed with the escrow holder, Idaho State Bank, Cambridge, Idaho; for delivery to Assignees when the contracts, exhibits A and B have been fully paid.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date herein above first written.

ASSIGNORS

THE SKYLINE CORPORATION

Attest

William A. Johnson

By

James Martin

WE-BAC COMPANY

Varselle Weaver

Janice Weaver
Janice & Varselle Weaver

Robert Packard

Talmadge & Robert Packard
Talmadge & Robert Packard

OTHERS

Amy R. Fogg MD

Cheryl & Gary Fogg
Cheryl & Gary Fogg

Delores Smith

Carol H. Smith
Delores & William E. Smith, SR.
T. 2N 2E 1. 21

ASSIGNEES

Darwin Pancheri

Darwin & Joan L. Pancheri
Darwin & Joan L. Pancheri

Joan Pancheri

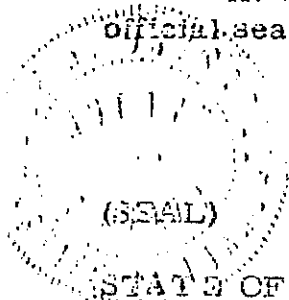
Duane & Laura Pancheri
Duane & Laura Pancheri

STATE OF IDAHO)

County of Ada) : ss.

On this 17 day of July, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared THE SKYLINE CORPORATION, an Idaho corporation, through its President, A. James Martin, known to me to be the corporation whose name is subscribed to the within instrument, and acknowledged to me that it executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



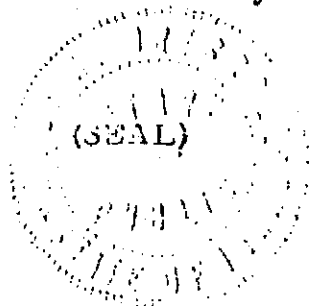
Paul L. Duvall
Notary Public for Idaho
Residing at Boise

STATE OF IDAHO)

County of Ada) : ss.

On this 17 day of July, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared VAR SELLE WEAVER and JANICE WEAVER, Husband and Wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Paul L. Duvall
Notary Public for Idaho
Residing at Boise

STATE OF IDAHO)

: SS.

County of Ada) s

On this 11th day of July, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT PACKARD and TALMADGE PACKARD, Husband and Wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public
Residing at Idaho

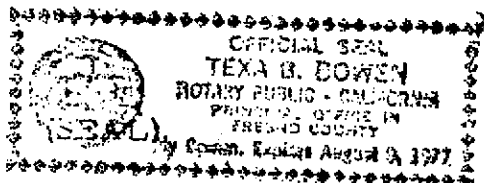
STATE OF CALIFORNIA)

: SS.

County of Fresno)

On this 16 day of June, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY FOGG and CHERYL FOGG, Husband and Wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public
Residing at Fresno, Ca

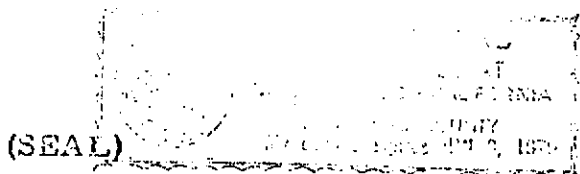
STATE OF CALIFORNIA)

: SS.

County of San Diego)

On this 11th day of June, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared ~~WILLIAM E.~~ SMITH, JR. and DELORES SMITH, Husband and Wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public
Residing at Escondido, California

STATE OF IDAHO)

County of _____ : ss.
)

On this 22 day of July, 1976, before me, the undersigned, a Notary Public in and for said state, personally appeared DARWIN PANCHERI and JOAN L. PANCHERI, Husband and Wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Wayne E Davis
Notary Public for Idaho
Residing at Caldwell

STATE OF IDAHO)

County of _____ : ss.
)

On this 22 day of July, 1976, before me, the undersigned, a Notary Public in and for said state, personally appeared DUANE PANCHERI and LAURA PANCHERI, Husband and Wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Wayne E Davis
Notary Public for Idaho
Residing at Caldwell

July 26, 1977

C
W. F. Ringert
Attorney at Law
ANDERSON, KAUFMAN, ANDERSON AND RINGERT
Idaho Building
Boise, Idaho 83701

O
Dear Mr. Ringert:

P
In response to your letter of June 29, 1977, regarding the possible water rights of Darwin and Duane Pancheri, we have found Indian Valley Grazing Association, Inc. filed adjudication claims 65-2696, 65-2534, 65-7379, 65-6622, 65-6628, and 65-6629. These claims are for water rights on the lands described in extracts of the contracts you provided.

Y
Please find enclosed copies of these claims and claim forms that your clients may file to amend these claims. In this manner the Pancheris can be listed as the holders of the water rights.

In addition, there may be unclaimed water rights in Section 7, T13N-R4E, that lie west of the railroad tracks and lands in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T13N-R3E, as well as possible rights for a part of Section 19, T13N-R4E.

If you or your clients need further assistance in this matter, please feel free to contact me.

Sincerely,

DONALD V. SHAFF
Water Resource Agent

DVS:lp

Enclosure

State of Idaho
License and Certificate of Water Right

Water License No. 21619
Water District No.

Amount 10 second feet
Priority July 21, 1950

THIS IS TO CERTIFY that CHRIS E. MILLER
of Cascade, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 21, 1950; that Permit No. 21619
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
10 second feet, was issued thereunder on September 13, 1951, showing that said works
were completed on the 6th day of July, 1951; and that on the 6th
day of July, 1951,

CHRIS E. MILLER
of Cascade, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Payette
River, a tributary of, for the purpose of Irrigation and
domestic use, under Use Permit No. 21619 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4819, on the 13th day of September, 1951;
The right hereby confirmed dates from July 21, 1951;

The Point of Diversion is located
in the SW 1/4 NE 1/4, Sec. 6, Tp. 13 N., R. 4 E., B.M. Valley Coun.
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 10 cubic feet per second.

Description and location of use:

Table with 6 columns: Twp., Range, Sec., Forty-acre Tract, No. Acres Described in Permit, No. Acres Actually Irrigated. It lists various land tracts and their corresponding acreages.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
13th day of September, 1951.

MARK R. KULP
State Reclamation Engineer

(SEAL)

65-2534

RECEIVED

AUG 16 2002

Department of Water Resources

2002 AUG 15 PM 4:07

DISTRICT COURT - SRBA
TWIN FALLS CO, 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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 65-02534

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 13, 2000, the United States of America, Bureau of Land Management filed an objection to the Place of Use. On May 13, 2002, IDWR filed a *Notice of Administrative Proceeding (NCAP)* changing the Place of Use element and language. Subsequently, on May 15, 2002, the United States filed a *Motion to Dismiss Objection*. The Motion is hereby **granted**.

II. CONCLUSIONS OF LAW

Therefore, it appearing that all objections have been resolved and based on the file and record herein and pursuant to the NCAP, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 65-02534*.

DATED: August 15, 2002.


THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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 65-02534

2002 AUG 15 PM 4:07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

RECEIVED

AUG 16 2002

Department of Water Resources

NAME AND ADDRESS: DUANE PANCHERI
LAURA PANCHERI
19010 S CAN-ADA RD
MELBA, ID 83641

DARWIN PANCHERI
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA, ID 83686

SOURCE: PAYETTE RIVER, NORTH FORK TRIBUTARY: PAYETTE RIVER

QUANTITY: 10.00 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-11250, 65-06628 &
65-02696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE NOR MORE THAN
3.0 AFA PER ACRE AT THE FIELD HEADGATE FOR THE IRRIGATION OF THE
PLACE OF USE.

PRIORITY DATE: 07/21/1950

POINT OF DIVERSION: T13N R04E S06 SWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	10.00 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T13N R04E S05 LOT 12 (NWSW) 9.0	LOT 13 (SWSW) 9.0
	S06 NESW 15.0	NESE 5.0
	NWSE 28.0	SWSE 18.0
	SESE 4.0	
	S07 NENE 15.0	NWNE 30.0
	SWNE 40.0	SENE 21.0
	NENW 4.0	SENW 13.0
	NESW 18.0	SESW 9.0
	NESE 33.0	NWSE 40.0
	SWSE 38.0	SESE 37.0
	386.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

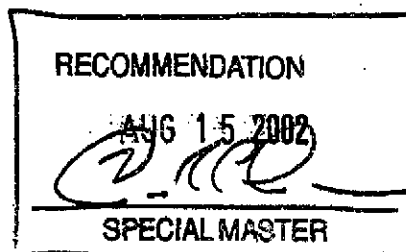
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THE
TRANSFER REFLECTED IN THE NOTICE OF COMPLETED ADMINISTRATIVE
PROCEEDING FILED WITH THE SRBA DISTRICT COURT ON MAY 13, 2002,
WITHIN ONE (1) YEAR OF THAT DATE.

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 AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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AUG 16 2002

Department of Water Resources

2002 AUG 15 PM 4:07

DISTRICT COURT-SRBA
TWIN FALLS CO. 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 65-02534

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 15, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DUANE PANCHERI
LAURA PANCHERI
19010 S CAN-ADA RD
MELBA, ID 83641
Phone: 208-495-2513

CERTIFICATE OF MAILING

PAGE 1
08/15/02

DARWIN PANCHERI
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA, ID 83686
Phone: 208-467-1348


DEBBIE LASH
Deputy Clerk

RECEIVED

AUG 16 2002

Department of Water Resources

2002 AUG 15 PM 4:07

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
~~DISTRICT OF THE~~

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

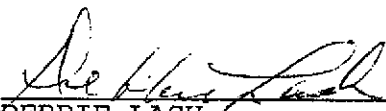
Water Right(s): 65-02534

On August 15, 2002, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 15, 2002.


DEBBIE LASH
Deputy Clerk

RECEIVED

MAY 20 2002

Names of Parties Filing Document:

Department of Water Resources

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division

LARRY A. BROWN
Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (202) 305-0435 FAX: (202) 305-0274

**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	)	Subcase Numbers 65-02534, 65-02696, and
	)	65-06628
Case No. 39576	)	
_____	)	MOTION TO DISMISS OBJECTIONS

Pursuant to Idaho R. Civ. P. 41(a)(2), the United States of America, by and through the undersigned attorney, respectfully moves this court for an order dismissing its objections to Water Right Claim Numbers 65-02534, 65-02696, and 65-06628, with prejudice, filed on behalf of the United States Department of Interior, Bureau of Land Management (hereinafter "BLM").

//

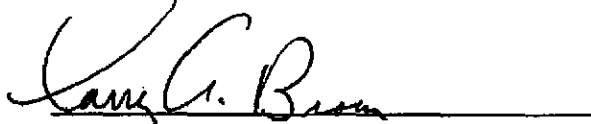
The BLM filed objections to Water Right Claim Numbers 65-02534, 65-02696, and 65-06628 asserted by Darwin Pancheri, Joan Pancheri, Duane Pancheri, and Laura Pancheri. On May 7, 2002, the Idaho Department of Water Resources (hereinafter "IDWR") filed and served Notices of Completed Administrative Proceeding (hereinafter "NCAPs") that resolved BLM's objections to the above-captioned subcases. Based upon the NCAPs, the BLM's objections should be dismissed, with prejudice.

There appearing to be good cause, this Court should issue an order dismissing the BLM's objections, with prejudice.

DATED this 14th day of May, 2002.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in cursive script, appearing to read "Larry A. Brown", is written over a horizontal line.

Larry A. Brown
Of Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that on May 14, 2002, I served a true and correct copy of the foregoing **MOTION TO DISMISS OBJECTIONS; SUBCASE 65-02534, 65-02696, and 65-06628 and proposed ORDER** by placing the documents in the United States Mail in Washington D.C., postage paid, and addressed as follows:

Original to:

Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

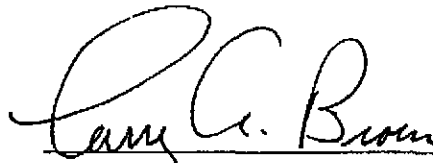
U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Darwin Pancheri
Joan L. Pancheri
9325 Missouri Ave.
Nampa, ID 83686

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Duane Pancheri
Laura Pancheri
19010 S. Can Ada Road
Melba, ID 83641



Signature of Attorney Serving Documents

**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	)	Subcase Numbers 65-02534, 65-02696, and
	)	65-06628
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO
	)	DISMISS OBJECTIONS

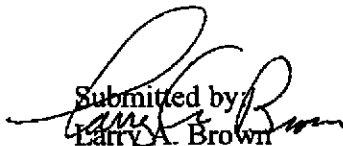
On May 14, 2002, the United States of America filed a Motion to Dismiss Objections in Subcase Numbers 65-02534, 65-02696, and 65-06628. The Motion states:

The BLM filed objections to Water Right Claim Numbers 65-02534, 65-02696, and 65-06628 asserted by Darwin Pancheri, Joan Pancheri, Duane Pancheri, and Laura Pancheri. On May 7, 2002, the Idaho Department of Water Resources (hereinafter "IDWR") filed and served Notices of Completed Administrative Proceeding (hereinafter "NCAPs") that resolved BLM's objections to the above-captioned subcases. Based upon the NCAPs, the BLM's objections should be dismissed, with prejudice.

Based upon the Motion of the United States, the NCAPs filed in the above-captioned subcases, and the record herein, and there appearing to be good cause, it is

ORDERED that the United States Department of the Interior, Bureau of Land Management's objections in Subcases 65-02534, 65-02696, and 65-06628 are dismissed, with prejudice.

DATED this ____ day of _____, 2002.


Submitted by
Larry A. Brown

Of Attorneys for the United States

Special Master, Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I certify that on _____, 2002, I served a true and correct copy of the foregoing **ORDER GRANTING MOTION TO DISMISS OBJECTIONS; SUBCASES 65-02534, 65-02696, and 65-06628** by placing the document in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Darwin Pancheri
Joan L. Pancheri
9325 Missouri Ave.
Nampa, ID 83686

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Duane Pancheri
Laura Pancheri
19010 S. Can Ada Road
Melba, ID 83641

Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 7, 2002

Duane Pancheri
Laura Pancheri
19010 S. Can Ada Rd.
Melba, ID 83641

Darwin Pancheri
Joan L. Pancheri
9325 Missouri Ave.
Nampa, ID 83686

Dear Duane & Laura and Darwin & Joan:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 22, 2001

DUANE PANCHERI
LAURA PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

RE: Water Right No. 65-02534, 65-02696, 65-06628 & 65-11250

Dear Property Owners:

Enclosed is a copy of the above referenced water right, which reflects your change in address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosures

AJ0749NP
No. R65-02534

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAURA PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513	07/21/1950	IRRIGATION	04-15 10-15	10.000 CFS	
TOTAL DIVERSION:					10.000 CFS	
C	DARWIN PANCHERI					
C	JOAN L PANCHERI 9325 MISSOURI AVE NAMPA ID 83686 (208) 467-1348					
C	DUANE PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513					

Water Source: PAYETTE RIVER, NORTH FORK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T13N R04E S06

SWNE

VALLEY County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE						
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
13N	04E	5	:								:								:						:	18.0
13N	04E	6	:								:					15			:	05	26	18	04	:	70.0	
13N	04E	7	:	15	30	40	21	:	04		:			13	:	18			:	09	33	40	38	37	:	298.0
TOTAL ACRES																							386.0			

POU County: VALLEY

Other Rights: CLAIM NO. A65-11250.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-11250, 65-06628 &
65-02696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R65-02534

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAURA PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513	07/21/1950	IRRIGATION	04-15 10-15	10.000 CFS	
				TOTAL DIVERSION:	10.000 CFS	
C	DARWIN PANCHERI					
C	JOAN L PANCHERI 9325 MISSOURI AVE NANPA ID 83686 (208) 467-1348					
C	DUANE PANCHERI RT 1 BOX 48 MELBA ID 83641 (208) 495-2513					

Water Source: PAYETTE RIVER, NORTH FORK Tributary to: PAYETTE RIVER Stage: DECREED
Point(s) of Diversion: T13N R04E S06 SWNE VALLEY County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE					
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
13N	04E	5	:																18.0	
13N	04E	6	:			13-02	:					15			05	26	18	04	70.0	
13N	04E	7	:	15	30	40	21	:	04			13		18	09	33	40	38	37	298.0
TOTAL ACRES																			386.0	

POU County: VALLEY

Other Rights: CLAIM NO. A65-11250.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-11250, 65-06628 &
65-02696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

WESTERN REGION

OWNER (S): Pancheri

CLAIM NUMBERS: 65-02534

AGENT: Scott Van Hoff DATE 6-2-97

RIGHT NO					NE				NW				SW				SE			
	TSP	RNG	SEC		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
65-02534	13N	4E	5											9	9					
	13N	4E	6				2						15				5	26	18	4
	13N	4E	7		15	30	40	21	04			13	18			9	33	40	38	37

P.O.D. TOWNSHIP RANGE SEC. SOURCE

13N 4E 6 SWNE Payette River, north fork 386

POLYGON CREATED ON 327

POLYGON # () () () () UPDATED BY sdvh

ATTRIBUTES OF B65-POU.SHP (236) (239) () () ()

ATTRIBUTES OF B65-POD.SHP (230) () () () ()

✓ B65-DBPOU.DBF UPDATED BY sdvh

✓ B65-DBPOD.DBF UPDATED BY sdvh

NOTES:

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

T13N R04E

WATER RIGHT(S): 65-02534

OWNER(S): PANCHERI

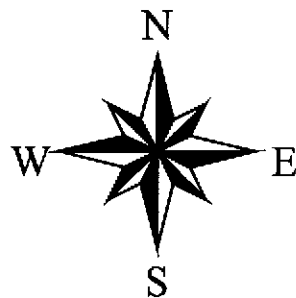
PREPARED BY SCOTT VAN HOFF

3 JUNE 1999

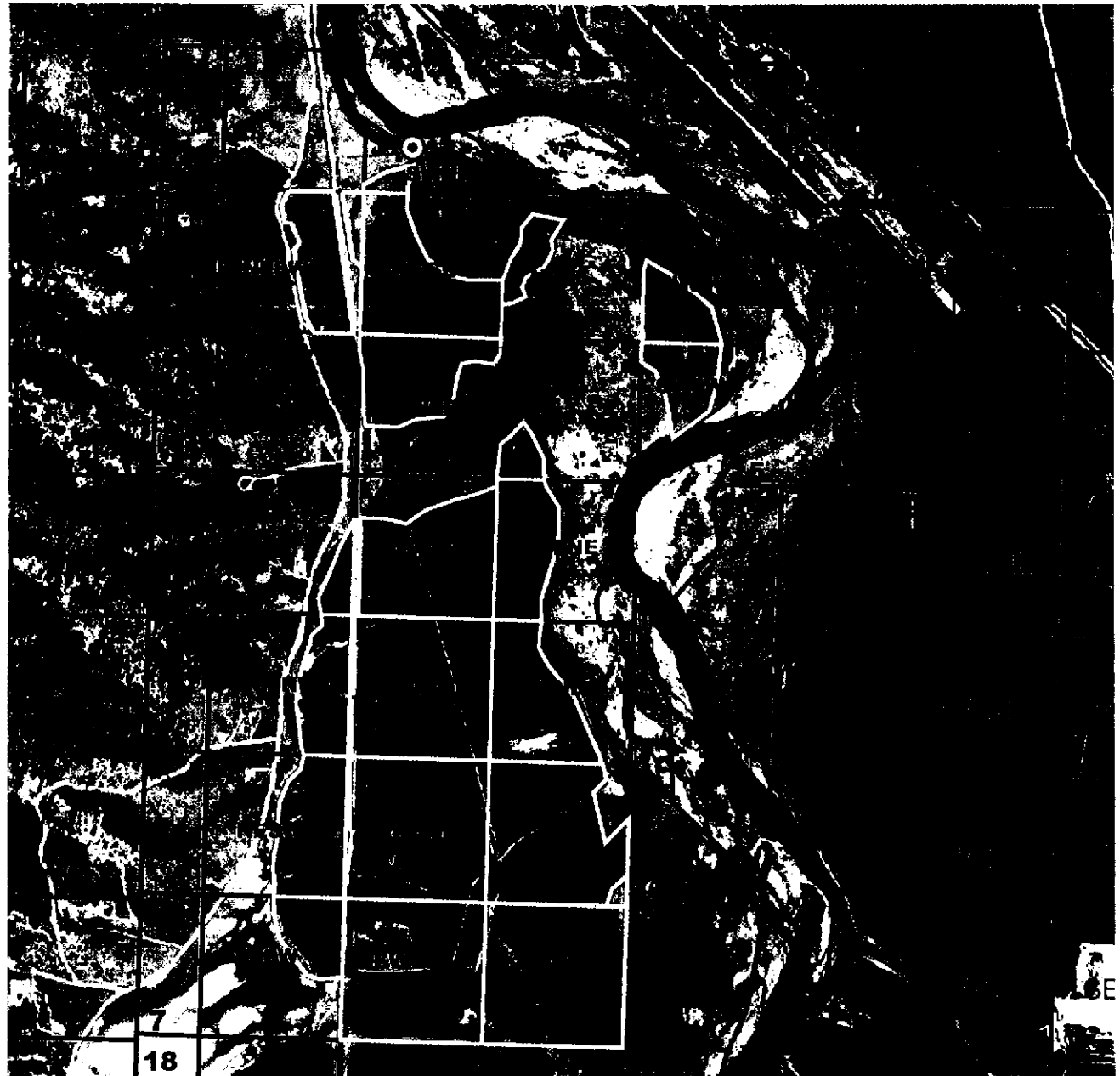
⊙ POINT OF DIVERSION
PLACE OF USE

□ SECTION LINES

□ QUARTER SECTION LINES



NAPP 1987



0 0.6 Miles



MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 232

INDICATES TOTAL

SOURCE: NORTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-9080	CULWELL, DELBERT E. 4114 HILL ROAD, BOISE, IDAHO 83703 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-9081 SHALL PROVIDE FOR DOMESTIC NO MORE THAN .04 CFS NOR 1.2 AFA.	6/ 1/1924	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NESW S 8 T18N R 3E	NESW S 8 T18N R 3E	BENEFICIAL USE
65-2338X	IDAHO POWER COMPANY 1220 IDAHO STREET, BOISE, IDAHO 83706	10/ 6/1925	POWER	1/ 1 12/31	--- AFA 25.00 CFS	LOT 1 S26 T14N R 3E	LCT2 S25 T14N R 3E	LICENSE
65-2338A	IDAHO POWER COMPANY 1220 IDAHO STREET, BOISE, IDAHO 83706	8/24/1937	POWER	1/ 1 12/31	--- AFA 125.00 CFS	LOT 1 S26 T14N R 3E	LCT2 S25 T14N R 3E	LICENSE
65-2927	U. S. DEPT. OF INTERIOR BUREAU OF RECLAMATION, ATTN: 424 BOX 043, 550 WEST FORT STREET, BOISE, IDAHO 83724 REMARKS: PLACE OF USE IS PAYETTE RIVER VALLEY.	12/24/1937	POWER STORAGE	1/ 1 12/31	700000.00 AFA --- CFS	LOT 1 S26 T14N R 3E LOT 5 S26 T14N R 3E	SAME AS OTHER USE	LICENSE
			IRRIGATION STORAGE	1/ 1 12/31	700000.00 AFA --- CFS		SAME AS OTHER USE	
			IRRIGATION FROM STOR	1/ 1 12/31	700000.00 AFA --- CFS		SAME AS OTHER USE	
			POWER FROM STOR	1/ 1 12/31	700000.00 AFA --- CFS *700000.00*AFA *---*CFS		SAME AS OTHER USE	
65-10374	KOWLAND, LEONARD BOX 809, MC CALL, IDAHO 83638	6/ 1/1949	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 3 S 8 T18N R 3E	LCT3 S 8 T18N R 3E	BENEFICIAL USE
65-2534	PANCHERI, DARWIN & PANCHERI, LEAN L. & PANCHERI, OLANE & PANCHERI, LAURA MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-11250 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/21/1950	IRRIGATION	4/15 10/15	--- AFA 10.00 CFS	SWNE S 6 T13N R 4E	NESW(15) NESE(5) NWSE(26) SWSE(18) SESE(4) LOT(13) 2) S 6 T13N R 4E NENE(15) NWNE(30) SWNE(40) SESE(21) NENW(4) SENW(13) NESH(18) SESH(9) NESE(33) NWSE(40) SWSE(38) SESE(37) S 7 T13N R 4E LGT(2) 9) LCT(13) 9) S 5 T13N R 4E *10.00	LICENSE

386

State of Idaho

License and Certificate of Water Right

Water License No. 21619

Amount 10 second feet

Water District No.

Priority July 21, 1950

THIS IS TO CERTIFY that CHRIS E. MILLER

of Cascade, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 21, 1950; that Permit No. 21619 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 10 second feet, was issued thereunder on September 13, 1951, showing that said works were completed on the 6th day of July, 1951; and that on the 6th day of July, 1951,

CHRIS E. MILLER

of Cascade, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Payette River, tributary of, for the purpose of Irrigation and domestic use, under Use Permit No. 21619 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4419, on the 13th day of September, 1951; The right hereby confirmed dates from July 21, 1951;

The Point of Diversion is located in the SW 1/4 NE 1/4, Sec. 8, Tp. 13 N., R. 4 E., B.M. Valley County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 10 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N.	4 N.	6	SW 1/4 NE 1/4	19.10	15
			NE 1/4 SW 1/4	16.9	5
			NE 1/4 SE 1/4	40	40
			NE 1/4 SW 1/4	40	37
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	29.85	29.85
		7	NE 1/4 NE 1/4	36.85	36.85
			NE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	40
		8	NE 1/4 SE 1/4	18.55	18.55
			SE 1/4 SE 1/4	18.70	18.70

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

13th day of September, 1951.

MARK R. KILP

State Reclamation Engineer

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21619

This report for completion of works and beneficial use in Water District No. _____

1. Name of applicant: Chris E. Miller, Cascade, Idaho2. Source of water supply: Payette River3. Location of point of diversion: Is in the SW 1/4 NE 1/4 of Section 6in T. 13 N., R. 4 E., County of Valley

4. Describe works as they exist, giving dimensions and capacities of same: Pump and motor set on a plank and timber arch, 8 feet by 8 feet extended 8 feet above the level of the ground and over the edge of the river, and filled with large rocks. 15 H.P. motor, Make U.S., 220 volts, 40 amps., 3 phase, 60 cycle, 1800 r.p.m., Serial No. 857145. Pump is Johnstone turbine No. 10 4150. The pump intake is 16 inch s.d., pump discharge is 16 inch s.d. approximately 6 foot discharge is to the South into a plank flume. Flume sections as follows: 14 feet, 2 feet wide by 2 feet high, 10 feet, 3 feet wide by 3 feet high, 16 feet, 5 feet wide by 1 foot high. Switches and controls are Trumbull and Westinghouse.

5. Water is used for: Irrigation and domestic purposes.

6. State whether or not water has been turned into works of diversion: Yes.

7. Cont. Power demand is 1.7 Kilowatt times 10. Motor is 240 volt C.E. Serial No. 857145. The motor and boxes are mounted on a square post 6 inches by 6 inches on the SW corner of the platform. The pump for the pump is directly over the pump in the river.

8. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation.)

SW 1/4 NE 1/4 NE 1/4 SW 1/4 SE 1/4 Section 6; E 1/2 Section 7; W 1/2 SW 1/4 Section 5;

All in Township 13 North, Range 4 East, B. M.

See map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

This is a large farm producing hay, grain and cloverseed, and pasturing live stock during the summer. Irrigation is both by wild flooding and subbing.

This examination was made on the 28th day of August, 19 51.

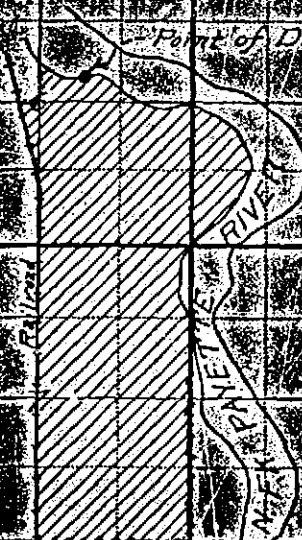
(Signed)

E. H. Hines

EXAMINER

T. 13 N. R. 4 E.

Point of Diversion



Permit Map No. 21619

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:02:25
05/12/99

PAGE: 1
GENERAL INFORMATION

154
CLAIM NUMBER: A65-02534

LAST: PANCHERI
ADDRESS: 9325 MISSOURI AVE
CITY: NAMPA
PHONE NUMBER: 208-467-1348

FIRST: DARWIN
STATE: ID ZIP: 83686

OWNER CODE: C

LAST: PANCHERI
ADDRESS: 9325 MISSOURI AVE
CITY: NAMPA
PHONE NUMBER: 208-467-1348

FIRST: JOAN L
STATE: ID ZIP: 83686

OWNER CODE: C

LAST: PANCHERI
ADDRESS: RT 1 BOX 48
CITY: MELBA
PHONE NUMBER: 208-495-2513

FIRST: DUANE
STATE: ID ZIP: 83641

OWNER CODE: C

LAST: PANCHERI
ADDRESS: RT 1 BOX 48
CITY: MELBA
PHONE NUMBER: 208-495-2513

FIRST: LAURA
STATE: ID ZIP: 83641

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN ADDRESS CHANGED PER CLAIMANT REQUEST 9/17/98. DB

PAGE: 2
FIELD EXAMINATION INFORMATION

155
CLAIM NUMBER: A65-02534

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: __:__ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-02534 PRIORITY DATE: 07-21-1950 STAGE: D

B. WR RECORD: # 65-02534 PRIORITY DATE: 07-21-1950 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☐) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☐) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☐) Y(☐) N(☐)

LICENSE ISSUED

N/A(☐) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A(☐) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

07-21-1950

REVIEWED BY SVH

DATE 6-2-99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-02534	13N	04E	6		SW	NE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-02696 65-19702

WR RECORDS IN SAME 40 ACRE TRACT
65-02696

SOURCE: PAYETTE RIVER, NORTH FORK

TRIB: PAYETTE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-02534	13N	04E	6		SW	NE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A65-02696 65-19702

SOURCE: PAYETTE RIVER, NORTH FORK

TRIB: PAYETTE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____) NAME OF EXAMINER _____ Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (☒)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
13N	04E	6		SW	NE					
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: PAYETTE RIVER, NORTH FORK

TRIB: PAYETTE RIVER

REVIEWED BY: SOH

DATE: 6-2-99

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (☒) , OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A65-02534

B. POULISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	04E	5	NW	SW	12	PANCHERI, DARWIN	A65-02534 /	9.0 65-02534 /	9.0	8.0	9
13N	04E	5	SW	SW	13	PANCHERI, DARWIN	A65-02534 /	9.0 65-02534 /	9.0	2.0	9
13N	04E	6	SW	NE	13	PANCHERI, DARWIN	A65-02534 /	2.0 65-02534 /	2.0	7.0	2
			SW	NE	13	AMERICA ACTING THROUGH, UNITED	65-19702 /	- /			
13N	04E	6	NE	SW		PANCHERI, DARWIN	A65-02534 /	15.0 65-02534 /	15.0	20.0	15
13N	04E	6	NE	SE		PANCHERI, DARWIN	A65-02534 /	5.0 65-02534 /	5.0	29.0	5
13N	04E	6	NW	SE		PANCHERI, DARWIN	A65-02534 /	26.0 65-02534 /	26.0	38.0	26
13N	04E	6	SW	SE		PANCHERI, DARWIN	A65-02534 /	18.0 65-02534 /	18.0	21.0	18
13N	04E	6	SE	SE		PANCHERI, DARWIN	A65-02534 /	4.0 65-02534 /	4.0		4
13N	04E	7	NE	NE		PANCHERI, DARWIN	A65-02534 /	15.0 65-02534 /	15.0		15
13N	04E	7	NW	NE		PANCHERI, DARWIN	A65-02534 /	30.0 65-02534 /	30.0		30
			NW	NE		GIDNEY, LAURENCE H	A65-09862 /	65-09862 /			
			NW	NE		GIDNEY, LAURENCE H	65-09862 /	- /			
			NW	NE		COOK, BENEDICT V.		65-07367 /			
13N	04E	7	SW	NE		PANCHERI, DARWIN	A65-02534 /	40.0 65-02534 /	40.0	30.0	40
13N	04E	7	SE	NE		PANCHERI, DARWIN	A65-02534 /	21.0 65-02534 /	21.0	26.0	21
13N	04E	7	NE	NW		PANCHERI, DARWIN	A65-02534 /	4.0 65-02534 /	4.0	11.0	4
13N	04E	7	SE	NW		PANCHERI, DARWIN	A65-02534 /	13.0 65-02534 /	13.0	12.0	13
			SE	NW		JOHNSON, THOMAS G	A65-12486 /	65-12486 /			
			SE	NW		JOHNSON, THOMAS G	65-12486 /	- /			
13N	04E	7	NE	SW		PANCHERI, DARWIN	A65-02534 /	18.0 65-02534 /	18.0	15.0	18
			NE	SW		SLOVER, JOHNNIE L	A65-17778 /	- /			
			NE	SW		SLOVER, JOHNNIE L	65-17778 /	- /			
13N	04E	7	SE	SW		PANCHERI, DARWIN	A65-02534 /	9.0 65-02534 /	9.0	39.0	9
			SE	SW		BLY, WAYNE C	A65-10182 /	65-10182 /			
			SE	SW		BLY, WAYNE C	65-10182 /	- /			
			SE	SW		PANCHERI, DARWIN		65-13459 /	15.0		
			SE	SW		PANCHERI, DARWIN		65-13513 /	30.0		

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	04E	7	NE	SE		PANCHERI, DARWIN	A65-02534 / 33.0	65-02534 / 33.0	32.0		33
13N	04E	7	NW	SE		PANCHERI, DARWIN	A65-02534 / 40.0	65-02534 / 40.0	34.0		40
			NW	SE	19	GODWIN, LEO	84-07119 /	- /			
13N	04E	7	SW	SE		PANCHERI, DARWIN	A65-02534 / 38.0	65-02534 / 38.0	36.0		38
			SW	SE		PANCHERI, DUANE	A65-11250 / 16.0	65-11250 / 16.0			
13N	04E	7	SE	SE		PANCHERI, DARWIN	A65-02534 / 37.0	65-02534 / 37.0	40.0		37
			SE	SE		AMERICA ACTING THROUGH, UNITEDA	65-19709 /	- /			
			SE	SE		PANCHERI, DUANE	A65-11250 / 9.0	65-11250 / 9.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-02534 386.00 386.00 411.00

POU COUNTY: VALLEY

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02534	PAYETTE RIVER, NORTH FORK	PANCHERI, DARWIN	10.000	0.025		
A65-11250	MOORES CREEK	PANCHERI, DUANE	4.860	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-19702	STOCKWATER	AMERICA ACTING THROUGH, UNITED	FROM 01-01 TO 12-31	0.020 CFS	
A65-09862	DOMESTIC	GIDNEY, LAURENCE H	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-09862	DOMESTIC	GIDNEY, LAURENCE H	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-12486	DOMESTIC	JOHNSON, THOMAS G	FROM 01-01 TO 12-31	0.030 CFS	0.90 AF/A

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-12486	DOMESTIC	JOHNSON, THOMAS G	FROM 01-01 TO 12-31	0.020 CFS	0.60 AF/A
A65-17778	DOMESTIC	SLOVER, JOHNNIE L	FROM 01-01 TO 12-31	0.030 CFS	
65-17778	DOMESTIC	SLOVER, JOHNNIE L	FROM 01-01 TO 12-31	0.030 CFS	
A65-10182	DOMESTIC	BLY, WAYNE C	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-10182	DOMESTIC	BLY, WAYNE C	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
84-07119	DOMESTIC	GODWIN, LEO	FROM 01-01 TO 12-31	0.050 CFS	3.60 AF/A
A65-19709	STOCKWATER	AMERICA ACTING THROUGH, UNITED	FROM 01-01 TO 12-31	0.020 CFS	
A65-19709	WILDLIFE	AMERICA ACTING THROUGH, UNITED	FROM 01-01 TO 12-31	0.020 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N(☐)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: CLAIM NO. A65-11250.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A(☐) Y(☒) N(☐)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(☐) N(☒)

NOTES:

TOTAL ACRES:

REVIEWED BY:

DATE:

6-2-99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02534 IRRIGATION	FROM 04-15 TO 10-15	10.000 CFS	
TOTAL DIVERSION RATE/VOLUME		10.000 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02534 IRRIGATION	FROM 04-15 TO 10-15	10.000 CFS	
TOTAL DIVERSION RATE/VOLUME		10.000 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☒) Y(☐) N(☐)

NOTES:

Deemed *Q* .026 cfs/acre

10.0 cfs / 386 acres = .026

AJ CLAIM TOTAL DIVERSION RATE: 10.000 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 10.000 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 772.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

PAGE: 13
DIVERSION AMOUNT REVIEW SHEET CONTINUED

166
CLAIM NUMBER: A65-02534

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	04-15	10-15	DATABASE 10.000	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 772.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			10.000	_____		_____	772.0	_____

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ☒

REVIEWED BY: SUH

DATE: 6-2-99

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02534

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 10.000	EXAMINER _____	CFS
-----------------------------------	--------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-02534	10.000	-		65-02534	10.000
TOTAL CFS		10.000				10.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☐ ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☒ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☒) N()
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. _____	Y(☒) N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☒ WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>1951</u>	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☐ SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER <u>Grisham business report</u>	DATE <u>1951</u>	_____	_____
☐ OTHER <u>Payette Decree</u>	DATE <u>1979</u>	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:02:25
05/12/99

PAGE: 17
QUICKLOOK INFORMATION

170
CLAIM NUMBER: A65-02534

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:11:11
05/12/99
171

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A65-02534

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DARWIN PANCHERI	07/21/1950	IRRIGATION	04-15 10-15	10.00 CFS	
C	JOAN L PANCHERI					
C	DUANE PANCHERI					
C	LAURA PANCHERI					
TOTAL DIVERSION:					10.00 CFS	
CONSUMPTIVE USE:						772.00 AFA

Water Source: PAYETTE RIVER, NORTH FORK Tributary to: PAYETTE RIVER Stage: DECREED

Point(s) of Diversion: T13N R04E S06 SWNE VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
13N	04E	5	:																	:	18.0		
13N	04E	6	:				13-02								15			05	26	18	04	70.0	
13N	04E	7	:	15		30	40	21		04				13		18		09	33	40	38	37	298.0
TOTAL ACRES																				386.0			

POU County: VALLEY

Non-Irrigation Uses: NONE

Other Rights: CLAIM NO. A65-11250.

Remarks: GEN ADDRESS CHANGED PER CLAIMANT REQUEST 9/17/98. DB

Dates: Exam Made Date: Verified Date: Objection Filed Date:

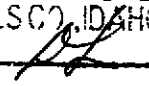
Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

RECEIVED

DEC 05 2000

Department of Water Resources

200 DEC -4 PM 12: 53

DISTRICT COURT-SRBA
TWIN FALLS CO, 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

Case No. 39576

) Subcases: 65 -02534, 65-02696, 65-06628
) and 65-11250

) **ORDER SETTING TELEPHONE**
) **STATUS CONFERENCE**

An Initial Hearing was held on the 30th day of November, 2000, at the Gem County Courthouse, in Emmett, Idaho. The claimant, Darwin Pancheri appeared pro se, Larry Brown appeared for the United States and Nic Spencer appeared for IDWR. The parties agreed to set a telephone status conference at a later date.

NOW THEREFORE it is hereby ordered, that the Telephone Status Conference is set for February 16, 2001, at 2:00 pm, at the SRBA District Court, Twin Falls, Idaho.

DATED December 4, 2000.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

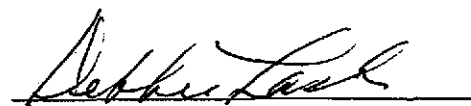
CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER SETTING TELEPHONE STATUS CONFERENCE was mailed on December 4, 2000, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Darwin & Duane Pancheri
9325 Missouri Ave.
Nampa, Idaho 83686

U.S. Dept of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724


Deputy Clerk

RECEIVED

FEB 20 2001

Department of Water Resources

RECEIVED

MAR 09 2001

WATER RESOURCES
WESTERN REGION

2001 FEB 16 PM 02:50
DISTRICT COURT - SRBA
TWIN FALLS CO., 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

Case No. 39576

) ORDER SETTING STATUS
) CONFERENCE

) SUBCASE NOS: 65-02534 65-02696
65-06628 65-11250

Please be advised that Special Master THOMAS R CUSHMAN
has set a Status Conference in the above subcase(s)
as follows:

THURSDAY, AUGUST 16, 2001 at 10:00 AM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to AUGUST 14, 2001.

IT IS SO ORDERED.

Dated: FEBRUARY 16, 2001

/S/ THOMAS R CUSHMAN

Special Master

Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 2/16/01

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on FEBRUARY 16, 2001, with sufficient first-class postage to the following:

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DUANE PANCHERI
LAURA PANCHERI
RT 1 BOX 48
MELBA, ID 83641
Phone: 208-495-2513

DARWIN PANCHERI
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA, ID 83686
Phone: 208-467-1348

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)
)
_____)

Water Rights: 65-2534, 65-2696
65-6628 and 65-11250

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ other _____

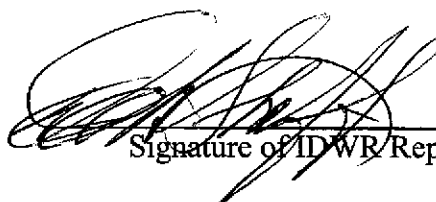
IDWR projects the Administrative Proceeding shall be completed not later than: July 1, 2002

Dated October 31, 2001

RECEIVED

NOV 06 2001

WATER RESOURCES
WESTERN REGION



Signature of IDWR Representative

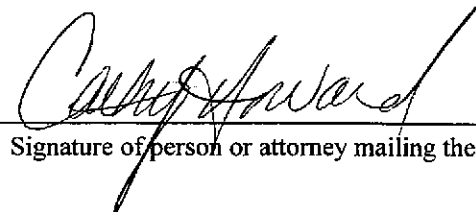
INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 5, 2001, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
U.S. Dept. of Justice
Environment & Natural Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724
3. One copy to:
Duane and Laura Pancheri
19010 S. Can-Ada Rd.
Melba, ID 83641
4. One copy to:
Darwin and Joan Pancheri
9325 Missouri Ave.
Nampa, ID 83686



Signature of person or attorney mailing the form

RECEIVED

APR 14 2000

Department of Water Resources

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

A. Subcase 65-02534

(insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 331-5941; Paul F. Holleman, 202 305-0494

United States Department of Justice: Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Darwin & Joan L. Pancheri

Address: 9325 Missouri Ave.; Nampa, ID. 83686

Name: Duane & Laura Pancheri

Address: Rt. 1 Box 48; Nampa, ID. 83641

Name:

Address:;

Name:

Address:;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

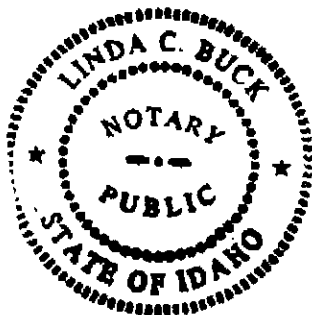
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Burren
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 11, 2000



Linda C. Buck

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 12, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Darwin & Joan L. Pancheri
Address: 9325 Missouri Ave., Nampa, ID. 83686

Name: Duane & Laura Pancheri
Address: Rt. 1 Box 48; Nampa, ID. 83641

Name:
Address;

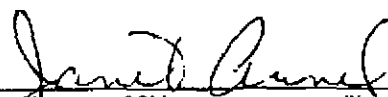
Name:
Address;

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

AJS856NF

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1999
PAGE: A-549

RIGHTS FROM: SOURCE: PAYETTE RIVER, NORTH FORK TRIBUTARY: PAYETTE RIVER

RIGHT NUMBER: 65-02534

NAME & ADDRESS: DARWIN PANCHERI
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

DUANE PANCHERI
LAURA PANCHERI
RT 1 BOX 48
MELBA ID 83641

SOURCE: PAYETTE RIVER, NORTH FORK TRIBUTARY: PAYETTE RIVER

QUANTITY: 10.00 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-11250, 65-06628 & 65-02696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE

PRIORITY DATE: 07/21/1950

POINT OF DIVERSION: T13N R04E S06 SW2 Within VALLEY County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-15	10.00 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

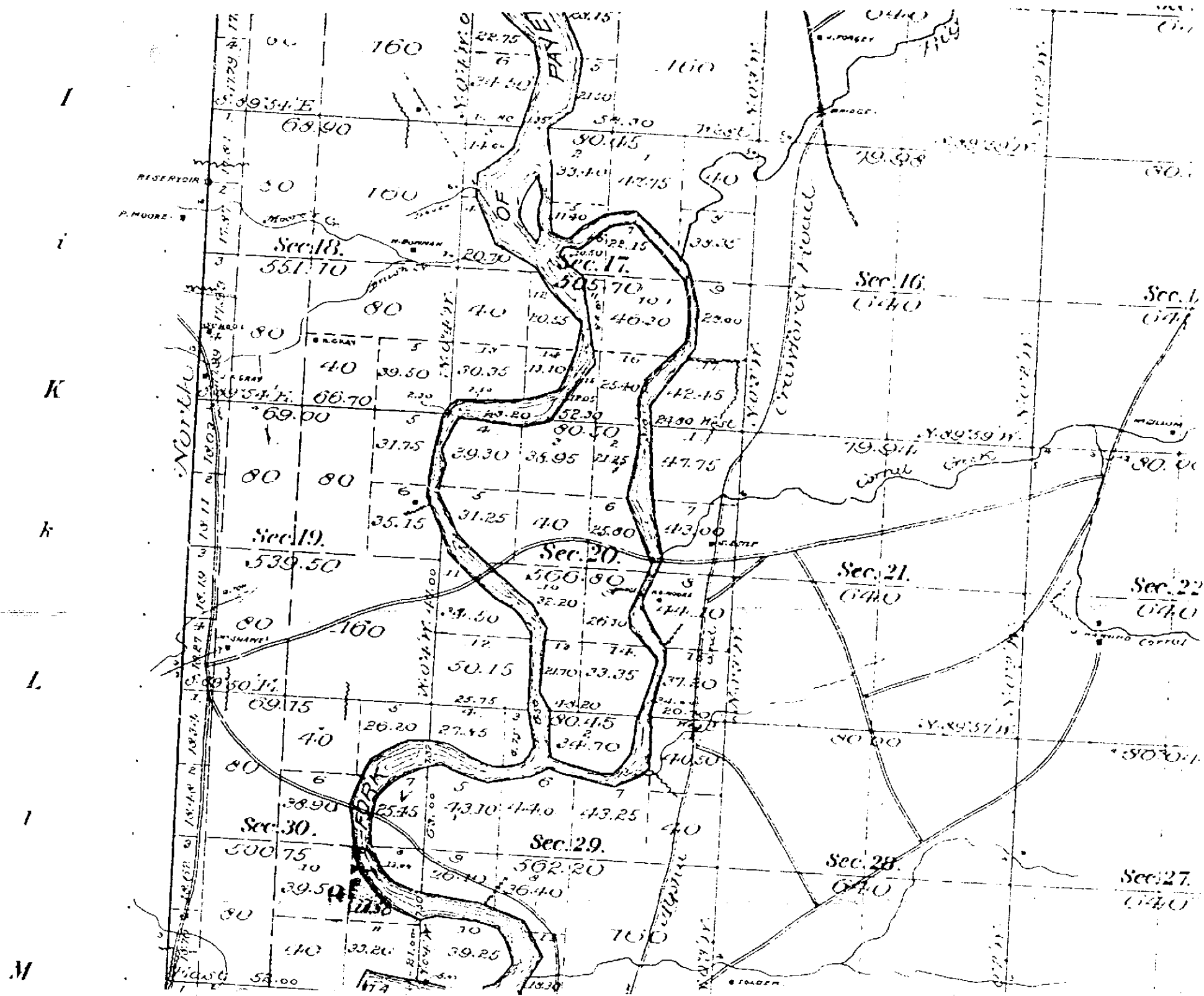
Section	Area	Section	Area
T13N R04E S05	Lot 12 (NWSW) 9	Lot 13 (SWSW) 9	
S06	Lot 13 (SWNE) 2	NESW 15	NESE 5
	SWSE 18	SESE 4	NWSE 26
S07	NENE 15	NWNE 30	SWNE 40
	NENW 4	SENW 13	NESW 18
	NESE 33	NWSE 40	SESE 37

396 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE



PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by Leslie
and against the water rights of Leslie by Pancheris be dismissed
with prejudice and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that Leslie's water rights
65-3418, 65-3419 and 65-3420 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,
successors and assigns as true and accurate, and subject to the
conditions stated on pages 2 and 3 of the Pancheris and Leslie
stipulation.

IT IS FURTHER ORDERED that the Pancheris' water right
65-11250 listed in the attached Exhibit A is deemed admitted and

conceded by Leslie, his successors, heirs and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris and Leslie stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

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The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

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Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by Leslie
and against the water rights of Leslie by Pancheris be dismissed
with prejudice and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that Leslie's water rights
65-3418, 65-3419 and 65-3420 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,
successors and assigns as true and accurate, and subject to the
conditions stated on pages 2 and 3 of the Pancheris and Leslie
stipulation.

IT IS FURTHER ORDERED that the Pancheris' water right
65-11250 listed in the attached Exhibit A is deemed admitted and

conceded by Leslie, his successors, heirs and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris and Leslie stipulation.

DATED this 30 day of December, 1986.

JS
JIM R. DOOLITTLE
District Judge

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
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The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

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Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by Leslie
and against the water rights of Leslie by Pancheris be dismissed
with prejudice and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that Leslie's water rights
65-3418, 65-3419 and 65-3420 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,
successors and assigns as true and accurate, and subject to the
conditions stated on pages 2 and 3 of the Pancheris and Leslie
stipulation.

IT IS FURTHER ORDERED that the Pancheris' water right
65-11250 listed in the attached Exhibit A is deemed admitted and

conceded by Leslie, his successors, heirs and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris and Leslie stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

PHILLIP J. RASSIER
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STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
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OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

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before the court and good cause appearing therefore,

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Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by Leslie
and against the water rights of Leslie by Pancheris be dismissed
with prejudice and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that Leslie's water rights
65-3418, 65-3419 and 65-3420 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,
successors and assigns as true and accurate, and subject to the
conditions stated on pages 2 and 3 of the Pancheris and Leslie
stipulation.

IT IS FURTHER ORDERED that the Pancheris' water right
65-11250 listed in the attached Exhibit A is deemed admitted and

conceded by Leslie, his successors, heirs and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris and Leslie stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
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OF THE PAYETTE RIVER DRAINAGE	)	
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before the court and good cause appearing therefore,

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65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by Leslie
and against the water rights of Leslie by Pancheris be dismissed
with prejudice and without attorneys fees and costs to any party.

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65-3418, 65-3419 and 65-3420 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,
successors and assigns as true and accurate, and subject to the
conditions stated on pages 2 and 3 of the Pancheris and Leslie
stipulation.

IT IS FURTHER ORDERED that the Pancheris' water right
65-11250 listed in the attached Exhibit A is deemed admitted and

conceded by Leslie, his successors, heirs and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris and Leslie stipulation.

DATED this 30 day of December, 1986.

LS/
JIM R. DOOLITTLE
District Judge

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

12/86

PAGE 7

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
SOURCE: MOORES CREEK, SOUTH FORK TRIBUTARY: MOORES CREEK						
65-3420	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3418 REMARKS: 2 P/D IN SWNE, S14, T13N, R3E. SOURCES ARE MOORES CREEK, NORTH FORK AND MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. PT. OF INJECTION INTO ANDY CREEK IN NESW S14 T13N R 3E. PT. OF REDIVERSION IN SWNE S14 T13N R 3E. POINT OF DIVERSION: T13N R03E S14 SWNE NESW PLACE OF USE: IRRIGATION T13N R03E S13 SWNW 36 SENW 9 S14 NENE 1 SWNE 20 SENE 38 104 ACRES TOTAL	04-01-1894	IRRIGATION	04-15 10-15	2.08 CFS	BENEFICIAL USE
65-11280	A. L. CATTLE, INC. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 OTHER RIGHTS: 65-1979 REMARKS: PT. OF INJECTION INTO ANDY CREEK IN NESW, S14, T13N, R3E. PT. OF REDIVERSION IN NWSE, S14, T13N, R3E. SOURCES FOR THIS RIGHT ARE MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. POINT OF DIVERSION: T13N R03E S14 NESW NWSE PLACE OF USE: IRRIGATION T13N R03E S14 NESE 24 NWSE 27 SWSE 2 53 ACRES TOTAL	06-01-1902	IRRIGATION	04-15 10-15	1.06 CFS	BENEFICIAL USE

12/86

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

PAGE 5

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
		SOURCE: MOORES CREEK		TRIBUTARY: BRUSH CREEK		
65-11250	PANCHERI, DARWIN PANCHERI, JOAN L. PANCHERI, DUANE PANCHERI, LAURA MELBA, ID 83641 OTHER RIGHTS: 65-2534, 65-2696. POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: IRRIGATION T13N R04E S07 SWSE 16 SESE 9 S17 LT04(SWNW) 8 S18 NENE 27 NWNE 38 SWNE 38 SENE 39 NENW 22 LT01(NWNW) 9 NESE 13 NWSE 24 243 ACRES TOTAL	05-01-1899	IRRIGATION	04-15 10-15	4.86 CFS	BENEFICIAL USE
		SOURCE: MOORES CREEK, NORTH FORK		TRIBUTARY: MOORES CREEK		
65-3419	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 REMARKS: SOURCES ARE HOUSE CREEK, TRIB. MOORES CREEK, NORTH CREEK AND MOORES CREEK, NORTH FORK, TRIB. MOORES CREEK. POINT OF DIVERSION: T13N R03E S11 SESE S13 NWNW S14 SWNE PLACE OF USE: IRRIGATION T13N R03E S11 SESE 39 S12 SWSW 12 S13 NWNW 30 SWNW 3 S14 NENE 39 SWNE 8 131 ACRES TOTAL	04-01-1894	IRRIGATION	04-15 10-15	2.62 CFS	BENEFICIAL USE

12/86

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
 PANCHERI/LESLIE STIPULATION
 EXHIBIT A - LISTING OF WATER RIGHTS

PAGE 2

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
		SOURCE: BRUSH CREEK		TRIBUTARY: PAYETTE RIVER, NORTH FORK		
65-6628	PANCHERI, DARWIN PANCHERI, JOAN L. PANCHERI, DUANE PANCHERI, LAURA MELBA, ID 83641 OTHER RIGHTS: 65-2696. REMARKS: 2 P/D IN SESW, S18, T13N, R4E. POINT OF DIVERSION: T13N R03E S13 SWSE T13N R04E S18 SESW PLACE OF USE: IRRIGATION T13N R04E S17 LT04(SWNW) 3 NWSW 18 LT13(SWSW)15 LT14(SESW) 6 S18 LT04(SWSW) 5 SESW 19 NESE 15 NWSE 6 SWSE 39 LT05(SESE)38 S19 LT05(WENE)32 NWNE 40 SWNE 40 LT06(SENE)22 NENW 12 SENW 27 NESW 38 SESW 32 NESE 40 NWSE 40 SWSE 40 SESE 40 S20 LT11(NWSW)17 LT12(SWSW)20 S29 LT04(NWNW) 1 S30 LT05(WENE)23 628 ACRES TOTAL	04-01-1912	IRRIGATION	04-15 10-15	12.56 CFS	BENEFICIAL
65-1979	A. L. CATTLE, INC. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83338 OTHER RIGHTS: 65-11280 POINT OF DIVERSION: T13N R03E S14 SESE S23 NWNE PLACE OF USE: IRRIGATION T13N R03E S13 SWNE 5 SENE 16 NESW 29 NWSW 39 SWSW 26 SESW 6 NESE 37 S14 NESE 13 SWSE 8 SESE 10 T13N R04E S18 LT02(SWNW)13 SENW 33 NESW 38 LT03(NWSW)18 312 ACRES TOTAL	06-01-1918	IRRIGATION	04-15 10-15	6.24 CFS	BENEFICIAL USE

12/86

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

PAGE 2

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
SOURCE: BRUSH CREEK			TRIBUTARY: PAYETTE RIVER, NORTH FORK			
65-6628	PANCHERI, DARWIN PANCHERI, JOAN L. PANCHERI, DUANE PANCHERI, LAURA MELBA, ID 83641 OTHER RIGHTS: 65-2696. REMARKS: 2 P/D IN SESW, S18, T13N, R4E. POINT OF DIVERSION: T13N R03E S13 SWSE T13N R04E S18 SESW PLACE OF USE: IRRIGATION T13N R04E S17 LT04(SWNW) 3 NWSW 18 LT13(SWSW)15 LT14(SESW) 6 S18 LT04(SWSW) 5 SESW 19 NESE 15 NWSE 6 S19 LT05(NENE)32 NWNW 40 SWNE 40 LT06(ENE)22 SWSE 39 LT05(ENE)38 SESW 32 NESE 40 NWSE 40 SWSE 40 NENW 12 SENW 27 NESW 38 SESE 40 S20 LT11(NWSW)17 LT12(SWSW)20 S29 LT04(NWNW) 1 S30 LT05(NENE)23 628 ACRES TOTAL	04-01-1912	IRRIGATION	04-15 10-15	12.56 CFS	BENEFICIAL
65-1979	A. L. CATTLE, INC. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83338 OTHER RIGHTS: 65-11280 POINT OF DIVERSION: T13N R03E S14 SESE S23 NWNW PLACE OF USE: IRRIGATION T13N R03E S13 SWNE 5 SENE 16 NESW 29 NWSW 39 SWSW 26 SESW 6 NESE 37 NWSE 21 S14 NESE 13 SWSE 8 SESE 10 T13N R04E S18 LT02(SWNW)13 SENW 33 NESW 38 LT03(NWSW)18 312 ACRES TOTAL	06-01-1918	IRRIGATION	04-15 10-15	6.24 CFS	BENEFICIAL USE

12/86

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

PAGE 1

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
SOURCE: ANDY CREEK		TRIBUTARY: MOORES CREEK, SOUTH FORK				
65-3420	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3418 REMARKS: 2 P/D IN SWNE, S14, T13N, R3E. SOURCES ARE MOORES CREEK, NORTH FORK AND MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. PT. OF INJECTION INTO ANDY CREEK IN NESW S14 T13N R 3E. PT. OF REDIVERSION IN SWNE S14 T13N R 3E. POINT OF DIVERSION: T13N R03E S14 SWNE NESW PLACE OF USE: IRRIGATION T13N R03E S13 SWNW 36 SENW 9 S14 NENE 1 SWNE 20 SENE 38 104 ACRES TOTAL	04-01-1894 IRRIGATION	04-15 10-15	2.08 CFS	BENEFICIAL USE	
65-11280	A. L. CATTLE, INC. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 REMARKS: PT. OF INJECTION INTO ANDY CREEK IN NESW, S14, T13N, R3E. PT. OF REDIVERSION IN NWSE, S14, T13N, R3E. SOURCES FOR THIS RIGHT ARE MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. POINT OF DIVERSION: T13N R03E S14 NESW NWSE PLACE OF USE: IRRIGATION T13N R03E S14 NESE 24 NWSE 27 SWSE 2 53 ACRES TOTAL	06-01-1902 IRRIGATION	04-15 10-15	1.06 CFS	BENEFICIAL USE	

5004

16, 17 attach mod

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by A. L.
Cattle, Inc. and the estate of Myrn H. Little and against the
water rights of A. L. Cattle, Inc. and the estate of Myrn H.
Little by Pancheris be dismissed with prejudice and without
attorneys fees and costs to any party.

IT IS FURTHER ORDERED that A. L. Cattle, Inc.'s water
rights 65-1979, 65-11280 and the estate of Myrn H. Little's water
rights 65-1972 and 65-1973 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,

successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

IT IS FURTHER ORDERED that the Pancheris' water rights 65-6628 and 65-11250 listed in the attached Exhibit A are deemed admitted and conceded by A. L. Cattle, Inc. and the estate of Myrn H. Little and their successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

1 b. Leslie agrees, for and on behalf of himself, his
2 successors, heirs and assigns, not to change the
3 method of irrigating under rights 65-3418, 65-3419,
4 and 65-3420 even though the method of irrigating can
be changed without increasing the consumptive use,
such as changing from the present method of
irrigating, flood irrigation, to sprinklers.

5 c. Leslie agrees for and on behalf of himself, his
6 successors, heirs and assigns not to change either
7 the place of use of the water or the points of
8 diversion without first obtaining the written consent
9 of the Pancheris or the Pancheris' successors, heirs
and assigns. A replacement to a damaged headgate
will not constitute a change in point of diversion
where the point of diversion is not substantially
changed.

10 d. Leslie agrees, for and on behalf of himself, his
11 successors, heirs and assigns to use the water in
12 such a manner that all water not needed for the
13 propagation of crops will either be left in the
14 natural drainage or will be returned back to Moores
15 Creek upstream from the Pancheris' point of diversion
16 as it presently exists. The parties to this
17 stipulation acknowledge the existence of a rotation
18 agreement between Leslie and MacGregor which is
19 attached as Exhibit B.

20 e. The enforcement of those conditions which occur
21 after the water is diverted from the natural channel
22 will be the responsibility of the private parties,
23 except that Water Resources may also exercise its
24 authority under Title 42, Idaho Code.

25 The Pancheris and Leslie further agree, based upon
26 this stipulation, to withdraw the objections that each had
27 filed affecting their respective rights on Andy Creek, House
Creek, Moores Creek, North Fork Moores Creek and South Fork
Moores Creek.

1
2 Dated this 29th day of December, 1986.
3

4 RINGERT, CLARK, HARRINGTON,
5 REID, CHRISTENSON & KAUFMAN,
6 CHARTERED

7 By: W. F. Ringert

8 William F. Ringert, a member
9 of the firm
10 Attorneys for Darwin Pancheri,
11 Joan L. Pancheri, Duane
12 Pancheri, and Laura Pancheri
13

14 COLLINS & MANLY

15 By: W. D. Collins 26 December 1986

16 William D. Collins,
17 Attorneys for William John
18 Leslie
19

20 JIM JONES
21 Attorney General

22 Josephine P. Beeman 26 December 1986
23 Josephine P. Beeman
24 Deputy Attorney General
25 Idaho Department of Water
26 Resources
27

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by A. L.
Cattle, Inc. and the estate of Myrn H. Little and against the
water rights of A. L. Cattle, Inc. and the estate of Myrn H.
Little by Pancheris be dismissed with prejudice and without
attorneys fees and costs to any party.

IT IS FURTHER ORDERED that A. L. Cattle, Inc.'s water
rights 65-1979, ~~65-11280~~ and the estate of Myrn H. Little's water
rights 65-1972 and 65-1973 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,

successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

IT IS FURTHER ORDERED that the Pancheris' water rights 65-6628 and 65-11250 listed in the attached Exhibit A are deemed admitted and conceded by A. L. Cattle, Inc. and the estate of Myrn H. Little and their successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

1 b. Leslie agrees, for and on behalf of himself, his
2 successors, heirs and assigns, not to change the
3 method of irrigating under rights 65-3418, 65-3419,
4 and 65-3420 even though the method of irrigating can
be changed without increasing the consumptive use,
such as changing from the present method of
irrigating, flood irrigation, to sprinklers.

5 c. Leslie agrees for and on behalf of himself, his
6 successors, heirs and assigns not to change either
7 the place of use of the water or the points of
8 diversion without first obtaining the written consent
9 of the Pancheris or the Pancheris' successors, heirs
and assigns. A replacement to a damaged headgate
will not constitute a change in point of diversion
where the point of diversion is not substantially
changed.

10 d. Leslie agrees, for and on behalf of himself, his
11 successors, heirs and assigns to use the water in
12 such a manner that all water not needed for the
13 propagation of crops will either be left in the
14 natural drainage or will be returned back to Moores
15 Creek upstream from the Pancheris' point of diversion
as it presently exists. The parties to this
stipulation acknowledge the existence of a rotation
agreement between Leslie and MacGregor which is
attached as Exhibit B.

16 e. The enforcement of those conditions which occur
17 after the water is diverted from the natural channel
18 will be the responsibility of the private parties,
19 except that Water Resources may also exercise its
20 authority under Title 42, Idaho Code.

21 The Pancheris and Leslie further agree, based upon
22 this stipulation, to withdraw the objections that each had
23 filed affecting their respective rights on Andy Creek, House
24 Creek, Moores Creek, North Fork Moores Creek and South Fork
25 Moores Creek.
26
27

1
2 Dated this 29th day of December, 1986.
3

4 RINGERT, CLARK, HARRINGTON,
5 REID, CHRISTENSON & KAUFMAN,
6 CHARTERED

7 By: W F Ringert

8 William F. Ringert, a member
9 of the firm
10 Attorneys for Darwin Pancheri,
11 Joan L. Pancheri, Duane
12 Pancheri, and Laura Pancheri
13

14 COLLINS & MANLY

15 By: W D Collins 26 December 1986

16 William D. Collins,
17 Attorneys for William John
18 Leslie
19

20 JIM JONES
21 Attorney General

22 Josephine P. Beeman 26 December 1986
23 Josephine P. Beeman
24 Deputy Attorney General
25 Idaho Department of Water
26 Resources
27

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by A. L.
Cattle, Inc. and the estate of Myrn H. Little and against the
water rights of A. L. Cattle, Inc. and the estate of Myrn H.
Little by Pancheris be dismissed with prejudice and without
attorneys fees and costs to any party.

IT IS FURTHER ORDERED that A. L. Cattle, Inc.'s water
rights 65-1979, 65-11280 and the estate of Myrn H. Little's water
rights 65-1972 and 65-1973 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,

successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

IT IS FURTHER ORDERED that the Pancheris' water rights 65-6628 and 65-11250 listed in the attached Exhibit A are deemed admitted and conceded by A. L. Cattle, Inc. and the estate of Myrn H. Little and their successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

1 b. Leslie agrees, for and on behalf of himself, his
2 successors, heirs and assigns, not to change the
3 method of irrigating under rights 65-3418, 65-3419,
4 and 65-3420 even though the method of irrigating can
be changed without increasing the consumptive use,
such as changing from the present method of
irrigating, flood irrigation, to sprinklers.

5 c. Leslie agrees for and on behalf of himself, his
6 successors, heirs and assigns not to change either
7 the place of use of the water or the points of
8 diversion without first obtaining the written consent
9 of the Pancheris or the Pancheris' successors, heirs
and assigns. A replacement to a damaged headgate
will not constitute a change in point of diversion
where the point of diversion is not substantially
changed.

10 d. Leslie agrees, for and on behalf of himself, his
11 successors, heirs and assigns to use the water in
12 such a manner that all water not needed for the
13 propagation of crops will either be left in the
14 natural drainage or will be returned back to Moores
15 Creek upstream from the Pancheris' point of diversion
as it presently exists. The parties to this
stipulation acknowledge the existence of a rotation
agreement between Leslie and MacGregor which is
attached as Exhibit B.

16 e. The enforcement of those conditions which occur
17 after the water is diverted from the natural channel
18 will be the responsibility of the private parties,
except that Water Resources may also exercise its
authority under Title 42, Idaho Code.

19
20 The Pancheris and Leslie further agree, based upon
21 this stipulation, to withdraw the objections that each had
22 filed affecting their respective rights on Andy Creek, House
23 Creek, Moores Creek, North Fork Moores Creek and South Fork
24 Moores Creek.

1
2 Dated this 29th day of December, 1986.
3

4 RINGERT, CLARK, HARRINGTON,
5 REID, CHRISTENSON & KAUFMAN,
6 CHARTERED

7 By:

W.F. Ringert
William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

9 COLLINS & MANLY

10 By:

W.D. Collins 26 December 1986
William D. Collins,
Attorneys for William John
Leslie

13 JIM JONES
14 Attorney General

Josephine P. Beeman 26 December 1986
Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
Resources

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by A. L.
Cattle, Inc. and the estate of Myrn H. Little and against the
water rights of A. L. Cattle, Inc. and the estate of Myrn H.
Little by Pancheris be dismissed with prejudice and without
attorneys fees and costs to any party.

IT IS FURTHER ORDERED that A. L. Cattle, Inc.'s water
rights 65-1979, 65-11280 and the estate of Myrn H. Little's water
rights 65-1972 and 65-1973 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,

successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

IT IS FURTHER ORDERED that the Pancheris' water rights 65-6628 and 65-11250 listed in the attached Exhibit A are deemed admitted and conceded by A. L. Cattle, Inc. and the estate of Myrn H. Little and their successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

1 b. Leslie agrees, for and on behalf of himself, his
2 successors, heirs and assigns, not to change the
3 method of irrigating under rights 65-3418, 65-3419,
4 and 65-3420 even though the method of irrigating can
be changed without increasing the consumptive use,
such as changing from the present method of
irrigating, flood irrigation, to sprinklers.

5 c. Leslie agrees for and on behalf of himself, his
6 successors, heirs and assigns not to change either
7 the place of use of the water or the points of
8 diversion without first obtaining the written consent
9 of the Pancheris or the Pancheris' successors, heirs
and assigns. A replacement to a damaged headgate
will not constitute a change in point of diversion
where the point of diversion is not substantially
changed.

10 d. Leslie agrees, for and on behalf of himself, his
11 successors, heirs and assigns to use the water in
12 such a manner that all water not needed for the
13 propagation of crops will either be left in the
14 natural drainage or will be returned back to Moores
15 Creek upstream from the Pancheris' point of diversion
as it presently exists. The parties to this
stipulation acknowledge the existence of a rotation
agreement between Leslie and MacGregor which is
attached as Exhibit B.

16 e. The enforcement of those conditions which occur
17 after the water is diverted from the natural channel
18 will be the responsibility of the private parties,
except that Water Resources may also exercise its
authority under Title 42, Idaho Code.

19
20 The Pancheris and Leslie further agree, based upon
21 this stipulation, to withdraw the objections that each had
22 filed affecting their respective rights on Andy Creek, House
23 Creek, Moores Creek, North Fork Moores Creek and South Fork
24 Moores Creek.
25
26
27

1
2 Dated this 29th day of December, 1986.
3

4 RINGERT, CLARK, HARRINGTON,
5 REID, CHRISTENSON & KAUFMAN,
6 CHARTERED

7 By: W.F. Ringert

8 William F. Ringert, a member
9 of the firm
10 Attorneys for Darwin Pancheri,
11 Joan L. Pancheri, Duane
12 Pancheri, and Laura Pancheri
13

14 COLLINS & MANLY

15 By: William D. Collins 26 December 1986

16 William D. Collins,
17 Attorneys for William John
18 Leslie
19

20 JIM JONES
21 Attorney General

22 Josephine P. Beeman 26 December 1986
23 Josephine P. Beeman
24 Deputy Attorney General
25 Idaho Department of Water
26 Resources
27

I hereby certify that this is
a true and correct copy of
the original stipulation and
order filed in this cause
on the 30th day of December,
1986, at 1:50 p.m.

Wm R. Dant
JD interest judge

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
WATER OF THE PAYETTE RIVER	)	PANCHERIS AND LESLIE
DRAINAGE BASIN	)	

The director of the Idaho Department of Water Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri and Laura Pancheri ("Pancheris" herein), and William John Leslie ("Leslie" herein) stipulate to the following water rights for the Pancheris and Leslie, and A. L. Cattle, Inc. within the Brush Creek drainage which is tributary to the North Fork of the Payette River. All of these water rights are listed in complete detail in the attached Exhibit A, but are listed in an abbreviated form here.

1. Andy Creek, tributary to South Fork Moores Creek
65-3420 (Leslie): 2.08 cfs for irrigation with a
priority date of 4/1/1894;
2. House Creek, tributary to North Fork Moore's Creek
65-3419 (Leslie): 2.62 cfs for irrigation with a
priority date of 4/1/1894;
3. Moores Creek, tributary to Brush Creek
65-11250 (Pancheris): 4.86 cfs for irrigation with a
priority date of 5/1/1899;
4. North Fork Moores Creek, tributary to Moores Creek
65-3419 (Leslie): 2.62 cfs for irrigation with a
priority date of 4/1/1894;
65-3420 (Leslie): 2.08 cfs for irrigation with a
priority date of 4/1/1894;
5. South Fork Moores Creek, tributary to Moores Creek
65-3420 (Leslie): 2.08 cfs for irrigation with a
priority date of 4/1/1894;
6. Springs, tributary to Moores Creek
65-3418 (Leslie): 0.04 cfs for irrigation with a
priority date of 4/1/1910.

With respect to rights 65-3418, 65-3419, 65-3420 (in the name of Leslie), the Pancheris and Leslie agree as follows. Although right 65-3418 on springs tributary to Moores Creek is junior in priority to the Pancheris' downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by Leslie, his successors, heirs and assigns under rights 65-3418, 65-3419, and 65-3420 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, Leslie will not increase the number of acres being irrigated in that fractional section.

16

I hereby certify that this
is a true and correct copy of
the original Stipulation and
Order filed in this cause on
the 30th day of December, 1986
at 1:43 p.m.

Jim R. Donnell
District Judge

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
WATER OF THE PAYETTE RIVER	)	PANCHERIS/LITTLES/
DRAINAGE BASIN	)	A. L. CATTLE INC.

The director of the Idaho Department of Water Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri and Laura Pancheri ("Pancheris" herein), the estate of Myrn H. Little, and A. L. Cattle, Inc. stipulate to the following water rights for the Pancheris, the estate of Myrn H. Little, and A. L. Cattle, Inc. within the Brush Creek drainage which is tributary to the North Fork of the Payette River. All of these water rights are listed in complete detail in the attached Exhibit A, but are listed in an abbreviated form here.

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone (208) 334-2400

1. Brush Creek, tributary to North Fork, Payette River
65-6628 (Pancheris): 12.56 cfs for irrigation with a
priority date of 4/1/1912;
65-1979 (A. L. Cattle, Inc.): 6.24 cfs for
irrigation with a priority date of 6/1/1918;
2. Moores Creek, tributary to Brush Creek
65-11250 (Pancheris): 4.86 cfs for irrigation with a
priority date of 5/1/1899;
3. Andy Creek, tributary to South Fork Moores Creek, and
South Fork Moores Creek, tributary to Moores Creek
65-11280 (A. L. Cattle, Inc.): 1.06 cfs for
irrigation with a priority date of 6/1/1902.

With respect to right 65-11280 (in the name of A. L. Cattle, Inc.), the Pancheris and A. L. Cattle, Inc. agree as follows. Although right 65-11280 on Andy Creek is junior in priority to the Pancheri's downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by A. L. Cattle, Inc., its successors and assigns under right 65-11280 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, A. L. Cattle, Inc. will not increase the number of acres being irrigated in that fractional section.

b. A. L. Cattle, Inc. agrees, for and on behalf of itself, successors and assigns, not to change the method of irrigating under 65-11280 even though the method of irrigating can be changed without increasing the consumptive use, such as changing from the present method of irrigating, flood irrigation, to sprinklers.

1 c. A. L. Cattle, Inc. agrees for and on behalf of
2 itself, its successors and assigns not to change
3 either the place of use of the water or the points of
4 diversion without first obtaining the written consent
5 of the Pancheris or the Pancheris' successors and
6 assigns.

7 d. A. L. Cattle, Inc. agrees, for and on behalf of
8 itself, its successors and assigns to use the water
9 in such a manner that all water not needed for the
10 propagation of crops will either be left in the
11 natural drainage or will be returned back to Moores
12 Creek upstream from the Pancheris' point of diverison
13 as it presently exists.

14 e. The enforcement of those conditions which occur
15 after the water is diverted from the natural channel
16 will be the responsibility of the private parties,
17 except that Water Resources may also exercise its
18 authority under Title 42, Idaho Code.

19 4. Springs, tributary to Moores Creek

20 65-1972 (estate of Myrn H. Little): .04 cfs for
21 domestic purposes with a priority date of 5/1/1901;

22 65-1973 (estate of Myrn H. Little): .01 cfs for
23 domestic purposes with a priority date of 5/1/1901.

24 The Pancheris, the estate of Myrn H. Little and A. L.
25 Cattle, Inc. further agree, based upon this stipulation, to
26 withdraw the objections that each had filed affecting their
27 respective rights on Brush Creek, Moores Creek and Andy Creek.

Dated this 30th day of December, 1986.

RINGERT, CLARK, HARRINGTON,
'REID, CHRISTENSON & KAUFMAN,
CHARTERED

By: W. F. Ringert 12-30-86
William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

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Louie Gorrone 29 December 1986

Louie Gorrone, Attorney for
Claimant Agnes Brailsford,
Personal Representative of the
Estate of Myrn H. Little,
Deceased and for Claimant
A. L. Cattle, Inc.

JIM JONES
Attorney General

Josephine P. Beeman 26 December 1986

Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
Resources

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

16

I hereby certify that this
is a true and correct copy of
the original Stipulation and
Order filed in this cause on
the 30th day of December, 1986
at 1:43 p.m.

John R. Dostert
District Judge

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
WATER OF THE PAYETTE RIVER	)	PANCHERIS/LITTLES/
DRAINAGE BASIN	)	A. L. CATTLE INC.

The director of the Idaho Department of Water Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri and Laura Pancheri ("Pancheris" herein), the estate of Myrn H. Little, and A. L. Cattle, Inc. stipulate to the following water rights for the Pancheris, the estate of Myrn H. Little, and A. L. Cattle, Inc. within the Brush Creek drainage which is tributary to the North Fork of the Payette River. All of these water rights are listed in complete detail in the attached Exhibit A, but are listed in an abbreviated form here.

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone (208) 334-2400

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1. Brush Creek, tributary to North Fork, Payette River
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irrigation with a priority date of 6/1/1918;
2. Moores Creek, tributary to Brush Creek
65-11250 (Pancheris): 4.86 cfs for irrigation with a
priority date of 5/1/1899;
3. Andy Creek, tributary to South Fork Moores Creek, and
South Fork Moores Creek, tributary to Moores Creek
65-11280 (A. L. Cattle, Inc.): 1.06 cfs for
irrigation with a priority date of 6/1/1902.

With respect to right 65-11280 (in the name of A. L. Cattle, Inc.), the Pancheris and A. L. Cattle, Inc. agree as follows. Although right 65-11280 on Andy Creek is junior in priority to the Pancheri's downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by A. L. Cattle, Inc., its successors and assigns under right 65-11280 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, A. L. Cattle, Inc. will not increase the number of acres being irrigated in that fractional section.

b. A. L. Cattle, Inc. agrees, for and on behalf of itself, successors and assigns, not to change the method of irrigating under 65-11280 even though the method of irrigating can be changed without increasing the consumptive use, such as changing from the present method of irrigating, flood irrigation, to sprinklers.

1 c. A. L. Cattle, Inc. agrees for and on behalf of
2 itself, its successors and assigns not to change
3 either the place of use of the water or the points of
4 diversion without first obtaining the written consent
5 of the Pancheris or the Pancheris' successors and
6 assigns.

7 d. A. L. Cattle, Inc. agrees, for and on behalf of
8 itself, its successors and assigns to use the water
9 in such a manner that all water not needed for the
10 propagation of crops will either be left in the
11 natural drainage or will be returned back to Moores
12 Creek upstream from the Pancheris' point of diverison
13 as it presently exists.

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15 after the water is diverted from the natural channel
16 will be the responsibility of the private parties,
17 except that Water Resources may also exercise its
18 authority under Title 42, Idaho Code.

19 4. Springs, tributary to Moores Creek

20 65-1972 (estate of Myrn H. Little): .04 cfs for
21 domestic purposes with a priority date of 5/1/1901;

22 65-1973 (estate of Myrn H. Little): .01 cfs for
23 domestic purposes with a priority date of 5/1/1901.

24 The Pancheris, the estate of Myrn H. Little and A. L.
25 Cattle, Inc. further agree, based upon this stipulation, to
26 withdraw the objections that each had filed affecting their
27 respective rights on Brush Creek, Moores Creek and Andy Creek.

Dated this 30th day of December, 1986.

RINGERT, CLARK, HARRINGTON,
REID, CHRISTENSON & KAUFMAN,
CHARTERED

By: W. F. Ringert 12-30-86
William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

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Louie Gorrone 17 December 1986

Louie Gorrone, Attorney for
Claimant Agnes Brailsford,
Personal Representative of the
Estate of Myrn H. Little,
Deceased and for Claimant
A. L. Cattle, Inc.

JIM JONES
Attorney General

Josephine P. Beeman 26 December 1986

Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
Resources

16

I hereby certify that this
is a true and correct copy of
the original Stipulation and
Order filed in this cause on
the 30th day of December, 1986
at 1:43 p.m.

Jim R. Dantel
District Judge

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
WATER OF THE PAYETTE RIVER	)	PANCHERIS/LITTLES/
DRAINAGE BASIN	)	A. L. CATTLE INC.

The director of the Idaho Department of Water Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri and Laura Pancheri ("Pancheris" herein), the estate of Myrn H. Little, and A. L. Cattle, Inc. stipulate to the following water rights for the Pancheris, the estate of Myrn H. Little, and A. L. Cattle, Inc. within the Brush Creek drainage which is tributary to the North Fork of the Payette River. All of these water rights are listed in complete detail in the attached Exhibit A, but are listed in an abbreviated form here.

1. Brush Creek, tributary to North Fork, Payette River

65-6628 (Pancheris): 12.56 cfs for irrigation with a priority date of 4/1/1912;

65-1979 (A. L. Cattle, Inc.): 6.24 cfs for irrigation with a priority date of 6/1/1918;

2. Moores Creek, tributary to Brush Creek

65-11250 (Pancheris): 4.86 cfs for irrigation with a priority date of 5/1/1899;

3. Andy Creek, tributary to South Fork Moores Creek, and South Fork Moores Creek, tributary to Moores Creek

65-11280 (A. L. Cattle, Inc.): 1.06 cfs for irrigation with a priority date of 6/1/1902.

With respect to right 65-11280 (in the name of A. L. Cattle, Inc.), the Pancheris and A. L. Cattle, Inc. agree as follows. Although right 65-11280 on Andy Creek is junior in priority to the Pancheri's downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by A. L. Cattle, Inc., its successors and assigns under right 65-11280 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, A. L. Cattle, Inc. will not increase the number of acres being irrigated in that fractional section.

b. A. L. Cattle, Inc. agrees, for and on behalf of itself, successors and assigns, not to change the method of irrigating under 65-11280 even though the method of irrigating can be changed without increasing the consumptive use, such as changing from the present method of irrigating, flood irrigation, to sprinklers.

1 c. A. L. Cattle, Inc. agrees for and on behalf of
2 itself, its successors and assigns not to change
3 either the place of use of the water or the points of
4 diversion without first obtaining the written consent
5 of the Pancheris or the Pancheris' successors and
6 assigns.

7 d. A. L. Cattle, Inc. agrees, for and on behalf of
8 itself, its successors and assigns to use the water
9 in such a manner that all water not needed for the
10 propagation of crops will either be left in the
11 natural drainage or will be returned back to Moores
12 Creek upstream from the Pancheris' point of diverison
13 as it presently exists.

14 e. The enforcement of those conditions which occur
15 after the water is diverted from the natural channel
16 will be the responsibility of the private parties,
17 except that Water Resources may also exercise its
18 authority under Title 42, Idaho Code.

19 4. Springs, tributary to Moores Creek

20 65-1972 (estate of Myrn H. Little): .04 cfs for
21 domestic purposes with a priority date of 5/1/1901;

22 65-1973 (estate of Myrn H. Little): .01 cfs for
23 domestic purposes with a priority date of 5/1/1901.

24 The Pancheris, the estate of Myrn H. Little and A. L.
25 Cattle, Inc. further agree, based upon this stipulation, to
26 withdraw the objections that each had filed affecting their
27 respective rights on Brush Creek, Moores Creek and Andy Creek.

Dated this 30th day of December, 1986.

RINGERT, CLARK, HARRINGTON,
'REID, CHRISTENSON & KAUFMAN,
CHARTERED

By: W. F. Ringert 12-30-86

William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

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Louie Gorrondo 29 December 1986

Louie Gorrondo, Attorney for
Claimant Agnes Brailsford,
Personal Representative of the
Estate of Myrn H. Little,
Deceased and for Claimant
A. L. Cattle, Inc.

JIM JONES
Attorney General

Josephine P. Beeman 26 December 1986

Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
Resources

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

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I hereby certify that this
is a true and correct copy of
the original Stipulation and
Order filed in this cause on
the 30th day of December, 1986
at 1:43 p.m.

John R. Dant
District Judge

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
WATER OF THE PAYETTE RIVER	)	PANCHERIS/LITTLES/
DRAINAGE BASIN	)	A. L. CATTLE INC.

The director of the Idaho Department of Water Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri and Laura Pancheri ("Pancheris" herein), the estate of Myrn H. Little, and A. L. Cattle, Inc. stipulate to the following water rights for the Pancheris, the estate of Myrn H. Little, and A. L. Cattle, Inc. within the Brush Creek drainage which is tributary to the North Fork of the Payette River. All of these water rights are listed in complete detail in the attached Exhibit A, but are listed in an abbreviated form here.

1. Brush Creek, tributary to North Fork, Payette River
- 65-6628 (Pancheris): 12.56 cfs for irrigation with a priority date of 4/1/1912;
- 65-1979 (A. L. Cattle, Inc.): 6.24 cfs for irrigation with a priority date of 6/1/1918;
2. Moores Creek, tributary to Brush Creek
- 65-11250 (Pancheris): 4.86 cfs for irrigation with a priority date of 5/1/1899;
3. Andy Creek, tributary to South Fork Moores Creek, and South Fork Moores Creek, tributary to Moores Creek
- 65-11280 (A. L. Cattle, Inc.): 1.06 cfs for irrigation with a priority date of 6/1/1902.

With respect to right 65-11280 (in the name of A. L. Cattle, Inc.), the Pancheris and A. L. Cattle, Inc. agree as follows. Although right 65-11280 on Andy Creek is junior in priority to the Pancheri's downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by A. L. Cattle, Inc., its successors and assigns under right 65-11280 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, A. L. Cattle, Inc. will not increase the number of acres being irrigated in that fractional section.

b. A. L. Cattle, Inc. agrees, for and on behalf of itself, successors and assigns, not to change the method of irrigating under 65-11280 even though the method of irrigating can be changed without increasing the consumptive use, such as changing from the present method of irrigating, flood irrigation, to sprinklers.

1 c. A. L. Cattle, Inc. agrees for and on behalf of
2 itself, its successors and assigns not to change
3 either the place of use of the water or the points of
4 diversion without first obtaining the written consent
5 of the Pancheris or the Pancheris' successors and
6 assigns.

7 d. A. L. Cattle, Inc. agrees, for and on behalf of
8 itself, its successors and assigns to use the water
9 in such a manner that all water not needed for the
10 propagation of crops will either be left in the
11 natural drainage or will be returned back to Moores
12 Creek upstream from the Pancheris' point of diverison
13 as it presently exists.

14 e. The enforcement of those conditions which occur
15 after the water is diverted from the natural channel
16 will be the responsibility of the private parties,
17 except that Water Resources may also exercise its
18 authority under Title 42, Idaho Code.

19 4. Springs, tributary to Moores Creek

20 65-1972 (estate of Myrn H. Little): .04 cfs for
21 domestic purposes with a priority date of 5/1/1901;

22 65-1973 (estate of Myrn H. Little): .01 cfs for
23 domestic purposes with a priority date of 5/1/1901.

24 The Pancheris, the estate of Myrn H. Little and A. L.
25 Cattle, Inc. further agree, based upon this stipulation, to
26 withdraw the objections that each had filed affecting their
27 respective rights on Brush Creek, Moores Creek and Andy Creek.

Dated this 30th day of December, 1986.

RINGERT, CLARK, HARRINGTON,
REID, CHRISTENSON & KAUFMAN,
CHARTERED

By:

W. F. Ringert 12-30-86
William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

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Sent Sprung 29 December 1986

Louie Gorrone, Attorney for
Claimant Agnes Brailsford,
Personal Representative of the
Estate of Myrn H. Little,
Deceased and for Claimant
A. L. Cattle, Inc.

JIM JONES
Attorney General

Josephine P. Beeman 26 December 1986

Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
Resources

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

Morgan W. Richards, Jr.
MOFFATT, THOMAS, PARFETT & PLANTON
CHARTERED
Post Office Box 829
Poise, Idaho 83701
Telephone: (208) 345-2334
MTR&B 13-719

Attorneys for MacGregor Land &
Livestock Company

FILED

DEC 21 1984

U CLUCK

Thelma R. Kolodziej CLERK

James J. Butler DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT TO	)	Civil No. 3667
THE USE OF SURFACE AND	)	
GROUNDWATER OF THE PAYETTE	)	STIPULATION AND ORDER
RIVER DRAINAGE BASIN	)	
	)	

COMES NOW Darwin L. Pancheri and Joan L. Pancheri, and
Duane Pancheri and Laura Pancheri (hereinafter "Pancheris") and
MacGregor Land & Livestock Company (hereinafter "MacGregor"), and
stipulate and agree as follows:

1. Pancheris on behalf of themselves, their heirs,
successors and assigns, hereby stipulate, agree and concede that
the priority dates, uses, periods of use, quantity of water
claimed, diversion points and places of use in the attached
exhibits for MacGregor water rights 65-3406, 65-3407, 65-3408 and
65-11411 are accurate and correct and, therefore, prior in time
and right to the water rights claimed by Pancheris.

2. MacGregor hereby dismisses with prejudice its
objection to and protest of the water rights claimed by Pancheris

Scott

in this case. Pancheris hereby dismiss with prejudice their objection and protest of the water rights claimed by MacGregor.

3. Both parties agree to bear their own costs and attorney's fees.

DATED this _____ day of December, 1984.

MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED

By Morgan W. Richards, Jr.
Morgan W. Richards, Jr. -
Of the Firm - Attorneys for
MacGregor Land & Livestock Co.

ANDERSON, KAUFMAN, RINGERT & CLARK

By _____
P. F. Ringert - Of the Firm -
Attorneys for Darwin Pancheri, Joan
Pancheri, Duane Pancheri and Laura
Pancheri

O P D E P

The foregoing stipulation having come duly and regularly before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections to and protests filed against Pancheris' water rights by MacGregor and against MacGregor's water rights by Pancheris be dismissed with prejudice, and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that MacGregor's water rights 65-3406, 65-3407, 65-3408 and 65-11411 listed in attached Exhibits with regard to priority dates, uses, periods of use, quantity of water claimed, diversion points and places of use be deemed admitted and conceded by the Pancheris, their heirs, successors and assigns as true and accurate.

DATED this 19th day of December, 1984.

H Roger L. Williams
DISTRICT JUDGE

Morgan W. Richards, Jr.
KOFFATT, THOMAS, PARFETT & PLANTON
CHARTERED
Post Office Box 829
Poise, Idaho 83701
Telephone: (208) 345-2334
MTR&B 13-719

Attorneys for MacGregor Land &
Livestock Company

FILED

DEC 21 1984

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Thelma P. Kolodziej CLERK

James J. Butler DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT TO	)	Civil No. 3667
THE USE OF SURFACE AND	)	
GROUNDWATER OF THE PAYETTE	)	STIPULATION AND ORDER
RIVER DRAINAGE BASIN	)	
	)	

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Duane Pancheri and Laura Pancheri (hereinafter "Pancheris") and
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exhibits for MacGregor water rights 65-3406, 65-3407, 65-3408 and
65-11411 are accurate and correct and, therefore, prior in time
and right to the water rights claimed by Pancheris.

2. MacGregor hereby dismisses with prejudice its
objection to and protest of the water rights claimed by Pancheris

in this case. Pancheris hereby dismiss with prejudice their objection and protest of the valet rights claimed by MacGregor.

3. Both parties agree to bear their own costs and attorney's fees.

DATED this _____ day of December, 1984.

MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED

By Morgan W. Richards, Jr.
Morgan W. Richards, Jr. -
Of the Firm - Attorneys for
MacGregor Land & Livestock Co.

ANDERSON, KAUFMAN, RINGERT & CLARK

By F. F. Ringert - Of the Firm -
Attorneys for Darwin Pancheri, Joan
Pancheri, Duane Pancheri and Laura
Pancheri

C O R D E R

The foregoing stipulation having come duly and regularly before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections to and protests filed against Pancheris' water rights by MacGregor and against MacGregor's water rights by Pancheris be dismissed with prejudice, and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that MacGregor's water rights 65-3406, 65-3407, 65-3408 and 65-11411 listed in attached Exhibits with regard to priority dates, uses, periods of use, quantity of water claimed, diversion points and places of use be deemed admitted and conceded by the Pancheris, their heirs, successors and assigns as true and accurate.

DATED this 19th day of December, 1984.

H Roger L. Williams
DISTRICT JUDGE

Morgan W. Richards, Jr.
MOFFATT, THOMAS, PARFETT & PLANTON
CHARTERED
Post Office Box 829
Poise, Idaho 83701
Telephone: (208) 345-2334
MTR&B 13-719

Attorneys for MacGregor Land &
Livestock Company

FILED

DEC 21 1984

6 O'CLOCK

Thelma R. Kolodziej CLERK

Thomas J. Butler DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT TO	)	Civil No. 3667
THE USE OF SURFACE AND	)	
GROUNDWATER OF THE PAYETTE	)	STIPULATION AND ORDER
RIVER DRAINAGE BASIN	)	
	)	

COMES NOW Darwin L. Pancheri and Joan L. Pancheri, and
Duane Pancheri and Laura Pancheri (hereinafter "Pancheris") and
MacGregor Land & Livestock Company (hereinafter "MacGregor"), and
stipulate and agree as follows:

1. Pancheris on behalf of themselves, their heirs,
successors and assigns, hereby stipulate, agree and concede that
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claimed, diversion points and places of use in the attached
exhibits for MacGregor water rights 65-3406, 65-3407, 65-3408 and
65-11411 are accurate and correct and, therefore, prior in time
and right to the water rights claimed by Pancheris.

2. MacGregor hereby dismisses with prejudice its
objection to and protest of the water rights claimed by Pancheris

in this case. Pancheris hereby dismiss with prejudice their objection and protest of the valet rights claimed by MacGregor.

3. Both parties agree to bear their own costs and attorney's fees.

DATED this _____ day of December, 1984.

MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED

By Morgan W. Richards, Jr.
Morgan W. Richards, Jr. -
Of the Firm - Attorneys for
MacGregor Land & Livestock Co.

ANDERSON, KAUFMAN, RINGERT & CLARK

By F. F. Ringert - Of the Firm -
Attorneys for Darwin Pancheri, Joan
Pancheri, Duane Pancheri and Laura
Pancheri

O P P P P

The foregoing stipulation having come duly and regularly before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections to and protests filed against Pancheris' water rights by MacGregor and against MacGregor's water rights by Pancheris be dismissed with prejudice and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that MacGregor's water rights 65-3406, 65-3407, 65-3408 and 65-11411 listed in attached Exhibits with regard to priority dates, uses, periods of use, quantity of water claimed, diversion points and places of use be deemed admitted and conceded by the Pancheris, their heirs, successors and assigns as true and accurate.

DATED this 19th day of December, 1984.

H Roger L. Williams
DISTRICT JUDGE

Morgan W. Richards, Jr.
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Attorneys for MacGregor Land &
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DEC 21 1984

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Thelma P. Kolodziej CLERK

Thomas J. Butler DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT TO	)	Civil No. 3667
THE USE OF SURFACE AND	)	
GROUNDWATER OF THE PAYETTE	)	STIPULATION AND ORDER
RIVER DRAINAGE BASIN	)	
	)	

COMES NOW Darwin L. Pancheri and Joan L. Pancheri, and
Duane Pancheri and Laura Pancheri (hereinafter "Pancheris") and
MacGregor Land & Livestock Company (hereinafter "MacGregor"), and
stipulate and agree as follows:

1. Pancheris on behalf of themselves, their heirs,
successors and assigns, hereby stipulate, agree and concede that
the priority dates, uses, periods of use, quantity of water
claimed, diversion points and places of use in the attached
exhibits for MacGregor water rights 65-3406, 65-3407, 65-3408 and
65-11411 are accurate and correct and, therefore, prior in time
and right to the water rights claimed by Pancheris.

2. MacGregor hereby dismisses with prejudice its
objection to and protest of the water rights claimed by Pancheris

in this case. Pancheri hereby dismiss with prejudice their objection and protest of the water rights claimed by MacGregor.

3. Both parties agree to bear their own costs and attorney's fees.

DATED this _____ day of December, 1984.

MOFFATT, THOMAS, BARRETT & PLANTON
CHARTERED

By Morgan W. Richards, Jr.
Morgan W. Richards, Jr. -
Of the Firm - Attorneys for
MacGregor Land & Livestock Co.

ANDERSON, KAUFMAN, RINGERT & CLARK

By _____
P. F. Ringert - Of the Firm -
Attorneys for Darwin Pancheri, Joan
Pancheri, Duane Pancheri and Laura
Pancheri

C O P Y

The foregoing stipulation having come duly and regularly before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections to and protests filed against Pancheris' water rights by MacGregor and against MacGregor's water rights by Pancheris be dismissed with prejudice, and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that MacGregor's water rights 65-3406, 65-3407, 65-3408 and 65-11411 listed in attached Exhibits with regard to priority dates, uses, periods of use, quantity of water claimed, diversion points and places of use be deemed admitted and conceded by the Pancheris, their heirs, successors and assigns as true and accurate.

DATED this 19th day of December, 1984.

/s/ Roger L. Williams
DISTRICT JUDGE

EXHIBIT A - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: NORTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2534	PANCHERI, DARWIN & PANCHERI, JOAN L. & PANCHERI, DUANE & PANCHERI, LAURA MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-6629 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/21/1950	IRRIGATION	4/15 10/15	--- AFA 10.0 CFS	SWNE S 6 T13N R 4E	NESW(15) NESE(5) NWSE(26) SWSE(18) SESE(4) LOT 13(SWNE)(2) S 6 T13N R 4E NENE(15) NWNE(30) SWNE(40) SENE(21) NENW(4) SENW(13) NESW(18) SESW(9) NESE(33) NWSE(40) SWSE(38) SESE(37) S 7 T13N R 4E LOT 12(NWSW)(9) LOT 13(SWSW)(9) S 5 T13N R 4E *386*	LICENSE
65-2696	PANCHERI, DARWIN & PANCHERI, JOAN L. & PANCHERI, LAURA & PANCHERI, DUANE MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-6628 & 65-6629 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/28/1961	IRRIGATION	4/15 10/15	--- AFA 13.46 CFS	LOT 13 (SWNE)S 6 T13N R 4E LOT 4 (SWNW) S 17 T13N R 4E LOT 14 (SESW) S17 T13N R 4E	NWSW(19) LOT 3(NWNW)(14) LOT 4(SWNW)(14) LOT 13(SWSW)(16) LOT 14(SESW)(6) S 17 T13N R 4E LOT 5 (NENE)(32) NWNE(40) SWNE(40) LOT 6 (SENE)(22) NENW(5) SENW(15) NESE(40) NWSE(20)	LICENSE

(Continued on next page)

INDICATES TOTAL

EXHIBIT A - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: NORTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2696 (CONTINUED)						LOT 5 (NENE) S 19 T13N R 4E LOT 11 (NWSW) S 20 T13N R 4E LOT 4 (NWNW) S 29 T13N R 4E	SESE(40) S19 T13N R 4E LOT 5 (NENE)(23) S30 T13N R 4E NENE(39) NWNE(38) SWNE(38) SENE(39) NESE(28) NWSE(30) SWSE(39) LOT 5 (SESE)(38) S18 T13N R 4E LOT 11(NWSW)(17) LOT 12(SWSW)(20) S20 T13N R 4E LOT 4 (NWNW)(1) S 29 T 13N R4E *673*	

INDICATES TOTAL

50044
Right Number:

65-2696

Name and Address: Pancheri, Darwin &
Pancheri, Joan L. &
Pancheri, Laura &
Pancheri, Duane
Melba, Idaho 83641

Source: North Fork, Payette River

Priority: 7/28/1961

Use: Irrigation

Use Period: 4/15 to 10/15

Maximum Amount: --- AFA

Maximum Rate: ~~14.96~~ 13.46 CFS

Diversion Point: Lot 13 (SWNE) S 6 T13N R 4E
Lot 4 (SWNW) S17 T13N R 4E
Lot 14 (SESW) S17 T13N R 4E
Lot 5 (NENE) S19 T13N R 4E
Lot 11 (NWSW) S20 T13N R 4E
Lot 4 (NWNW) S29 T13N R 4E

Place of Use: NWSW ~~(40)~~(19) Lot 3(NWNW)(14) Lot 4(SWNW)(14)
~~Lot 12~~(26) Lot 13(SWSW)(~~32~~)(16)
Lot 14(SESW)(~~13~~)(6)
S17 T13N R 4E
Lot 5 (NENE)(32) NWNE(~~39~~)(40) SWNE(~~41~~)(40)
Lot 6 (SENE)(~~21~~)(22)
NENW(5) SENW(15) NESE(40) NWSE(20)
SESE(40)
S19 T13N R 4E
Lot 5 (NENE)(~~27~~)(23)
S30 T13N R 4E
NENE(39) NWNE(38) SWNE(38) SENE(39)
NESE(~~34~~)(28) NWSE(~~26~~)(30) SWSE(39)
Lot 5 (SESE)(38)
S18 T13N R 4E
Lot 11(NWSW)(17) Lot 12(SWSW)(20)
S20 T13N R 4E
Lot 4 (NWNW)(1)
S29 T13N R 4E
*747*673*

Basis of Right: License

Remarks: This right when combined with rights
65-6628 & 65-6629 shall provide no more than
.02 CFS/acre.

EXHIBIT A - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: NORTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2534	PANCHERI, DARWIN & PANCHERI, JOAN L. & PANCHERI, DUANE & PANCHERI, LAURA MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-6629 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/21/1950	IRRIGATION	4/15 10/15	--- AFA 10.0 CFS	SWNE S 6 T13N R 4E	NESW(15) NESE(5) NWSE(26) SWSE(18) SESE(4) LOT 13(SWNE)(2) S 6 T13N R 4E NENE(15) NENE(30) SWNE(40) SENE(21) NENW(4) SENW(13) NESW(18) SESW(9) NESE(33) NWSE(40) SWSE(38) SESE(37) S 7 T13N R 4E LOT 12(NWSW)(9) LOT 13(SWSW)(9) S 5 T13N R 4E *386*	LICENSE
65-2696	PANCHERI, DARWIN & PANCHERI, JOAN L. & PANCHERI, LAURA & PANCHERI, DUANE MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-6628 & 65-6629 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/28/1961	IRRIGATION	4/15 10/15	--- AFA 13.46 CFS	LOT 13 (SWNE)S 6 T13N R 4E LOT 4 (SWNW) S 17 T13N R 4E LOT 14 (SESW) S17 T13N R 4E	NWSW(19) LOT 3(NWNW)(14) LOT 4(SWNW)(14) LOT 13(SWSW)(16) LOT 14(SESW)(6) S 17 T13N R 4E LOT 5 (NENE)(32) NWNE(40) SWNE(40) LOT 6 (SENE)(22) NENW(5) SENW(15) NESE(40) NWSE(20)	LICENSE

(Continued on next page)

INDICATES TOTAL

30044
Right Number:

65-2534

Name and Address: Pancheri, Darwin &
Pancheri, ~~Joan~~ Joan L. &
Pancheri, Duane &
Pancheri, Laura
Melba, Idaho 83641

Source: North Fork, Payette River

Priority: 7/21/1950

Use: Irrigation

Use Period: 4/15 to 10/15

Maximum Amount: --- AFA

Maximum Rate: 10.00 CFS

Diversion Point: SWNE S 6 T13N R 4E

Place of Use: NESW(15) NESE(5) NWSE(26) SWSE(18)
SESE(4) Lot 13(SWNE)(2)
S 6 T13 R 4E
NENE(15) NWNE(30) SWNE(40) SENE(21)
NENW(4) SENW(13) NESW(18) SESW(9)
NESE(33) NWSE(40) SWSE(38) SESE(37)
S 7 T13N R 4E
Lot 12(NWSW)(9) Lot 13(SWSW)(9)
S 5 T13N R 4E
386

Basis of Right: License

Remarks: This right when combined with right
~~65-11250~~ 65-6629 shall provide no more
than .02 CFS/acre.

EXHIBIT A - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: MOORES CREEK

TRIBUTARY TO: BRUSH CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3420	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, IDAHO 83702 REMARKS: 2 P/DS IN SWNE S14 T13N R 3E. SOURCES FOR THIS RIGHT ARE NORTH FORK, MOORES CREEK TRIB. TO MOORES CREEK AND MOORES CREEK TRIB. TO BRUSH CREEK. THIS RIGHT WHEN COMBINED WITH RIGHT 65-3418 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/1/1894	IRRIGATION	4/15 10/15	--- AFA 2.28 CFS	SWNE S14 T13N R 3E NWNW S13 T13N R 3E NESW S14 T13N R 3E	SWNW(39) SENW(9) S13 T13N R 3E SWNE(28) SENE(38) S14 T13N R 3E *114*	BENEFICIAL USE
65-11280	A. L. CATTLE, INC. C/O MS. AGNES BRAILSFORD POST OFFICE BOX 180 HAGERMAN, IDAHO 83332	6/1/1902	IRRIGATION	4/15 10/15	--- AFA 1.06 CFS	NESW S14 T13N R 3E	NESE(24) NWSE(27) SWSE(2) S14 T13N R 3E *53*	BENEFICIAL USE
65-6629	PANCHERI, DARWIN & PANCHERI, JOAN L. & PANCHERI, DUANE & PANCHERI, LAURA MELBA, IDAHO 83641 REMARKS: THIS RIGHT WHEN COMBINED WITH 65-2534 OR 65-2696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	8/19/1929	IRRIGATION	4/15 10/15	--- AFA 4.86 CFS	SENE S13 T13N R 3E	NENE(27) NWNE(38) SWNE(38) SENE(39) NENW(22) NESE(13) NWSE(24) LOT 1(NWNW)(9) S18 T13N R 4E LOT 4(SWNW)(8) S17 T13N R 4E SWSE(16) SESE(9) S 7 R13N R 4E *243*	BENEFICIAL USE

INDICATES TOTAL

EXHIBIT B

Scott

Right Number: 65-11280

Name and Address: A. L. Cattle, Inc.
c/o Ms. Agnes Brailsford
Post Office Box 180
Hagerman, Idaho 83332

Source:

Moore's Creek

Tributary to:

Olson Brush Creek

Priority:

6/1/1902

Use:

Irrigation

Use Period:

4/15 to 10/15

Maximum Amount:

--- AFA

Maximum Rate:

1.36 1.06 CFS

Diversion Point:

NESW S14 T13N R 3E
~~SENE S13 T13N R 3E~~

Place of Use:

~~NWSW(5) S13 T13N R 3E~~
~~NESE(26) (24) NWSE(27) SWSE(2)~~
~~S14 T13N R 3E~~
~~SENW(6) Lot 2(2)~~
~~S18 T13N R 4E~~
~~*68 53*~~

Basis of Right:

Beneficial Use

FILE

Scott.

Right Number: 65-11250

Name and Address: Pancheri, Darwin &
Pancheri, Joan L. &
Pancheri, Duane &
Pancheri, Laura
Melba, Idaho 83641

Source: ~~Brush Creek~~

Tributary to: ~~Moores Creek~~

Priority: 5/-1/1899

Use: Irrigation

Use Period: 4/15 to 10/15

Maximum Amount: ~~--- APA~~

Maximum Rate: 6.32 CPS

Diversion Point: ~~SENE S13 T13N R 3E~~

Place of User: ~~SWSE(38) SESE(37)~~
~~S 7 T13N R 4E~~
~~NWNW(14) SWNW(14)~~
~~S17 T13N R 4E~~
~~NENE(39) NWNE(38) SWNE(38) SENE(39)~~
~~NENW(22) NESE(13) NWSE(15) Lot 1(-9)~~
~~S18 T13N R 4E~~
~~*316*~~

Basis of Right: ~~Beneficial Use~~

Remarks: ~~This right when combined with rights~~
~~65-2534, 65-6629 & 65-6628 shall~~
~~provide no more than .02 CPS/acre.~~

Action: Claim disallowed

Remarks: Recommended as right 65-6629.