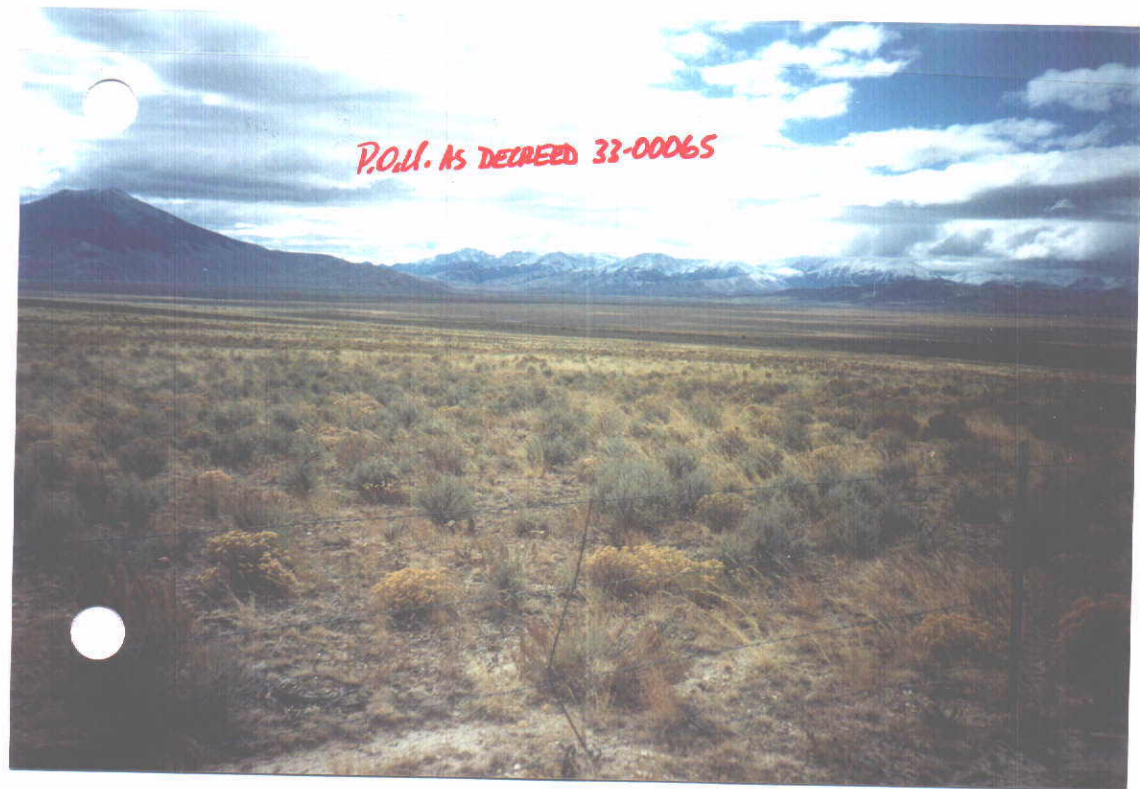




P.O.U. AS DETAINED 32-00065



PANCHERI INC.  
33-00065 DECEDED  
ORIGINAL PLACE OF USE

Photo 1. Shows ORIGINAL PLACE OF USE AS  
DECEDED FROM 33-00065. TRANSFER BSI  
EXPANDS P.O.U. TO PARTS OF T.6N., R.29E.,  
T.6N., R.30E. AND T.5N. R.29E. (SEE T.851  
FOR LEGALS. TRANSFER DATED 16 MAY 1955.)  
LANDS SHOWN IN PHOTOGRAPH ARE PARTS OF  
T.10N., R.26E AND T.10N., R.27E.  
IRRIGATION IS NO LONGER DONE HERE. THE  
PRACTICE STOPPED LONG PRIOR TO 1987.

Photo BY: A. Rubenray 2 Oct. 95

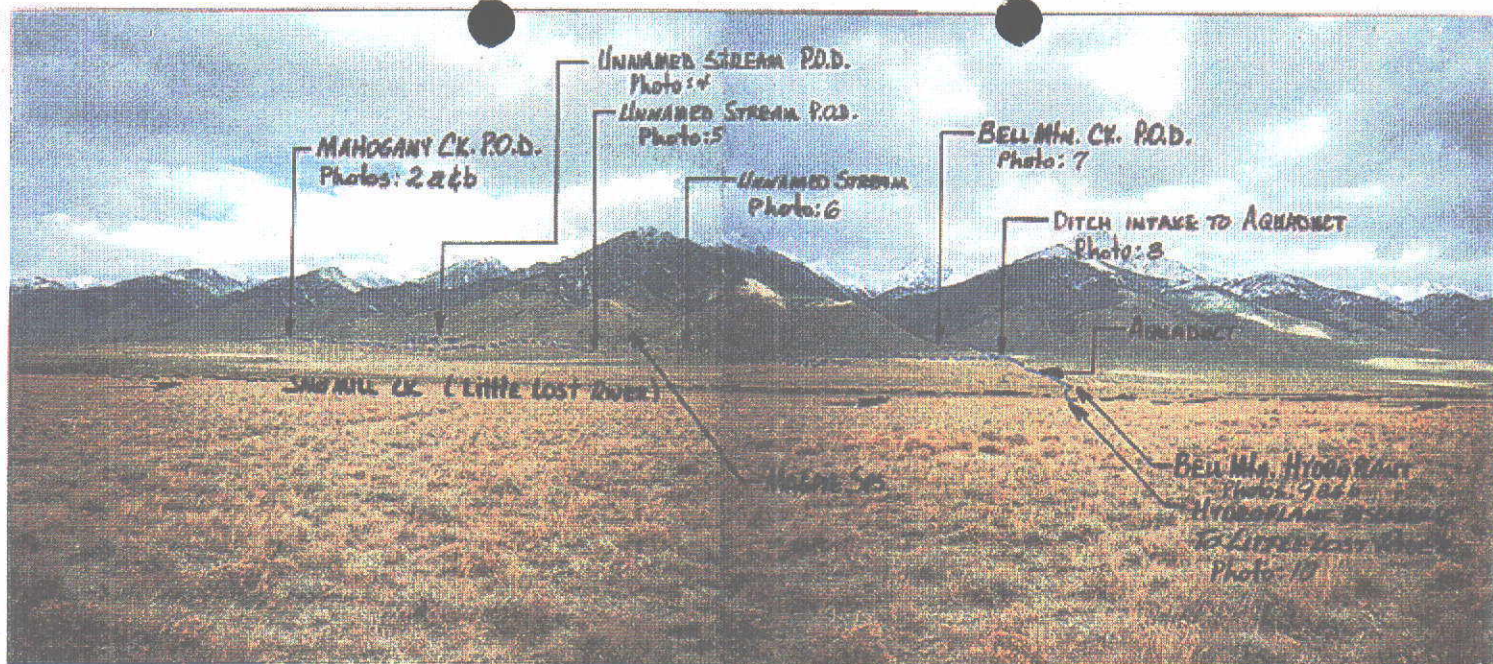
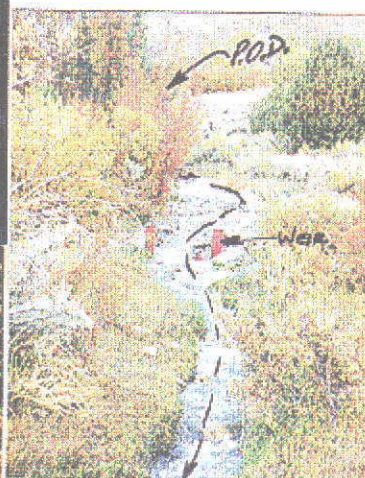


Photo 1. ABOVE - OVERVIEW OF BELL Mtn. HYDRO SYSTEM.

Photo 2a. LEFT - LOOKING UPSTREAM AT THE MAHOGANY CK DIVERSION. P.O.D. NESE NW SEC. 30 T. 11 N. R. 27 E.



LOOKING UP AT MAHOGANY CK WEIR



Photo 2b. LOOKING DOWNSTREAM AT THE MAHOGANY CK DIVERSION.

A33-00065  
A33-07089

PANCHERI, INC.  
BELL Mtn HYDRO SYSTEM  
AND IRRIGATION RIGHTS (DECEASED)

PAGE 1.

PHOTOS BY: A. RIBBERRY OCT. 2, 1995

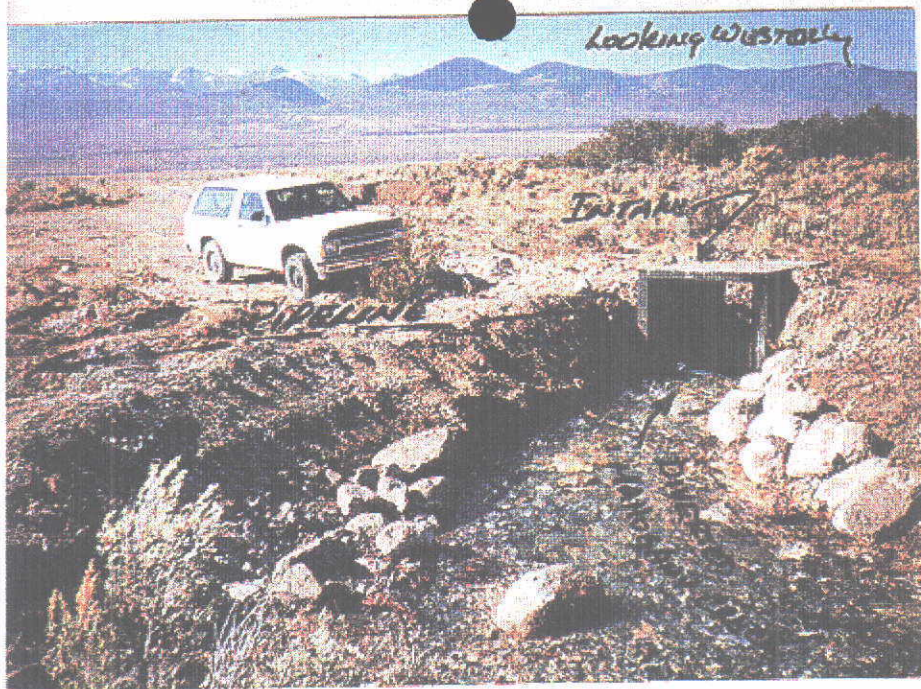


Photo 2c. NEW MAHOGANY CK  
INTAKE TO NEW PIPELINE. THIS  
IS NOT THE ACTUAL POINT OF  
DIVERSION, ALTHOUGH, THE TWO  
MAY HAVE THE SAME LEGAL.

PIPELINE AND INTAKE WERE  
INSTALLED OCT. 1995.

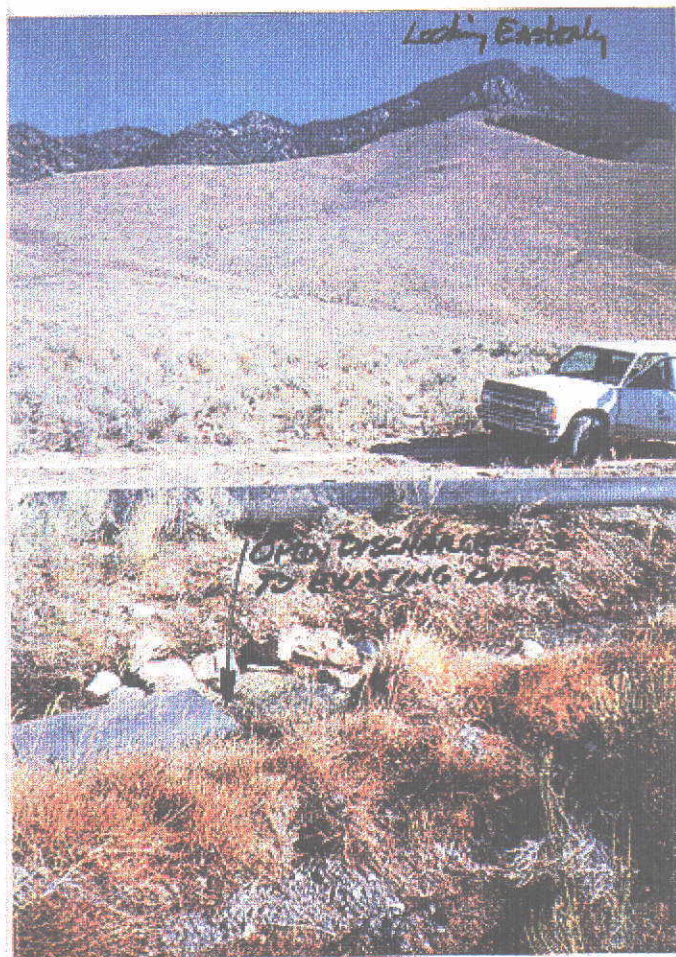


Photo 2d. SHOWS OPEN DISCHARGE OF  
NEW PIPELINE TO EXISTING DITCH AT  
SENEBW SEC. 30 T.11N., R.27E.

Note: THE DITCH WAS ALSO CLEANED DURING  
OCTOBER 1995. SOD WAS REMOVED FROM  
UPSIDE AND BOTTOM OF DITCH AND THEN  
PLACE ON DOWNSIDE BACK AS BUILDUP  
AND ROOT STRUCTURE SUPPORT FOR  
FLOODING (HIGH WATER RUNOFF) AND  
DITCH STABILITY. SEE PAGE 2 INSERT.

PANCHERL, INC.  
BELL MTN HYDRO SYSTEM  
AND DECREED IRRIGATION RIGHTS

PAGE 2a.

PHOTOS BY: A. RUSSELL 31 Oct. 1995

Looking SW from MAHOGANY CR.

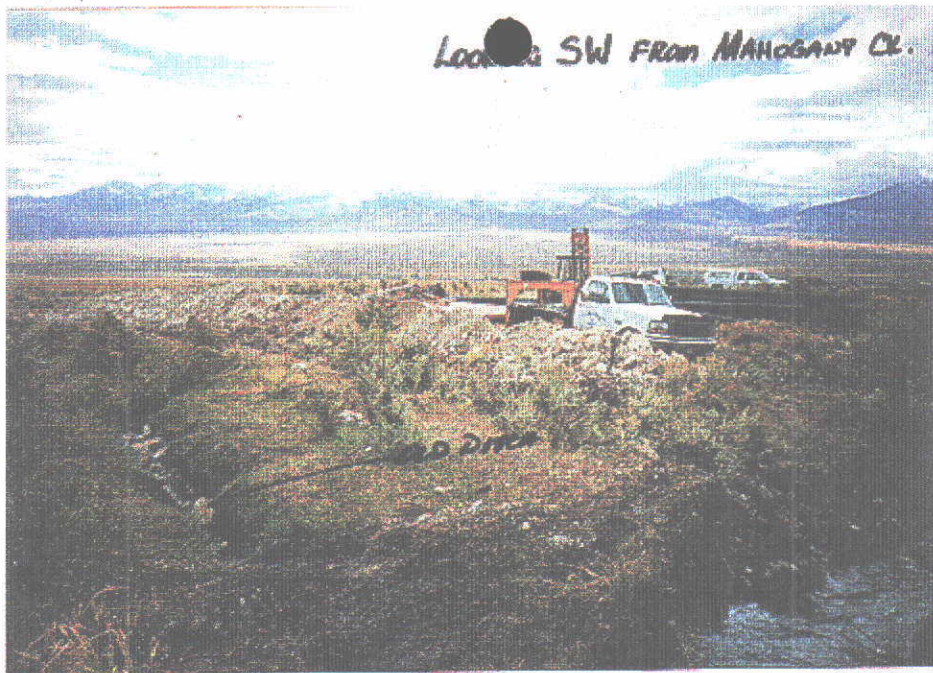


Photo 3. INSTALLATION OF PIPELINE  
AT MAHOGANY CR. TO GET PAST  
A STEEP ROCK SECTION OF DITCH.  
POINT OF DIVERSION TO HYDROPLAN  
DITCH. NESENW SEC.30 T.11N.,R.27

DITCH CLEANING NEAR MAGPIE SPRINGS.



SENESE  
SEC.31  
T.11N.,R.27

Looking Easterly  
31 Oct. 95 ABR

PANCHERI Inc.

A33-07087 HYDRO

A33-00065 IRRIG.

P.O.D. SENESE SEC.31  
T.11N.,R.27E

UNNAMED STREAM



Photo 4. UNNAMED STREAM LOCATED  
BETWEEN MAHOGANY CREEK AND  
MAGPIE SPRINGS (UNNAMED STREAM  
IN Photo 5). CLAIM AMENDED TO  
INCLUDE THIS STREAM AND DELETE  
THE ONE SHOWN AT SENESE SEC.31  
T.11N.,R.27E.

Photo 5. POINT OF DIVERSION OF  
SECOND UNNAMED STREAM (FIRST  
FROM MAGPIE SPRINGS)  
NESESE SEC.31 T.11N.,R.27E.

A33-07087  
A33-00065

PANCHERI Inc.  
BELL MTN HYDROSYSTEM  
AND IRRIG. RIGHTS (DECEDED)

PAGE 2.





Photo 6. POINT OF DIVERSION OF  
THIRD UNNAMED STREAM (SECOND  
FROM MAGPIE SPRINGS).  
NENWNW SEC. 5 T. 10N, R. 27E.



Photo 7. POINT OF DIVERSION OF  
BELL Mtn. CK TO HYDROPLANT  
AQUADUCT.  
SESENE SEC. 5 T. 10N, R. 27E.

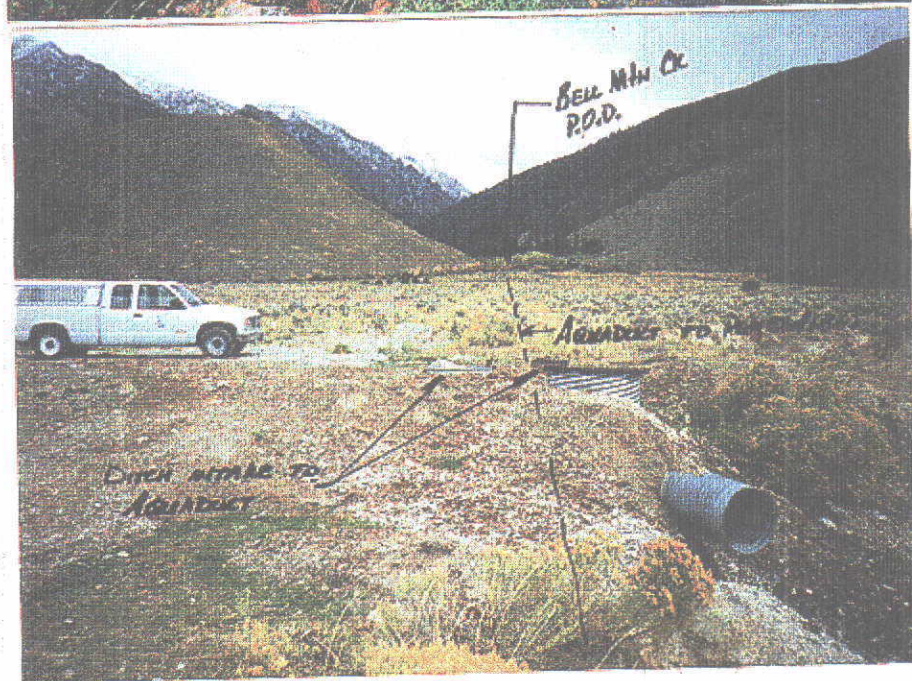


Photo 8. DITCH INTAKE TO AQUADUCT.  
BELL Mtn. CK IN BACKGROUND.  
NESESW SEC. 5 T. 10N, R. 27E.

A33-00065  
A33-07087

PANCHERI, INC.  
BELL Mtn HYDROSYSTEM  
AND IRRIG RIGHTS (DECEASED)  
PAGE 3.

PHOTOS BY: A. RUBERRY 2 Oct. 1995



Photo 9a. BELL MTN HYDROPLANT

SW1SW1W SEC. 7 T.10N, R.27E.



Photo 9b. View of BELL MTN. HYDROPLANT Looking SOUTH-EASTERLY.

NOTE DISCHARGE.



Photo 10. POINT OF INJECTION OF BELL MTN. SYSTEM WATERS INTO SAWMILL CR (LITTLE LOST RIVER).

SW1SE1E SEC. 12 T.10N, R.26E.

A33-00065  
A 33-07087

PANCHERI PNC.  
BELL MTN. HYDROSYSTEM  
AND IRRIG. RIGHTS (DECEASED)

PAGE 4.

PHOTOS BY: A. RUBERRY 2 Oct. 1995



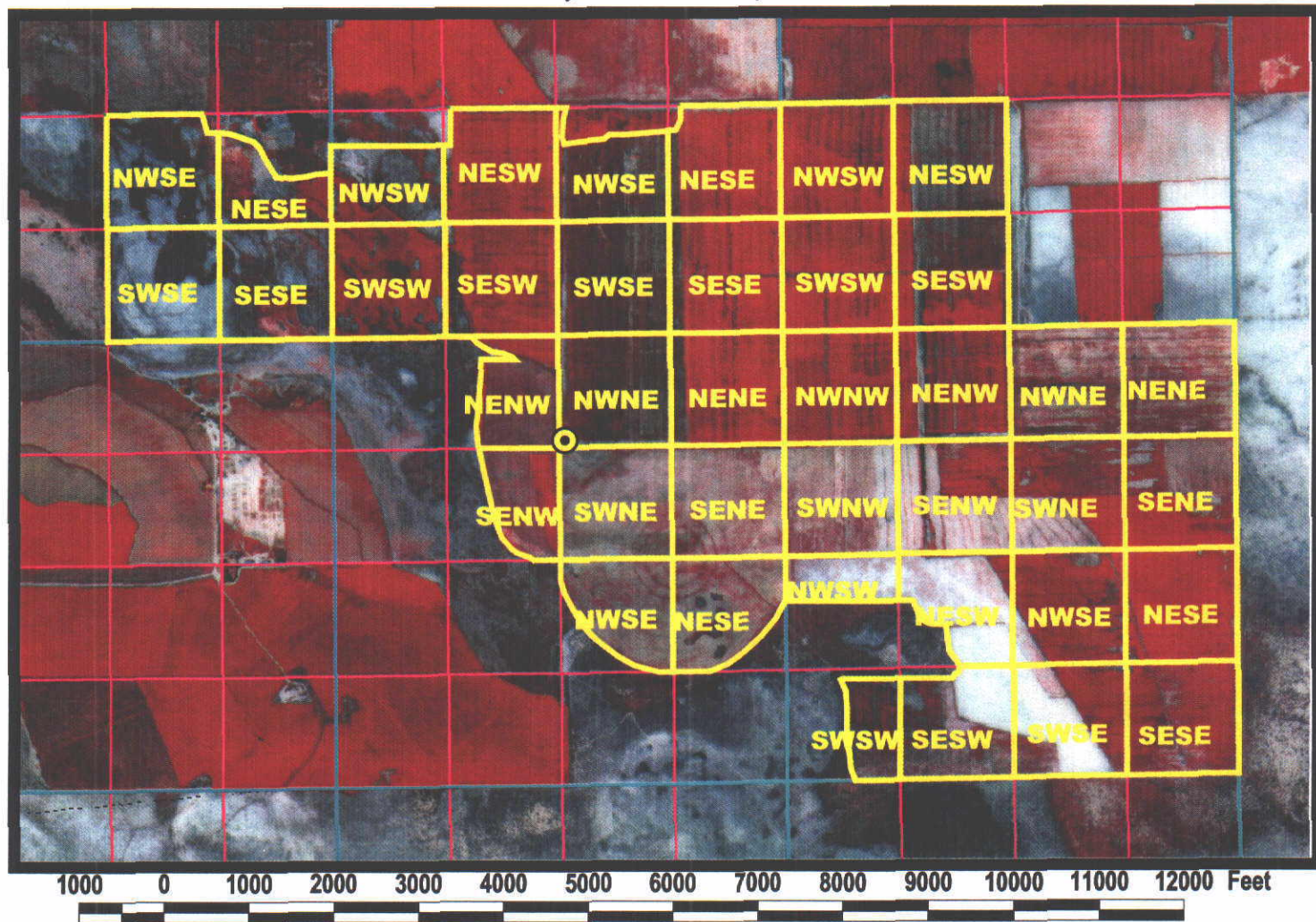
# STATE OF IDAHO

Department of Water Resources

Eastern Region

**Claimant: Pancheri, Inc.**

**Water Right(s): 33-07027, 33-02117A, 33-00024, 33-00025,  
33-00026C, 33-00027, 33-00028, 33-00029, 33-00030,  
33-00065, 33-00115, 33-10109**



## LEGEND



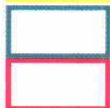
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use

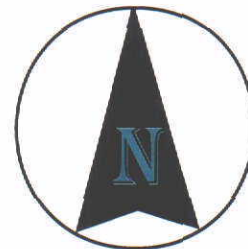


Section Line

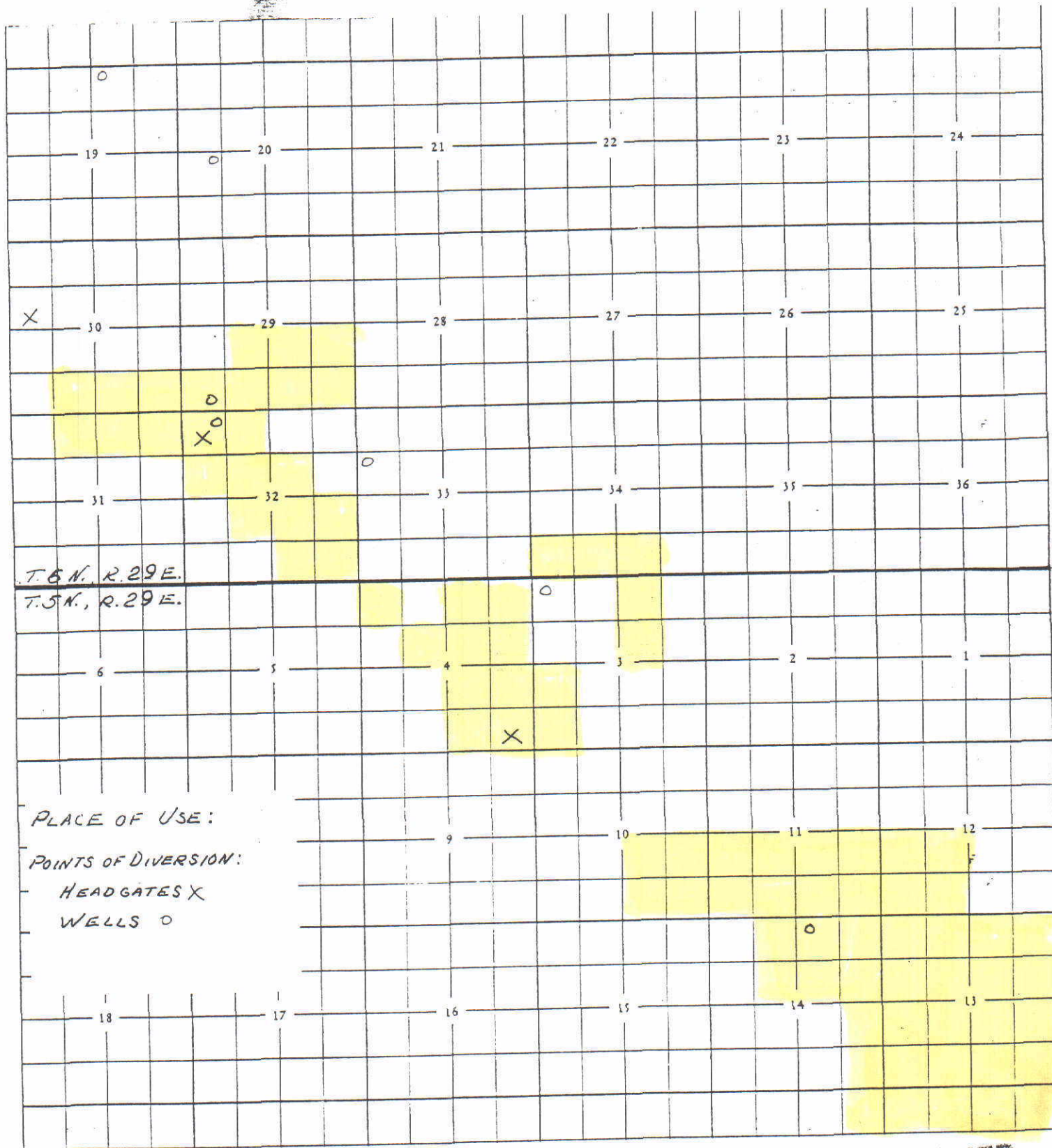
Quarter-section line

**Place(s) of Use: T.5N., R.29E.  
(parts of) Sec. 10, 11, 12, 13, 14**

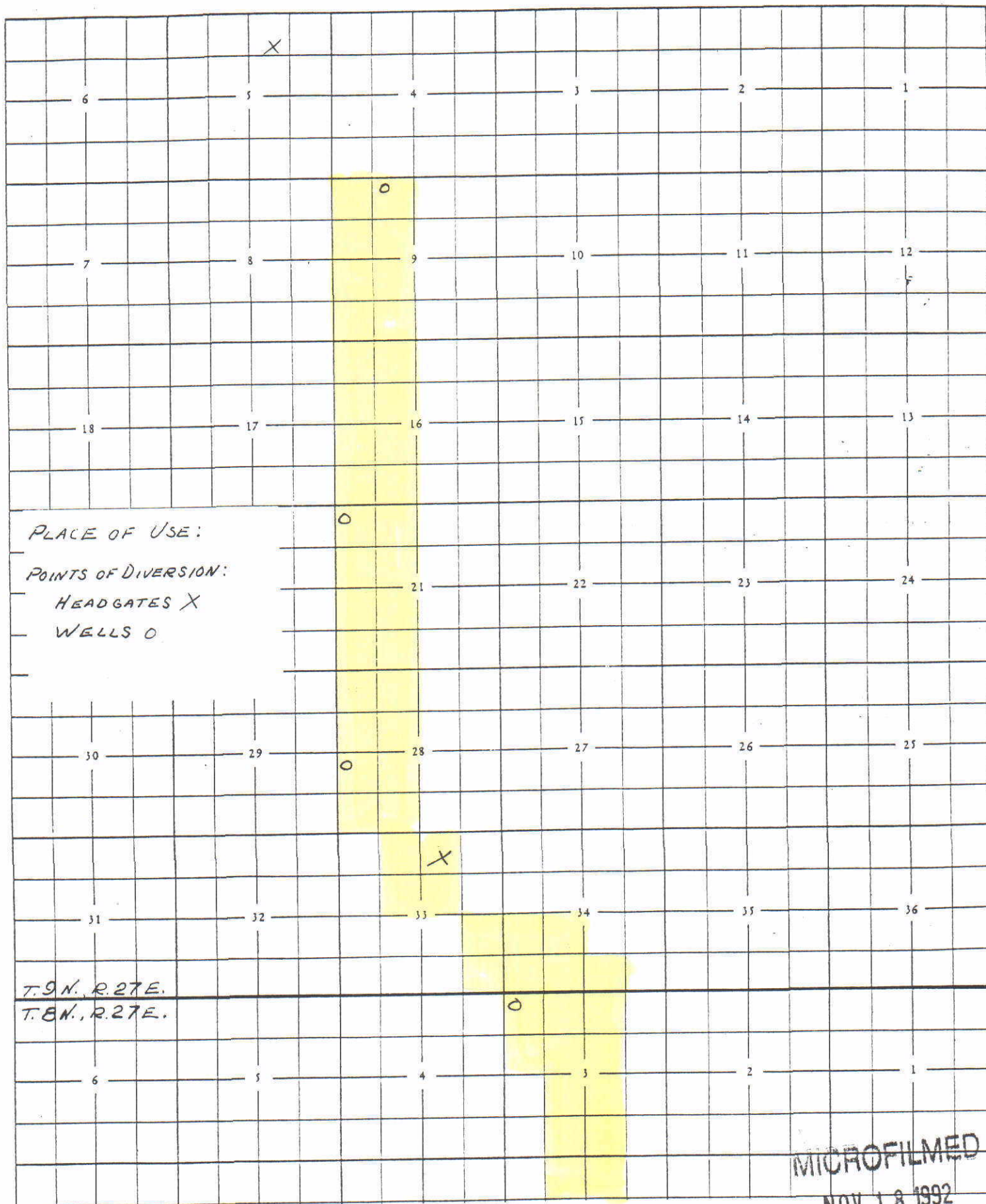
**Point(s) of Diversion: T.5N., R.29E.  
Sec. 4 SESESE (surface)  
T.5N., R.29E. Sec. 14  
SENEW (well)**



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: A. Ruberry  
Date: November 1999



MICROFILMED  
NOV 18 1992



11 April 2000

From: Candice McHugh, IDWR

To: Fred Price, BLM-ISO

CC: Candice McHugh, IDWR ADJUD.

From: A. Ruberry, IDWR Eastern Region

Re: B33 Irr POD's objected to by BLM

POD LOCATION

**T11N R26E S10 NWNENE**

This legal description defines the beginning of a channelized portion of Sawmill Creek. Apparently back in the 1920'-1930's there were several attempts tried to preserve water from Sawmill Creek because the stream would "break". Among them were things like a canal dug from Sawmill Creek to Summit Creek and a channelization project aimed at cleaning and to some extent straightening the Sawmill Creek channel as it flowed across Mud Flats (ref: OQ U-82).

SAS ATTACHED  
LIST OF SAs  
OR RIGHTS

In review of the adjudication claims from Sawmill Creek and the Little Lost River, it was initially considered that the source(s) could all be Little Lost River since it was difficult to determine where Little Lost River started and Sawmill Creek ended. Seeing no difference in source recommendations of Sawmill Creek claims were changed to Little Lost River. The Preliminary Director's Report was filed only to find that Sawmill Creek now occasionally breaks at the shearing corrals, which is about half-mile upstream from the confluence of Sawmill Creek and Summit Creek; The beginning of the Little Lost River. This new information seriously impacted recommendations since the Sawmill Creek claims, now changed to Little Lost River, became senior to the junior Little Lost River rights, causing injury to the junior Little Lost River appropriators.

Ultimately, the source issue was changed back to Sawmill Creek. Now a problem arose where a Point of Diversion had to be defined for the Sawmill Creek claims since actual deliveries are made from Little Lost River (except 33-00107 which is a true Sawmill Creek right, but, Decreed as a Little Lost River right). The 1927 Decree states "at the mouth of Sawmill Creek". However, there were no rights diverted at the mouth of Sawmill Creek. And, the dilemma of where was the mouth of Sawmill Creek. In consideration of the channelization project aimed at preserving waters of Sawmill Creek it was determined that the channelization had in-fact changed the streambed to a canal, saving water. Therefore, the beginning of the channelization would now become the Point of Diversion and the ending of the channelization would be a Point of injection back into the Sawmill Creek stream channel. The Point of Injection is near the shearing corrals, about half-mile upstream from the confluence of the streams. The Sawmill Creek claims Point(s) of Diversion are recommended as Points of Re-diversion from Little Lost River at or near their respective Place(s) of Use. This recommendation preserves both the source and the Sawmill Creek priority dates and, forgoes the injury issue of junior Little Lost River rights.

**T9N R27E S4 SWNWNE**

This objection is a true error. Apparently a typographical error was made during the recommendation process. The TRUE Point of Diversion should read **T9N R26E S4 SWSWNE**. The claimant, Mr. Waymire has been notified and is now aware of the issue.

33-00036  
00037  
000930

**T11NR27E S31 NESESE**

BLM believes this POD should read S31 SENESE based on GPS data. However, during the field exam of these claims several Points of Diversion were identified to include the one in question. The recommended POD in-question is an actual Point of Diversion where an unnamed stream intersects with the collector ditch and can be verified using OQ V-32. The site proposed by the BLM is a drainage that was dry during the field exam, thus no recommended POD.

33-00065  
33-7087

**T6N R28E S2 SESWSW**

Specifically named is SRBA claim 33-10995. This claim identifies private lands historically irrigated by the Hawley's, later sold without water. The Point of Diversion used during the irrigation era is on BLM but is now longer used. The claimant filed this SRBA claim and Transfer No. 4551 in an effort to preserve the acreage irrigated by surface water. The transfer is in-place awaiting the BLM objection to prompt IDWR to review and act. However, the transfer is currently protested.

33-00051 Thru  
33-00060

**T6N R 28E S11 SESENW**

This is an historic Point of Diversion dating back to the late 1800's (according to the water right priority dates, 1885-1891) and is one of three serving the ranch. One of which previously mentioned above, T6N R28E S2 SESWSW. The other is within the private holding of the ranch.

33-10996 is an enlargement claim for acres on BLM lands that were historically irrigated by the Hawley's and is part of the Transfer No. 4551 aforementioned. BLM is aware of this claim and supports the transfer of acreage to private lands. As mentioned previously, the transfer is protested.

**T7N R28E S21 NWNWSW**

According to the Proof of Beneficial Use filed for this right (33-07010) this well dates to the 1940's. However, the Licensed date of priority was March 19, 1971, but then Transfer No. 3809 was filed to "unstack" surface and groundwater rights. As a result, the priority date of the well was advanced to July 2, 1990. Surface water decreed to this ranch date to 1885 to 1891.

This particular well dating to the 1940's (unsupported evidence of prior claimant) was located according to the initial survey dating to July 9, 1890, which no doubt established fence lines. A resurvey of the East line of Section 21 was done in August 1941. Then, in 1978, another resurvey was done as evidenced by the monument caps. This 1978 resurvey puts the TRUE Point of Diversion of the 33-07010 well in the NENWSW (a BLM QQ). However, this matter was discussed with Ms Deena Teal, BLM, Idaho Falls District Office, in October of 1996, shortly after the discrepancy was found. Ms Teal indicated, at

Rocky Ross

that time, that since the well predated some 1976 ruling, by which BLM operated, they (BLM) would not protest the actual POD.

This basically explains the history of the well and the recommendation; however, the listing of the POD as NWNWSW is clearly an error. The CVR shows the POD to be located as NENWSW Sec. 21, which is accurate.

**T8N R28E S31 SWNWSE**

This POD defines a well used solely for mitigation and is defined as an amendment to the 1927 decree as a Judgement against Orville Nicholson, 1954. The recommendation does define a Place of Use; however, this POU is by exchange with surface waters as defined in the Judgement. The period of use is 4/1 to 7/15 annually, when all this well does is deliver water to the river. The Objection is not to the Point of Diversion, but rather to the Point of Injection. And, in-fact, as recommended this Point of Injection is accurate.

**T6NR29E S31 NWSWNW**

This is another typographical error. The recommended POD should read T6N R29E Section 30 NWSWNW. There is a pending Transfer to correct the actual POD location to T6N R28E Section 25 NESENE.

33-02128  
33-318  
48B  
49B  
50B  
83C

**Contor, Bryce**  
**From:** Contor, Bryce  
**Sent:** Wednesday, January 19, 2000 4:27 PM  
**To:** Ruberry, Allen; Carlsen, Ernie  
**Subject:** Sawmill Creek Rights

This morning we met via teleconference with Dave Tuthill and Peter Anderson. One of the things we discussed was the Sawmill recommendations. During our call, Bill Stauffer called and reported that he had discussed the Sawmill recommendations with others, including Don Isham, James Andreason, and David Andreason. They all concur with the proposals in the January 6 letter. James Mays has sent us written concurrence.

Per Dave Tuthill's instructions to Al and me, I have gone ahead and changed the source of Sawmill Creek rights back to "Sawmill Creek, tributary to Little Lost River." The point of diversion is 11N 26E section 10, NWNENE, and the point of injection is 10N 27E section 18, NWSESW. The former points of diversion have been identified as points of redirection. I removed any comments relating to change of source and I removed condition C02.

The rights I changed were:

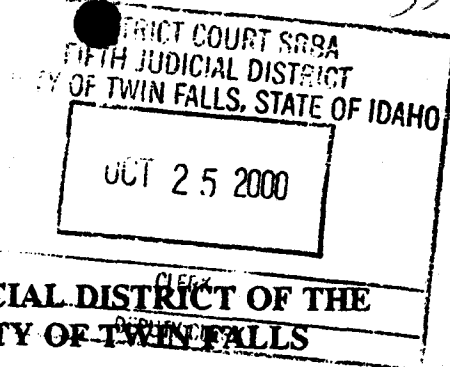
R33-00023B  
R33-00030  
R33-00043  
R33-00077  
R33-10070  
R33-10073  
R33-10084  
R33-10086

I'll put a new profile report and a copy of this memo in each file.

There were other Sawmill rights which I did not change. These are:

|            |                                                      |
|------------|------------------------------------------------------|
| R33-00038  | 1927 decree & claim list source as Little Lost River |
| R33-00096B | Recommended w/ source "Summit Creek"                 |
| R33-00107  | Recommended originally w/ source "Sawmill Creek"     |

33-10464      Stockwater claim already PD w/ source  
"Sawmill Creek"



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

Subcase(s): 33-00024 et al

Pancheri Inc

ORDER SETTING HEARING

The court sets the following hearing in the above subcase(s):

- ☒ Status Conference  
☐ Settlement Conference  
☐ Scheduling Conference

Date: Dec 20, 2000 11am

Location: SRBA Court phone

DATED: 10/25/2000.

Brigitte Bilyeu  
BRIGETTE BILYEU, Special Master  
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Order was hand delivered to the following:

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

Kent Foster

Representative of:  
United States Dept. of Justice  
Environment & Natural Resources Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

Deputy Clerk  
Deputy Clerk

RECEIVED

APR 10 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 33-00065

(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 OfficeAddress: 1387 South Vinnell Way  
Boise, Idaho 83709-1657Daytime Phone: see below

Name &amp; Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494United 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: Pancheri, Inc.Address: HC 65 Box 2104 Howe, ID. 83244Name: c/o Jerry Pancheri, President

Address:

Name:

Address:

Name:

Address:

*Done*  
*SFS*  
*✓ EMAN → V.cky*  
*✓ No GBS*

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: See attached

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: \_\_\_\_\_

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):**

One of the Points of Diversion is misdescribed and should reflect the actual location.

F.

**VERIFICATION** (Must be Completed)

State of Idaho )

) ss.

County of Ada)

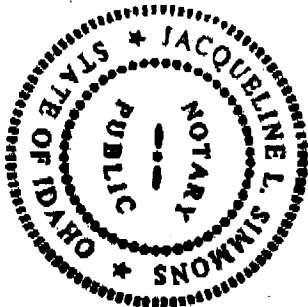
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 7, 2000



Jacqueline L. Simmons  
Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

**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 7, 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: Pancheri, Inc.

Address: HC 65 Box 2104 Howe, ID. 83244

Name: c/o Jerry Pancheri, President

Address:

Name:

Address:

Name:

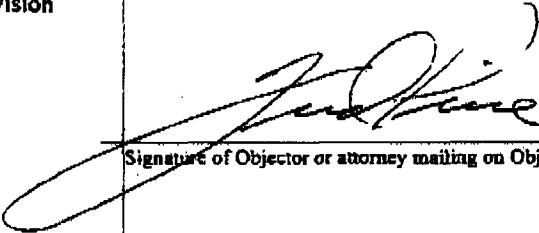
Address:

**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

AJ5856NF

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JAN-19-2000  
PAGE: A-590

RIGHTS FROM: SOURCE: MAHOGANY CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 33-00065

NAME & ADDRESS: PANCHERI INC  
C/O JERRY PANCHERI PRES  
HC 65 BOX 2154  
HOME ID 83244

SOURCE: BELL MOUNTAIN CREEK TRIBUTARY: SINKS  
UNNAMED STREAMS SINKS  
MAHOGANY CREEK SINKS

QUANTITY: 6.4 CFS

THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER  
SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO  
APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM FROM  
THE POINT OF REDIVERSION PURSUANT TO SECTION 42-105, IDAHO CODE.

} remark change?  
"evaporation & seepage"

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION: T10N R27E S05 SESENE Within BUTTE County

R26E S12 SWSE (INJECTION)  
T05N R29E S04 SESESE (REDIVERSION)

T11N R27E S30 NESENE Within LEMHI County

SESENE  
SESENE  
SESENE → SHOULD BE SESENE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 04-01 11-01 6.4 CFS

PLACE OF USE: IRRIGATION Within BUTTE County

|                  |         |         |         |         |
|------------------|---------|---------|---------|---------|
| T05N R29E S10    | NESE 23 | NWSE 40 | SWSE 40 | SESE 40 |
| S11              | NESE 40 | NWSE 28 | SWSE 40 | SESE 40 |
|                  | NESE 40 | NWSE 31 | SWSE 40 | SESE 40 |
| S12              | NESE 40 | NWSE 40 | SWSE 40 | SESE 40 |
| S13              | NESE 40 | NWSE 40 | SWSE 40 | SESE 40 |
|                  | NESE 40 | NWSE 40 | SWSE 40 | SESE 40 |
|                  | NESE 32 | NWSE 16 | SWSE 17 | SESE 32 |
|                  | NESE 40 | NWSE 40 | SWSE 40 | SESE 40 |
| S14              | NESE 40 | NWSE 40 | SWSE 40 | SESE 40 |
|                  | NESE 28 | NWSE 24 | SWSE 34 | SESE 32 |
| 1464 ACRES TOTAL |         |         |         |         |

AJS856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-23-2000  
PAGE: A-391

|               |                        |                  |
|---------------|------------------------|------------------|
| RIGHTS FROM:  | SOURCE: MAHOGANY CREEK | TRIBUTARY: SINKS |
| RIGHT NUMBER: | 33-00065 (CONT)        |                  |

PLACE OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 680 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, AND 33-00115. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1464 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-07027, 33-02117A, 33-10109, AND 33-10999.

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 - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-10999

RECEIVED

APR 10 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 33-00065

(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 208 387-0835; 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: Pancheri, Inc.

Address: HC 65 Box 2104 Howe, ID. 83244

Name: c/o Jerry Pancheri, President

Address:

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: See attached \_\_\_\_\_
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: \_\_\_\_\_

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):**

One of the Points of Diversion is misdescribed and should reflect the actual location.

F.

**VERIFICATION** (Must be Completed)

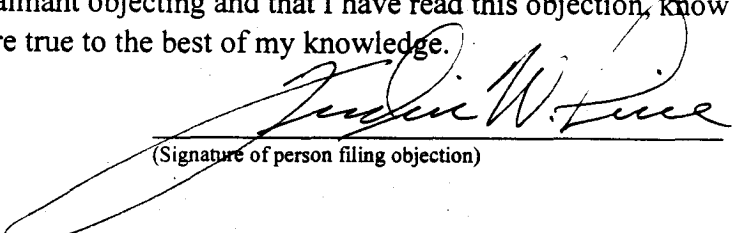
State of Idaho )

) ss.

County of Ada)

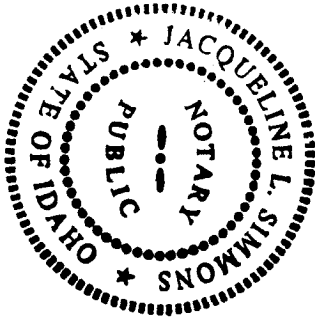
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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.

  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 7, 2000



Jacqueline L. Simmons  
\_\_\_\_\_  
Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

## 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 7, 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: Pancheri, Inc.

Address: HC 65 Box 2104 Howe, ID. 83244

Name: c/o Jerry Pancheri, President

Address:

Name:

Address:

Name:

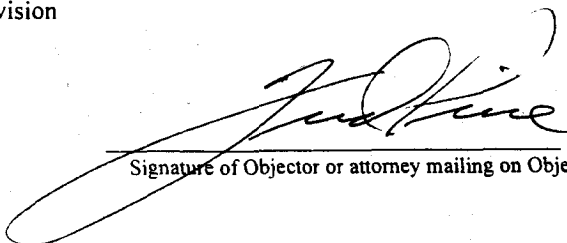
Address:

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

RIGHTS FROM: SOURCE: MAHOGANY CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 33-00065

NAME & ADDRESS: PANCHERI INC  
C/O JERRY PANCHERI PRES  
HC 65 BOX 2104  
HOWE ID 83244

SOURCE: BELL MOUNTAIN CREEK TRIBUTARY: SINKS  
UNNAMED STREAMS SINKS  
MAHOGANY CREEK SINKS

QUANTITY: 6.4 CFS

THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER  
SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO  
APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM FROM  
THE POINT OF REDIVERSION PURSUANT TO SECTION 42-105, IDAHO CODE.

} remark change?  
"evaporation & seepage"

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION: T10N R27E S05 SESENE Within BUTTE County  
R26E S12 NENWNW  
T05N R29E S04 SWSSE (INJECTION)  
SESESE (REDIVERSION)

T11N R27E S30 NESENW Within LEMHI County  
S31 SENWNE

NESESE → SHOULD BE SESESE

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04-01 11-01

QUANTITY  
6.4 CFS

PLACE OF USE:

IRRIGATION

Within BUTTE County

|                  |         |         |         |         |
|------------------|---------|---------|---------|---------|
| T05N R29E S10    | NESE 23 | NWSE 40 | SWSE 40 | SESE 40 |
| S11              | NESW 40 | NWSW 28 | SWSW 40 | SESW 40 |
|                  | NESE 40 | NWSE 31 | SWSE 40 | SESE 40 |
| S12              | NESW 40 | NWSW 40 | SWSW 40 | SESW 40 |
| S13              | NENE 40 | NWNE 40 | SWNE 40 | SENE 40 |
|                  | NENW 40 | NWNW 40 | SWNW 40 | SENW 40 |
|                  | NESW 32 | NWSW 16 | SWSW 17 | SESW 32 |
|                  | NESE 40 | NWSE 40 | SWSE 40 | SESE 40 |
| S14              | NENE 40 | NWNE 40 | SWNE 40 | SENE 40 |
|                  | NENW 28 | SENW 24 | NESE 34 | NWSE 32 |
| 1464 ACRES TOTAL |         |         |         |         |

-----  
RIGHTS FROM: SOURCE: MAHOGANY CREEK TRIBUTARY: SINKS  
-----  
RIGHT NUMBER: 33-00065 (CONT)

PLACE OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 680 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, AND 33-00115. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1464 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-07027, 33-02117A, 33-10109, AND 33-10999.

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 - DECREE  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-10999

P.O.M. AS DECREED 33-00065



A33-00065  
PANCHERI INC  
C/O JERRY PANCHERI  
HOME ID 83244

R

00036C

Also SEE 33-02108



A3300065

33-07087(P) Power

- ☐ DELIVERED WITH 30% LOSS AT HARTMAN DM.  
DELIVERED 70% OF TIME TO HAY DM. w/ 37% LOSS

Marsh benzen line  
"T" shaped piece

→ No

D'Malley

used only on  
Place 6/23/99

December 2, 1999

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 10, 1999**

Water right number: 33-00065

PANCHERI INC  
C/O JERRY PANCHERI PRES  
HC 65 BOX 2104  
HOWE ID 83244

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
  
  
  
  
  
  
  
  
  
  
2. Describe the changes you wish to make in the proposed recommendation:
  
  
  
  
  
  
  
  
  
  
3. Give a brief explanation as to why you disagree with these portions:

\_\_\_\_ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/21/99 SIGNATURE: Rod Pancheri  
Please print your name: \_\_\_\_\_

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

A33-00065 Pancheri, Inc. 06/01/1899

COMMENTS: This right was decreed from Bell Mountain Creek for 6.4 cfs. The decree does specify that Bell Mtn. Ck. is non-tributary. The watermaster indicates that this right is delivered out of priority sequence and ahead of all other rights with earlier priority dates. The right is re-diverted downstream at the Hartman diversion structure and charged a 25% loss. It is recommended that this right continue to delivered out of sequence with other priority rights but that actual reach losses be assessed in delivery instead of the constant 25% loss.

Steve A. Harrison  
11 JUL 96

SETUP NO. 1  
PIPE O.D. 14.360 IN  
PIPE WALL THICKNESS 0.128 IN  
PIPE I.D. 14.104 IN  
PIPE MATERIAL CARBON STEEL  
PIPE SOUND VELOCITY 10597.129 FT/SEC  
LINER MATERIAL NONE  
LINER SOUND VELOCITY 0.000 FT/SEC  
LINER THICKNESS 0.000 IN  
INSIDE ABS ROUGHNESS 0.00015000  
FLUID MATERIAL WATER  
FLUID SOUND VELOCITY 4863.330 FT/SEC  
FLUID VISCOSITY 1.132 CP  
TRANSDUCER TYPE STANDARD  
TRANSDUCER MOUNTING  
TRANSDUCER SPACING 11.628 IN

Pancheri's Bell Mtn. Hydro Meter

09:34:26 07-11-96  
Min. Rate 0.00 CFS  
Max. Rate 4.99 CFS  
Avg. Rate 3.45 CFS  
FLOW RATE 3.54 CFS  
NET TOT(X1) 974495 GALL  
POS TOT(X1) 301416 GALL  
NEG TOT(X1) 13986 GALL

09:34:51 07-11-96  
Min. Rate 0.00 CFS  
Max. Rate 4.99 CFS  
Avg. Rate 3.45 CFS  
FLOW RATE 3.54 CFS  
NET TOT(X1) 975164 GALL  
POS TOT(X1) 302088 GALL  
NEG TOT(X1) 13986 GALL

09:36:51 07-11-96  
Min. Rate 0.00 CFS  
Max. Rate 4.99 CFS  
Avg. Rate 3.45 CFS  
FLOW RATE 3.54 CFS  
NET TOT(X1) 978314 GALL  
POS TOT(X1) 305238 GALL  
NEG TOT(X1) 13986 GALL

09:38:51 07-11-96  
Min. Rate 0.00 CFS  
Max. Rate 4.99 CFS  
Avg. Rate 3.45 CFS  
FLOW RATE 3.54 CFS

G. H. of zero flow ----- ft.

"As Used"

A33-00065

| A33-00065                                                                                                                        |      |      | NE |    |    | NW |    |    | SW |    |    | SE |    |    | Totals            |
|----------------------------------------------------------------------------------------------------------------------------------|------|------|----|----|----|----|----|----|----|----|----|----|----|----|-------------------|
| Twn.                                                                                                                             | Rge. | Sec. | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |                   |
| 5N                                                                                                                               | 29E  | 3    | 42 | 42 | 34 |    |    |    |    |    |    |    |    |    | 76                |
| 6N                                                                                                                               | 29E  | 34   |    |    |    |    |    |    | 36 | 38 |    |    | 37 |    | 111               |
| <p> <i>D</i> IN P.O.U. - ADDED AC.<br/> IN SWSE - 800 LIG.<br/> 2108 -<br/> * <i>EXAMINATION</i> OF ACROSS IN SWSE<br/> CPS </p> |      |      |    |    |    |    |    |    |    |    |    |    |    |    |                   |
|                                                                                                                                  |      |      |    |    |    |    |    |    |    |    |    |    |    |    | Total Acres: 1872 |

Water Right Number: \_\_\_\_\_ - \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

PANCHERI, INC.  
33-00065 DECEDED  
ORIGINAL PLACE OF USE

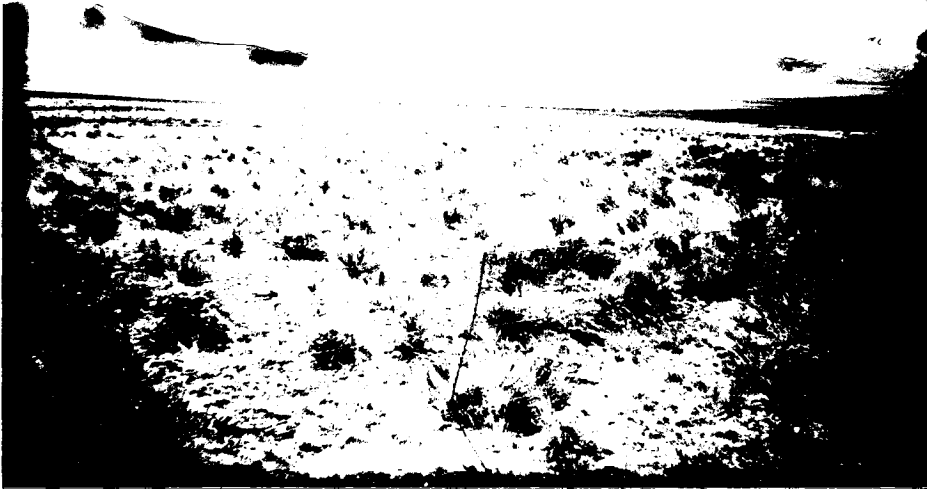


Photo 1 Shows ORIGINAL PLACE OF USE AS  
DECEDED FROM 33-00065. TRANSFER BSI  
EXPANDS P.O.U. TO PARTS OF T.6N., R.29E.,  
T.6N., R.30E. AND T.5N. R.29E. (SEE T.851  
FOR LEGALS. TRANSFER DATED 16 MAY 1955.)

LANDS SHOWN IN PHOTOGRAPH ARE PARTS OF  
T.10N., R.26E AND T.10N., R.27E.  
IRRIGATION IS NO LONGER DONE HERE. THE  
PRACTICE STOPPED LONG PRIOR TO 1987.

Photo BY: A. Rubenay 2 Oct. 95

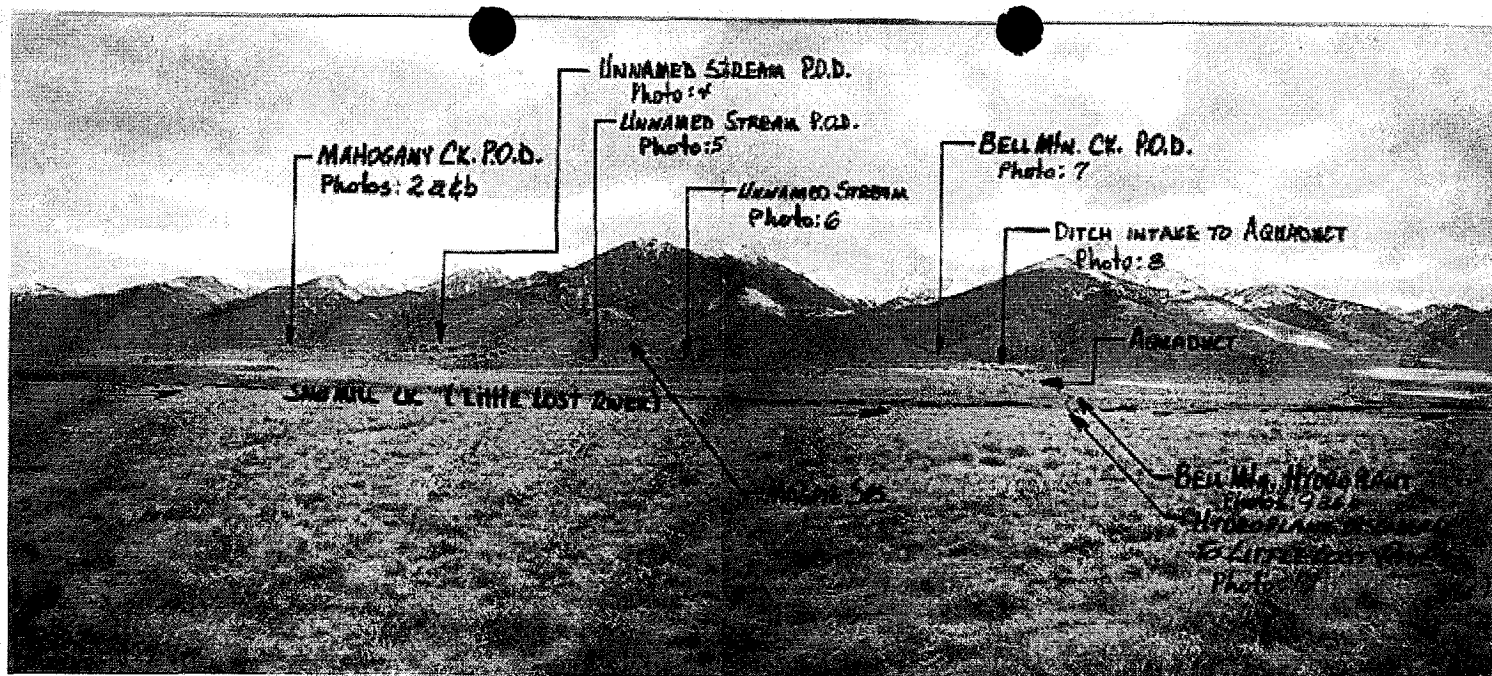
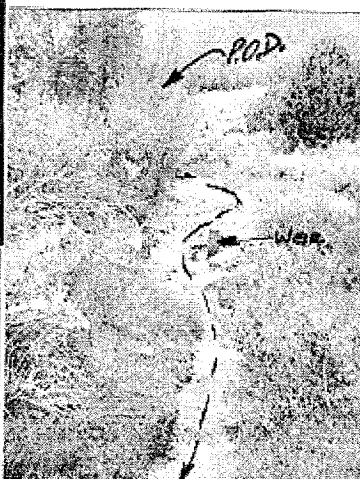


Photo 1. ABOVE - OVERVIEW OF BELL Mtn. HYDRO SYSTEM.

Photo 2a. LEFT - LOOKING UPSTREAM AT THE MAHOGANY CK DIVERSION.  
P.O.D. NESE NW SEC. 30 T11N. 1R. 27E.



LOOKING UP AT MAHOGANY CK WEIR.

Photo 2b. LOOKING DOWNSTREAM AT THE MAHOGANY CK DIVERSION.

A33-00065  
A33-07089

PANCHERI, INC.  
BELL Mtn HYDRO SYSTEM  
AND IRRIGATION RIGHTS (DECEASED)

PAGE 1.

PHOTOS BY: A. RIBBERRY OCT. 2, 1995

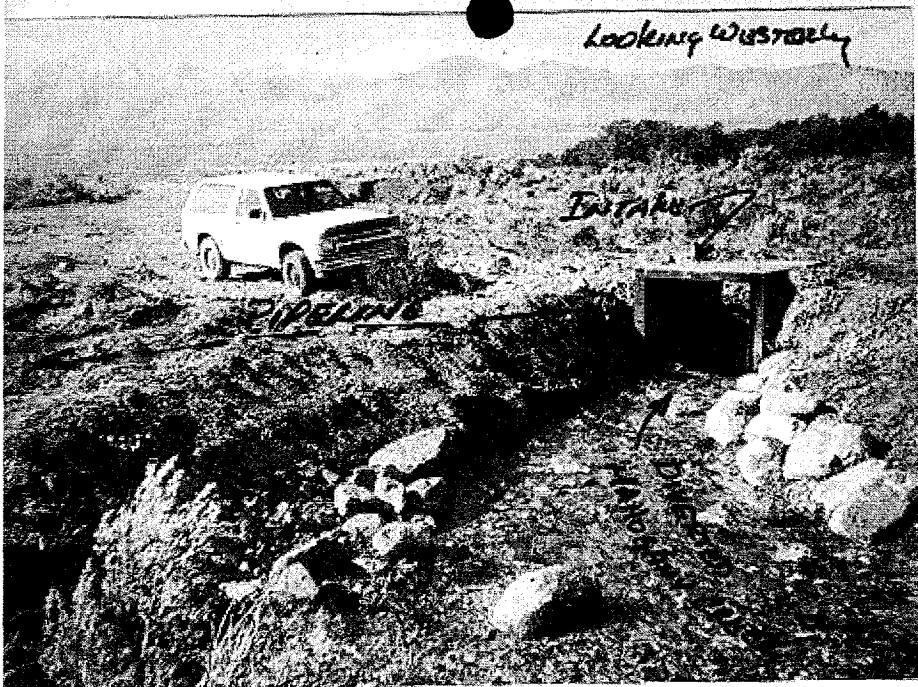


Photo 2c. NEW MAHOGANY CK  
INTAKE TO NEW PIPELINE. THIS  
IS NOT THE ACTUAL POINT OF  
DIVERSION, ALTHOUGH, THE TWO  
MAY HAVE THE SAME LEGAL.

PIPELINE AND INTAKE WERE  
INSTALLED OCT. 1995.

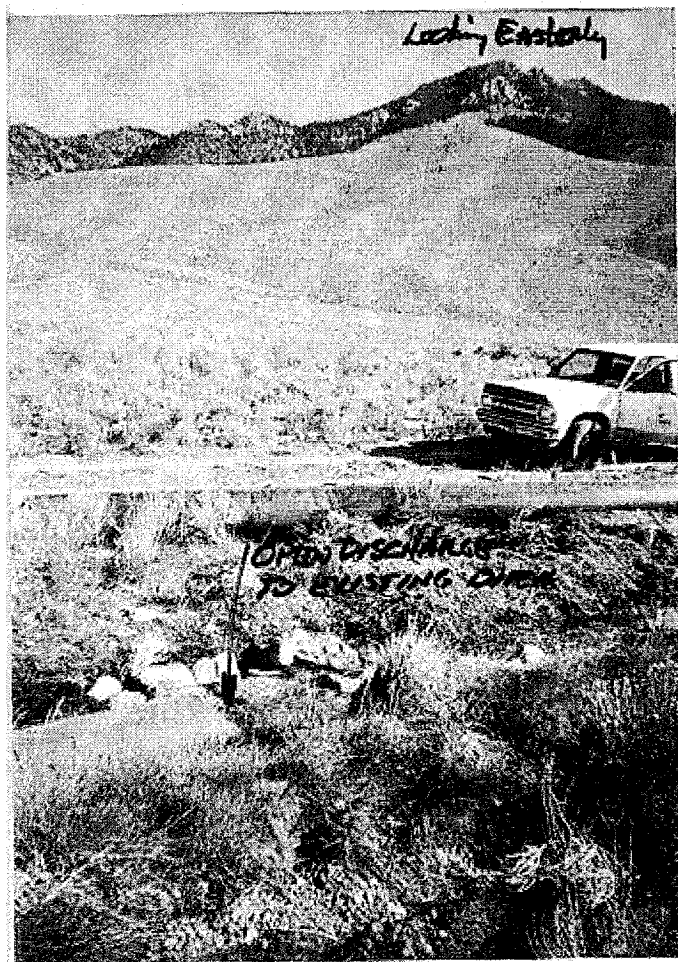


Photo 2d. SHOWS OPEN DISCHARGE OF  
NEW PIPELINE TO EXISTING DITCH AT  
SENEBW SEC. 30 T.11N., R.27E.

Note: THE DITCH WAS ALSO CLEANED DURING  
OCTOBER 1995. SOD WAS REMOVED FROM  
UPSIDE AND BOTTOM OF DITCH AND THEN  
PLACE ON DOWNSIDE BACK AS BUILDUP  
AND ROOT STRUCTURE SUPPORT FOR  
FLOODING (HIGH WATER RUNOFF) AND  
DITCH STABILITY. SEE PAGE 2 INSERT.

PANCHERL, INC.

BELL MTN HYDRO SYSTEM

AND DECREED IRRIGATION RIGHTS

PAGE 2a.

Photos By: A. RUISBERRY 31 Oct. 1995

Looking SW from MAHOGANY CR.

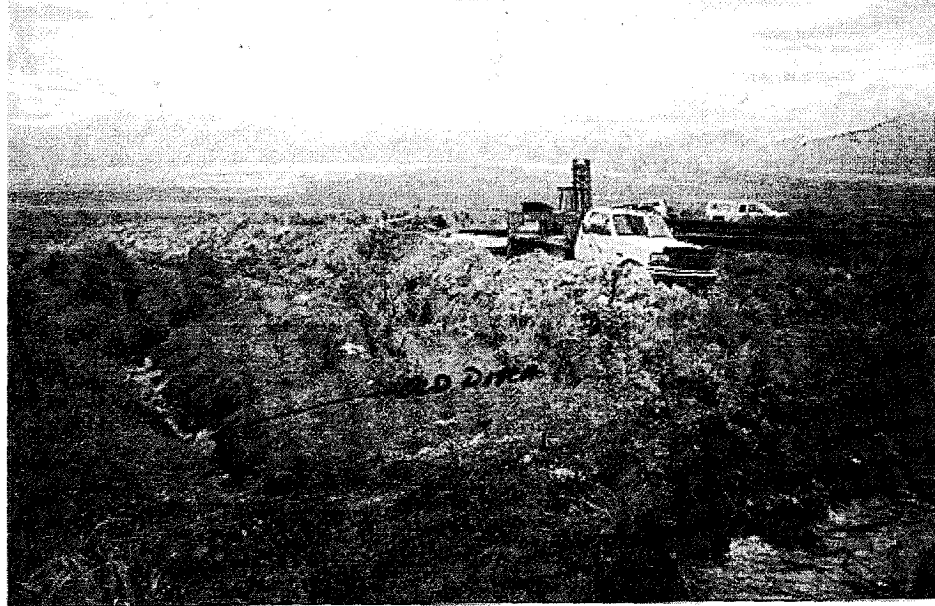
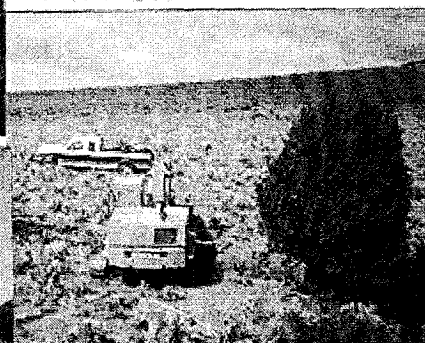


Photo 3. INSTALLATION OF PIPELINE  
AT MAHOGANY CR. TO GET PAST  
A STEEP ROCK SECTION OF DITCH.  
POINT OF DIVERSION TO HYDROPLAN  
DITCH. NESEANW SEC.30 T.11N., R.27

DITCH CLEANING NEAR MAGPIE SPRINGS.



SENESE  
SEC.31  
T.11N., R.27

LOOKING EASTERLY  
31 Oct. 95 ABR

PANCHERI INC.

A33-07087 HYDRO

A33-00065 IRRIG.

P.O.D. SENESE SEC.31  
T.11N., R.27E

UNNAMED STREAM

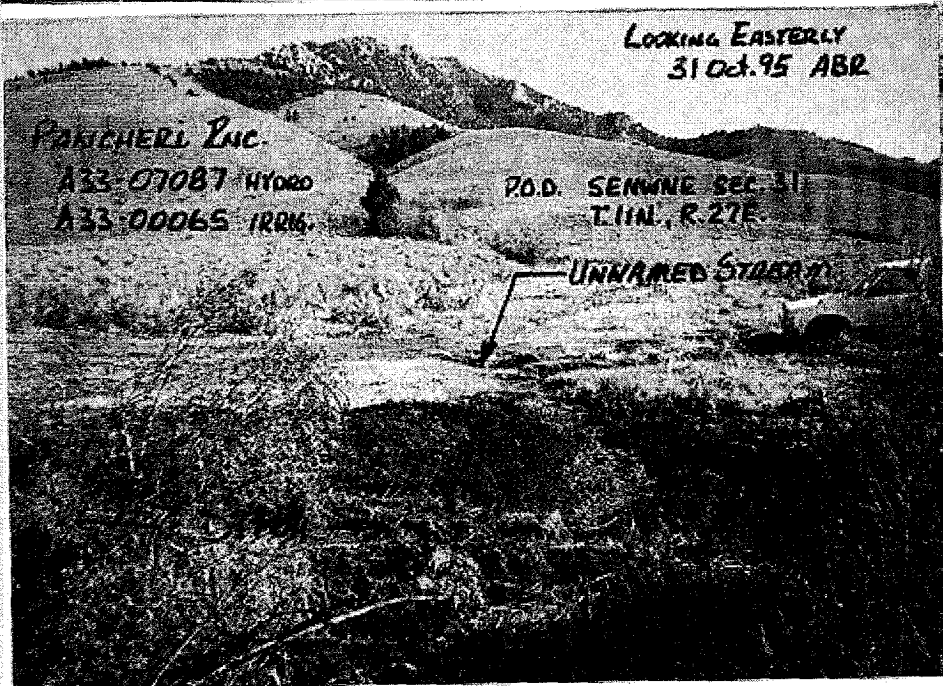
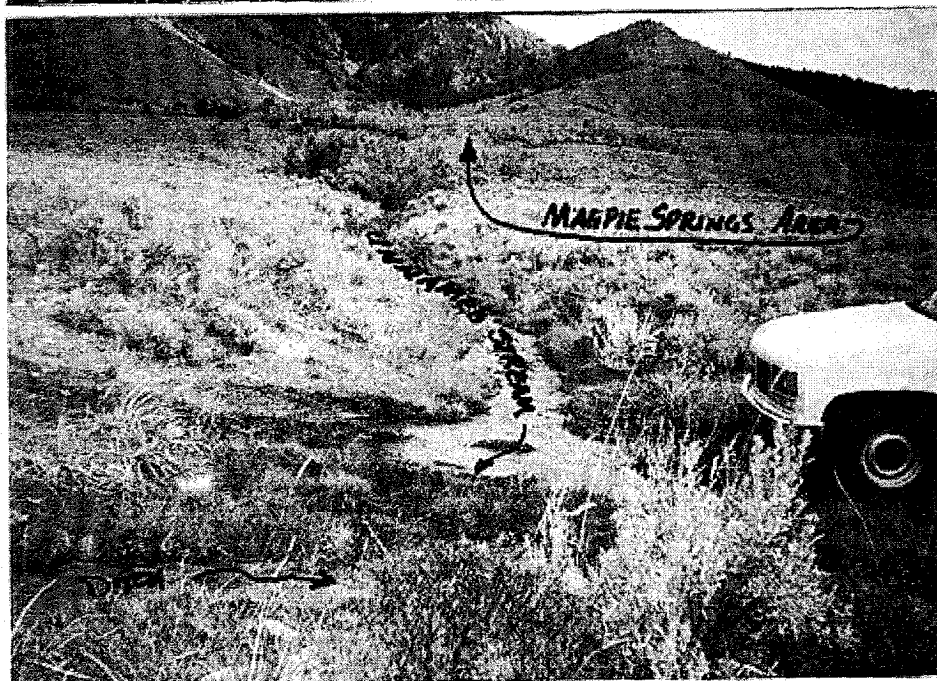


Photo 4. UNNAMED STREAM LOCATED  
BETWEEN MAHOGANY CREEK AND  
MAGPIE SPRINGS (UNNAMED STREAM  
IN Photo 5). CLAIM AMENDED TO  
INCLUDE THIS STREAM AND DELETE  
THE ONE SHOWN AT SENESE SEC.31  
T.11N., R.27E.

Photo 5. POINT OF DIVERSION OF  
SECOND UNNAMED STREAM (FIRST  
FROM MAGPIE SPRINGS)  
NESESE SEC.31 T.11N., R.27E.

MAGPIE SPRINGS AREA



A33-07087  
A33-00065

PANCHERI INC.  
BELL MTN HYDROSYSTEM  
AND IRRIG. RIGHTS (DECEDED)  
PAGE 2.

Photos BY: A. R. RABERY 2 Oct. 1995

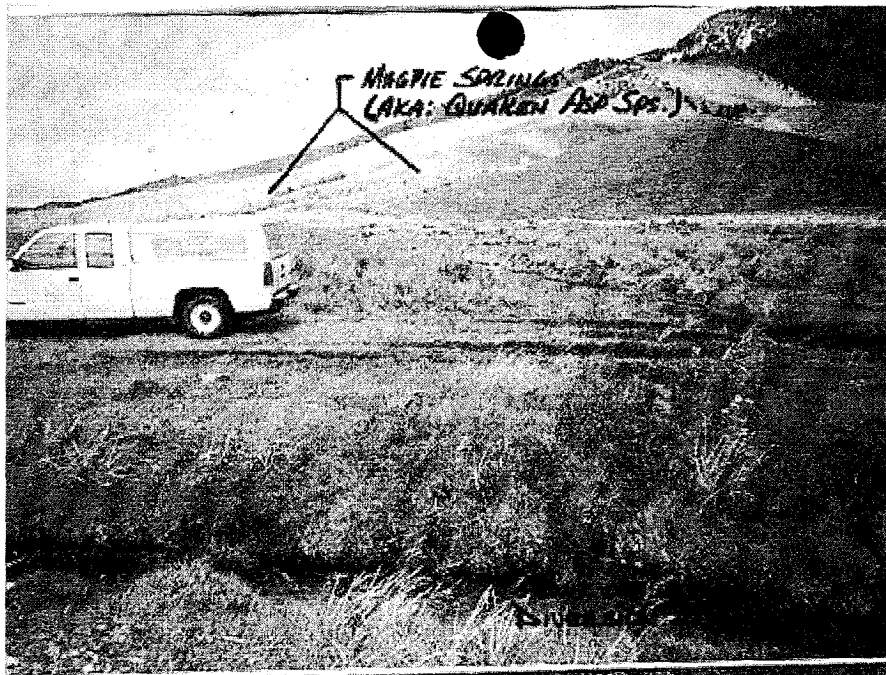


Photo 6. POINT OF DIVERSION OF  
THIRD UNNAMED STREAM (SECOND  
FROM MAGPIE SPRINGS).  
NENWNW SEC. 5 T. 10N, R. 27E.



Photo 7. POINT OF DIVERSION OF  
BELL Mtn. CK TO HYDROPLANT  
AQUADUCT.  
SESENE SEC. 5 T. 10N, R. 27E.



Photo 8. DITCH INTAKE TO AQUADUCT.  
BELL Mtn. CK IN BACKGROUND.  
NESESW SEC. 5 T. 10N, R. 27E.

A33-00065  
A33-07087

PANCHERI INC.  
BELL Mtn HYDROSYSTEM  
AND IRRIG RIGHTS (DECEDED)  
PAGE 3.

PHOTOS BY: A. RUBERRY 2 Oct. 1995



Photo 9a. BELL MTN HYDROPLANT

SW1SW1 Sec. 7 T.10N, R.27E.

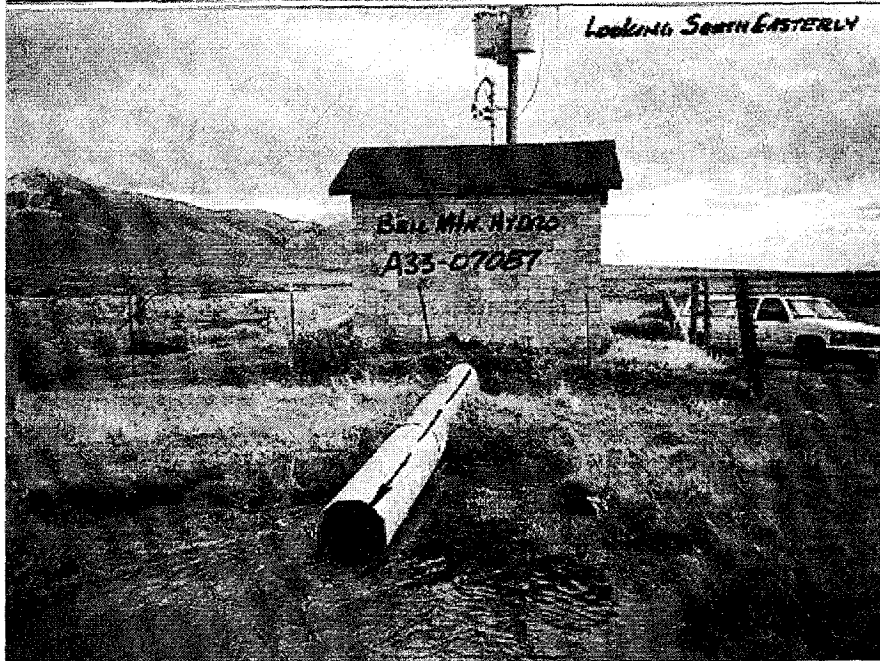


Photo 9b. View of Bell Mtn. Hydroplant Looking South-Easterly.

NOTE DISCHARGE.

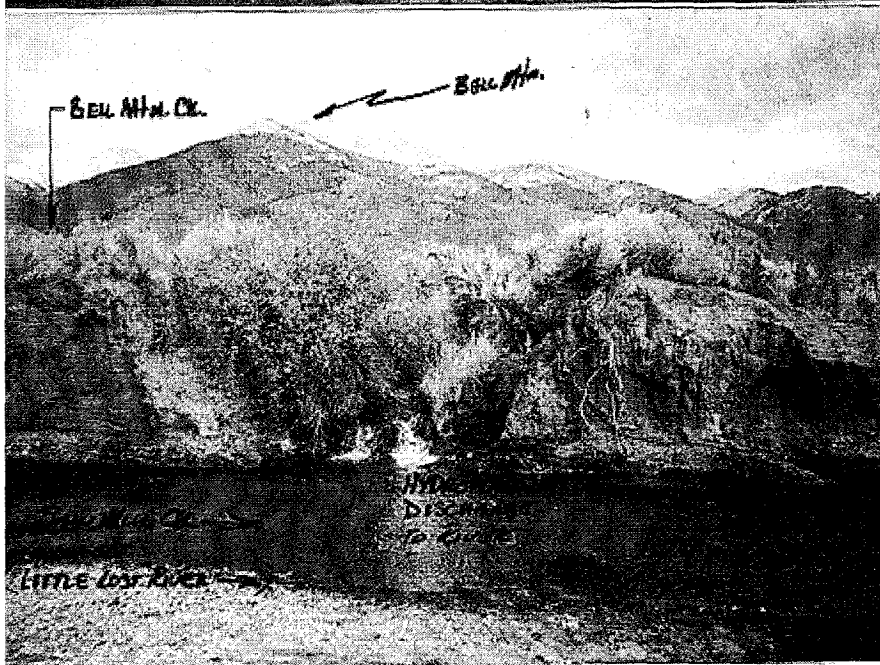


Photo 10. POINT OF INJECTION OF BELL MTN. SYSTEM WATERS INTO SAWMILL CR (LITTLE LOST RIVER).

SW1SE1 Sec. 12 T.10N, R.26E.

A33-00065  
A33-07087

PANCHERI INC.  
BELL MTN. HYDROSYSTEM  
AND IRRIG. RIGHTS (DECEASED)

PAGE 4.

PHOTOS BY: A. RUBERTY 2 Oct. 1995

DECREED RIGHT - 33-0065  
TAKEN FROM: LITTLE LOST RIVER WATER  
DISTRIBUTION, TIM LUKE, MAY 19, 1993

SOURCES: BELL MOUNTAIN CREEK  
QUAKEN ASPEN SPRINGS  
MAHOGANY CREEK  
"...NONE...ARE TRIBUTARY TO LITTLE  
LOST RIVER."  
SEE DECREE EXCERPT

ALSO SEE HYDROPLANT RIGHT 33-07087

DATE: 4/20/93

STREAM: Bell Mountain Creek  
tributary to Sawmill Creek

\*(SEE NOTE BELOW: "CURRENT WATER  
RIGHTS" AND DECREE EXCERPT PG. 9, SEC.XXI)

DIVERSION NAME: Pancheri Inc. Hydropower Plant

POINT OF DIVERSION: T10N R27E Sec. 7, SWSW SW

ACCESS: Vehicle - Little Lost River Rd. to dirt road leading to  
corrals, past corrals and across Summit and Sawmill Creeks.

USGS MAP: Mulkey Bar V32 USGS MAP NAME: Corrected.  
(name) (number) HAWLEY MOUNTAIN NE

WATERMASTER CONTROL: NA YES NO

DIVERSION DESCRIPTION: A pipeline originating from mouth of  
Bassinger Canyon (Bell Mtn. Ck.) discharges water to hydro power  
plant at above location and 400 yards east of Sawmill Creek. Water  
from plant discharges to ditch via 22 inch corrugated pipe and  
enters Sawmill Creek. Water from plant is rediverted downstream  
near Howe at Hartman diversion dam. Also, the waters of Mahogany Creek  
and Magpie Springs, (AKA Quaken Asp Sps.) are collected to a common ditch  
which enters the hydroplant pipeline at NWSWSE Sec. 5 T.10N., R.27E.  
See USGS QUAD V32.

MEASUREMENT: An 18 inch Parshall flume located 60 ft. below power  
house. At time of inspection, maintenance was required on flume,  
including resetting for level and free flow conditions. Water must  
be measured near hydro plant or point of injection to Sawmill Creek  
to determine rate of re-diversion with losses, at downstream point  
of re-diversion.

CURRENT WATER RIGHTS: 33-0065 (6-01-1899) Decreed right for 6.4  
cfs & irrigation. See also 33-7087, hydropower permit (01/08/1981  
& 7.0 cfs). \*Note: Bell Mountain Creek determined as non-tributary  
to Little Lost River in decree.

PAGE 5. LITTLE LOST RIVER  
WATER DISTRIBUTION, TIM LUKE, 1993

A33-00065 Pancheri, Inc. 06/01/1899

COMMENTS: This right was decreed from Bell Mountain Creek for 6.4  
cfs. The decree does specify that Bell Mtn. Ck. is non-tributary.  
The watermaster indicates that this right is delivered out of  
priority sequence and ahead of all other rights with earlier  
priority dates. The right is re-diverted downstream at the Hartman  
diversion structure and charged a 25% loss. It is recommended that  
this right continue to delivered out of sequence with other  
priority rights but that actual reach losses be assessed in  
delivery instead of the constant 25% loss.

COPY

33-00065

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Byron Telford  
Idaho Falls, Idaho

For a Transfer of Water Right in Water  
District No. 9, Butte County, Idaho

ORDER GRANTING TRANSFER

NO. 851

WHEREAS, On the 21st day of April, 1955, at the Department of Reclamation of the State of Idaho, this matter of an application of Byron Telford of Idaho Falls, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application and the evidence filed by the applicant, with this application shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is hereby GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 16th day of May, 1955.

WILLIAM H. KULP  
State Reclamation Engineer

DO NOT FILM

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Certificate of Water Right  
Transferred Right No. 851.

THIS IS TO CERTIFY, That Byron Telford of Idaho Falls, Idaho, is the owner of and using a water right for 6.4 cubic feet per second of the waters of Bell Mountain Creek, Mahogany Creek and Quaken Asp Springs with priority of June 1, 1899, said water being decreed to Merchants Trust & Savings Bank by Judge Ralph W. Adair of the Sixth Judicial District of the State of Idaho, in and for the County of Butte in the case of

BLAINE COUNTY INVESTMENT COMPANY

Plaintiff

vs.

ROBERT G. AYS, et al.,

Defendants.

said decrees bearing date of March 5, 1927, and being appurtenant to the following described lands to-wit:

S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub> Section 1  
Township 10 North, Range 26 East B.M.

S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> Section 6  
Township 10 North, Range 27 East B.M.

That said decrees have been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees beginning at Page 86.

That Byron Telford has become the owner of said water rights through some conveyance.

And that now, upon the application of Byron Telford of Idaho Falls, Idaho, for the transfer of 6.4 cubic feet per second of the waters of Bell Mountain Creek, Mahogany Creek and Quaken Asp Springs made before the State Reclamation Engineer of the State of Idaho and said application having been granted, the right to the use of 6.4 cubic feet per second of said waters upon the above described lands is hereby abandoned, and the lands to which the water rights hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes are described as follows, to-wit:

S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> Section 1  
Township 10 North, Range 26 East B.M.

S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> Section 6  
Township 10 North, Range 27 East B.M.

NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 4  
Township 5 North, Range 29 East B.M.

S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 34  
Township 6 North, Range 29 East B.M.

S<sup>1</sup>/<sub>2</sub> Section 25  
Township 6 North, Range 30 East B.M.

SW<sup>1</sup>/<sub>4</sub> Section 30  
Township 6 North, Range 30 East B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

6.4 cubic feet per second with priority of June 1

moved 88 17 yr. ago

DRY

2108

ADDS

NE, SE, SW, Sec. 4  
NW, NE Sec. 3 5/29

S<sup>1</sup>/<sub>2</sub>SW, SW, SE Sec. 34  
S<sup>1</sup>/<sub>2</sub> Sec. 25 6/29

SW, SE Sec. 30 6/30

That the water right hereby transferred has heretofore been conducted to the first above described lands with point of diversion in Section 1, Township 10 North, Range 26 East B.M. and Section 6, Township 10 North, Range 27 East B.M.

That the water right hereby transferred will hereafter be conducted to these same described lands with the same points of diversion.

That the water right hereby transferred will hereafter be conducted to the lands above described in Sections 3 and 4, Township 5 North, Range 29 East B.M., Sections 34 and 25 Township 6 North, Range 29 East B.M. and Section 30, Township 6 North, Range 30 East B.M. with point of redirection from Little Lost River in the SW 1/4 Section 33, Township 6 North, Range 29 East B.M.

Said water to be measured into Little Lost River, intermingled with the waters of Little Lost River and redirected after a deduction of twenty-five per cent (25%) to compensate other water users for transmission losses.

That the right of use of said water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 16th day of May, 1955.

MARK W. KULP  
State Reclamation Engineer

To:

W<sup>2</sup>NE SEC. 3

NE, SENW SEC. 4 5/29

S<sup>2</sup>SW, SWSE SEC. 34

S<sup>2</sup> SEC. 25 6/29

SW SEC. 30 6/30

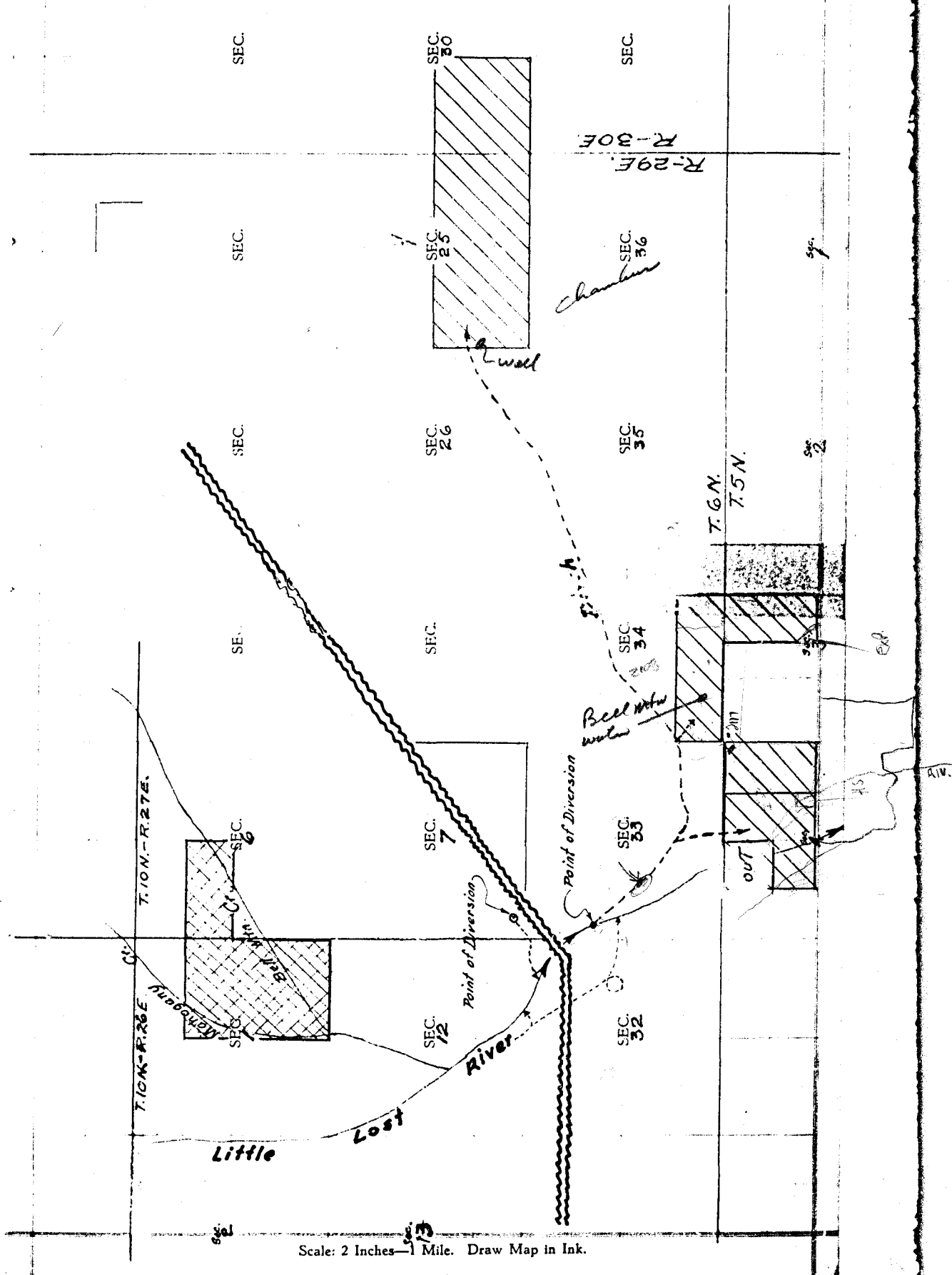
PRESENT PLACE OF USE

NOT USED HERE

WITH 25% CONVEY. LOSS

T. Lukas (1993) RECOMMENDS RECALL AND USE OF "TODAY'S" CONVEYANCE LOSSES.

Name of Applicant.....



Scale: 2 Inches = 1 Mile. Draw Map in Ink.

Water Right Number - 33-00065

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - - - First Name - - - - + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
TELFORD

BYRON

1 -  
2 -  
3 -  
City-  
Phone -

State- Zip-

\*\*\* O - ORIGINAL OWNER \*\*\*  
MERCHANTS TRUST & SAVINGS BANK

1 -  
2 -  
3 -  
City-  
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
06/01/1899 15 EASTERN D - DECREED

+ - - - - Source - - - - + + - - - Tributary - - - - - +  
BELL MOUNTAIN CREEK LITTLE LOST RIVER  
QUAKEN ASP SPRINGS LITTLE LOST RIVER  
MAHOGANY CREEK LITTLE LOST RIVER

+ - - - - Point of Diversion - - - - - Diversion Name - - - - - Diversion Rate - - - - - Diversion No. - - - - - +  
Twn Rng Sec Tract Lot Rflg County

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +  
Code Description Period From Period To

01 - IRRIGATION

6.400

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - +  
6.400

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code       | Description | County   |
|-----|-----|-----|-------|-----|-------|--------------|------------|-------------|----------|
| 05N | 29E | 3   | NW NE |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 05N | 29E | 3   | SW NE |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 05N | 29E | 4   | NE NE |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 05N | 29E | 4   | NW NE |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 05N | 29E | 4   | SE NE |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 05N | 29E | 4   | SE NE |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 05N | 29E | 4   | SE NW |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 06N | 29E | 25  | NE SW |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 06N | 29E | 25  | NW SW |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 06N | 29E | 25  | SW SW |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 06N | 29E | 25  | SE SW |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 06N | 29E | 25  | NE SE |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 06N | 29E | 25  | NW SE |     |       | 01           | IRRIGATION |             | 23 BUTTE |
| 06N | 29E | 25  | SW SE |     |       | 01           | IRRIGATION |             | 23 BUTTE |

**WATER RIGHT**

40 mg.

[illegible]

4/11/1989

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Pancheri

CLAIM NO.

A33-00065

DATE RECEIVED

11/1/90

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☐ YES ☐ NO \*
2. Is a priority date entered? ☐ YES ☐ NO \*
- Is the priority date acceptable in view of mandatory filing dates?  
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ YES ☐ NO \*
3. (a) Is a source entered? ☐ YES ☐ NO \*
- (b) Is a tributary to entered? (if required) ☐ YES ☐ NO N/A \*
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO \*
5. Is there a description of the diverting works? ☐ YES ☐ NO \*
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO \*
- Is the period of use included? ☐ YES ☐ NO \*
- Is a quantity claimed for each use? ☐ YES ☐ NO \*
7. Is a total quantity claimed entered? ☐ YES ☐ NO \*
8. If required is a consumptive use entered? ☐ YES ☐ NO N/A \*
- Is the consumptive use correct? ☐ YES ☐ NO N/A \*
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☐ NO N/A \*
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO \*
11. Is (are) the county(ies) entered? ☐ YES ☐ NO \*
12. Is the ownership of p.u. checked? ☐ YES ☐ NO \*
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO \*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO N/A \*
15. Is the basis of the claim indicated? ☐ YES ☐ NO \*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO N/A \*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☐ YES ☐ NO \*
18. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☐ NO \*
19. Was this claim filed on time, or was an extension granted? ☐ YES ☐ NO \*
20. Is the fee enclosed correct? ☐ YES ☐ NO Exempt \*
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO N/A \*
22. Should this claim be data entered? ☐ YES ☐ NO \*

Claim checked by: DC

Date:

2/22/90

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by: DC

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

NOV 18 1992

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:00  
09/28/95

CLAIM NUMBER: 430-00005

PAGE: 1  
GENERAL INFORMATION

LAST: PANCHERI INC  
ADDRESS: 7 JERRY PANCHERI PRES  
CITY: HOWE  
PHONE NUMBER: 208-767-3419

FIRST: KENT W  
STATE: ID ZIP: 83344

OWNER CODE: C

LAST: FOSTER  
ADDRESS: HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
CITY: IDAHO FALLS  
PHONE NUMBER: 208-523-0620

FIRST: KENT W  
STATE: ID ZIP: 83405

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

OWNER HAS PURCHASED THIS PLACE OF USE IN SEVERAL PIECES. THE WATER RIGHTS THAT WERE USED ON THE INDIVIDUAL PARCELS HAVE BEEN COMBINED AND ARE USED ON ALL OF THE LANDS AS NEEDED. THIS HAS BEEN THE COMMON PRACTICE FOR THIS AREA. THIS CLAIM IS FILED AS AN EXPANSION OF THE ORIGINAL DECREE THAT OCCURRED PRIOR TO 1987.

THE HISTORICAL PRACTICE FOR DELIVERING THIS RIGHT HAS BEEN TO: MEASURE THE FLOW OF WATER ENTERING THE LITTLE LOST RIVER AT THE POINT OF INJECTION (WHICH IS THE OUTLET FOR HYDRO POWER PLANT UNDER 33-07087), DELIVER THIS TO THE REDIVERSION POINTS DOWN THE RIVER (CHARGING A 25% LOSS) AND THEN DELIVERING TO PLACE OF USE THROUGH CANALS AND DITCHES. THE OWNER HAS BEEN ALLOWED TO USE THIS WATER ON HIS VARIOUS PARCELS ALONG THE RIVER.

IN ADDITION TO THIS PRACTICE, THE OWNER HAS BEEN ALLOWED TO DIVERT (EXCHANGE) A PORTION OF THIS RIGHT FROM THE DIVERSION IN WET CREEK, SO LONG AS THE WATER RIGHT CAN BE DELIVERED THROUGH THE LITTLE LOST RIVER AND THERE IS WATER AVAILABLE IN WET CREEK (THERE ARE NO OTHER DIVERSIONS IN THE REACH OF WET CREEK FROM THE OWNERS DIVERSION TO THE CONFLUENCE WITH THE LITTLE LOST RIVER).

CONFIRMED ATTORNEY MAILING ADDRESS DMS

19 May  
See Tim Lube's Little Lost River Distribution, 1993

See Comments

CONTACT PERSON: AL BURSLEY  
DATE OF FIELD EXAM:        /        /        APPOINTMENT MADE: Y ( ☒ ) N (        )  
ACCOMPANIED BY: Mrs. w/ J. D. HENSTEL  
RELATIONSHIP TO CLAIMANT: Parents / Owners  
DIRECTIONS TO PROPERTY / NOTES:

FIELD EXAM 2 Oct 95.

WR SWO OVERCAP  
WITH 33-00036B  
on SW SE Sec. 34  
R. H. H. H. H.  
Ditch 7.472  
100' AS 36

65- exch - 25% loss  
© E. Hoffman -  $\Rightarrow$  T price  
If delinquent below Harry  
added 7-10% (yr dependent)

A. AT CLAIM: # A33-00065 PRIORITY DATE: 06-01-1899 STAGE: D

B. NR RECORD: # 33-00065 PRIORITY DATE: 06-01-1899 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

\* 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?

\* 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?

NOTES: XXI.

MERCHANTS TRUST & SAVINGS BANK, a corporation:

33 0065 Tr. 851

(a) From Bell Mountain Creek, Quaken Asp Springs, Mahogany Creek: All of the water thereof, not exceeding 320 inches, with date of priority June 1, 1899; that none of said sources of supply are tributary to Little Lost River.

Point of diversion:

to be used upon and appurtenant to:

(Bell Mountain Ranch). The South half of the Northeast quarter and the Southeast quarter of Section 1, Township 10 North, Range 26 East of the Boise Meridian; and the South half of the Northwest quarter of Section 6; Township 10 North, Range 27 East of the Boise Meridian.

RECOMMENDED PRIORITY DATE:

06-01-1899 As claimed.

REVIEWED BY

As claimed.

DATE 3 Oct 1995

Y( ) N( )

Y( ) N( )

Y( ) N( )

N/A( ) Y( ) N( )

N/A( ) Y( ) N( )

N/A( ) Y( ) N( )

N/A( ) Y( ) N( )

N/A( ) Y( ) N( )

Y( ) N( )

EXCERPT TAKEN FROM R. 9. SECTION XXI,  
BLAINE COUNTY ZONING ACT, VS. R.G. MAYS,  
et al, DECEASED. MARCH 4, 1927.

A. AT CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGP. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|------|------|------|-----|-----|-----|-----|------|--------|----------------|------------------|
| A33-00065 | 05N  | 29E  | 4    | SE  | SE  | SE  | SE  | SE   | BUTTE  |                |                  |
| A33-00065 | 06N  | 29E  | 30   | SW  | SW  | SW  | SW  | SW   | BUTTE  |                |                  |
| A33-00065 | 06N  | 29E  | 32   | SW  | NW  | NW  | NW  | NW   | BUTTE  |                |                  |
| A33-00065 | 09N  | 27E  | 5    | NW  | NW  | NW  | NW  | NW   | BUTTE  |                |                  |
| A33-00065 | 09N  | 27E  | 33   | NW  | NW  | NW  | NW  | NW   | BUTTE  |                |                  |

SE Pauline's share  
NW upper section  
SW section  
NE water  
NW @ Butte

OTHER A1 CLAIMS WITH SAME A1 POD  
A PREFIX  
X  
AA

NR RECORDS IN SAME 40 ACCE TRACT

- 33-00028
- 33-00029
- 33-00030
- 33-00031
- 33-00032
- 33-00033
- 33-00034
- 33-00035
- 33-00036
- 33-00037
- 33-00038
- 33-00039
- 33-00040
- 33-00041
- 33-00042
- 33-00043
- 33-00044
- 33-00045
- 33-00046
- 33-00047
- 33-00048
- 33-00049
- 33-00050
- 33-00051
- 33-00052
- 33-00053
- 33-00054
- 33-00055
- 33-00056
- 33-00057
- 33-00058
- 33-00059
- 33-00060
- 33-00061
- 33-00062
- 33-00063
- 33-00064
- 33-00065
- 33-00066
- 33-00067
- 33-00068
- 33-00069
- 33-00070
- 33-00071
- 33-00072
- 33-00073
- 33-00074
- 33-00075
- 33-00076
- 33-00077
- 33-00078
- 33-00079
- 33-00080
- 33-00081
- 33-00082
- 33-00083
- 33-00084
- 33-00085
- 33-00086
- 33-00087
- 33-00088
- 33-00089
- 33-00090
- 33-00091
- 33-00092
- 33-00093
- 33-00094
- 33-00095
- 33-00096
- 33-00097
- 33-00098
- 33-00099
- 33-00100
- 33-00101
- 33-00102
- 33-00103
- 33-00104
- 33-00105
- 33-00106
- 33-00107
- 33-00108
- 33-00109
- 33-00110
- 33-00111
- 33-00112
- 33-00113
- 33-00114

\* 68 A PREFIX CLAIMS WITH THIS POD  
\*\* 17 K PREFIX CLAIMS WITH THIS POD

UNKNOWN St.

SOURCE: BELL MOUNTAIN CREEK  
QUAKEN ASP SPRINGS  
MANGANY CREEK

TR16: SAW MILL CREEK  
SAW MILL CREEK  
SAW MILL CREEK

DECLARED NON-TRIBUTARY

3. NR POINT OF DIVERSION AND SOURCE:

3300065 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BELL MOUNTAIN CREEK  
QUAKEN ASP SPRINGS  
MANGANY CREEK

TR18: LITTLE LOST RIVER  
LITTLE LOST RIVER  
LITTLE LOST RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACCE 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 DRS DATA?

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

N/A( ) Y( ) N( )  
Y( ) N( )

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?  
A. 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.  
N/A ( ) Y (✓) N ( )  
EXCEPT MAPLE SPR. (AKA: Quakew Asp Spr.)

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 20 JUL 1995 NAME OF EXAMINER A. BERRY)  
Y (✓) N ( )

OTHER (DESCRIBE IN NOTES BELOW)

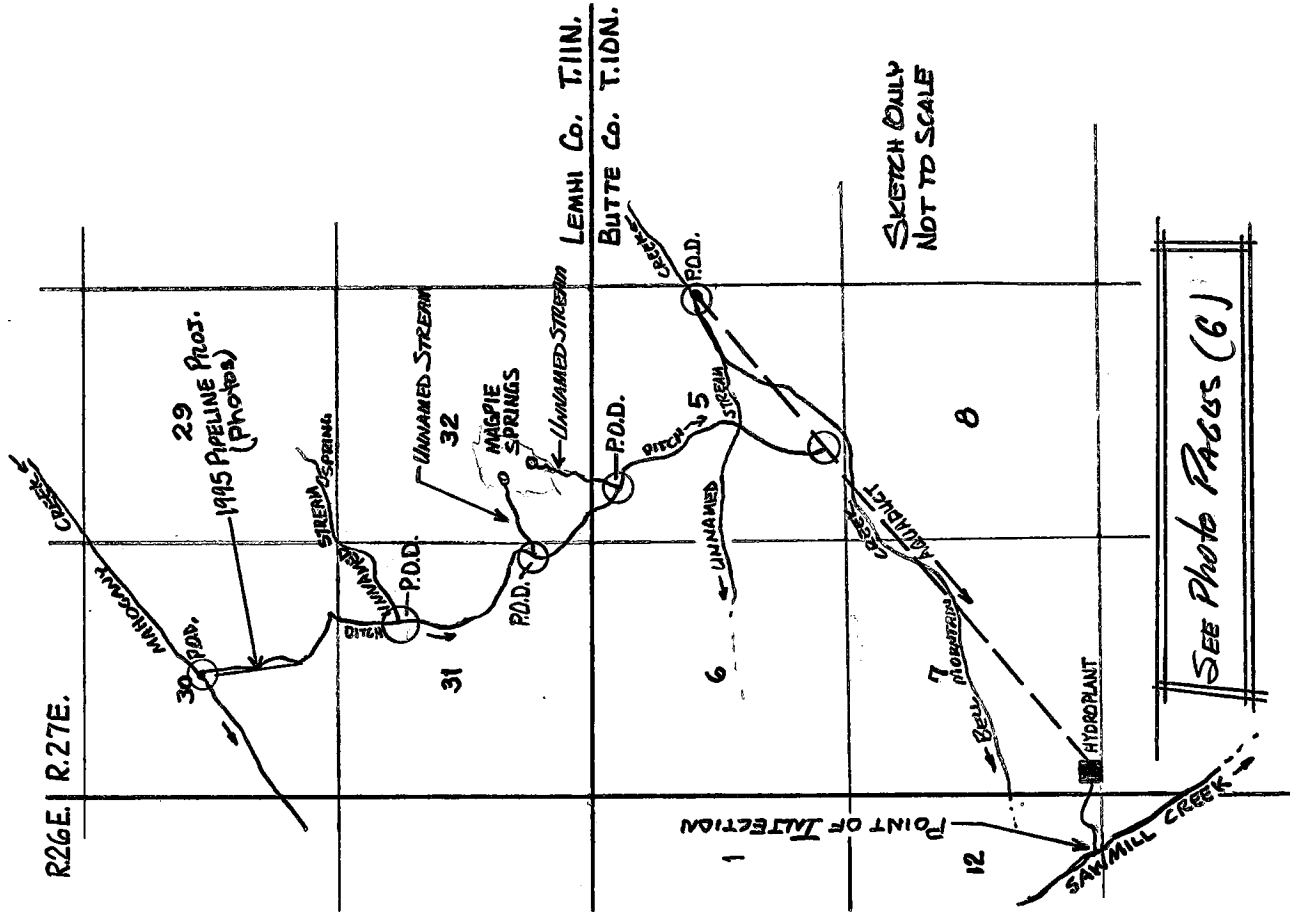
NOTES: Actual P.O.D. is UNSPECIFIED BY DECREE, AND CONSIDERED NON-TRIBUTARY TO LITTLE Lost River.  
TBSI ADDS ADDITIONAL LANDS IN 1955 AT T-6N, R. 29 & 30 E AND T-5N, R. 29 E, - BY THIS ACTION THESE WATERS BECAME "DEVELOPED WATER" IN ASS.

| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ( ) |      |     |     |     |     |     |      |        |                            | SOURCES                              |       | TRIBUTARY TO: |  |
|----------------------------------------------------------------------------------------|------|-----|-----|-----|-----|-----|------|--------|----------------------------|--------------------------------------|-------|---------------|--|
| TWP.                                                                                   | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | 101 | PLAT | COUNTY | STATION NAME               |                                      |       |               |  |
| 05N                                                                                    | 29E  | 30  | SE  | SE  | SE  |     | R    | BUTTE  |                            |                                      |       |               |  |
| 05N                                                                                    | 29E  | 30  | SW  | SW  | SW  |     | R    | BUTTE  |                            |                                      |       |               |  |
| 05N                                                                                    | 29E  | 30  | NW  | NW  | NW  |     |      | BUTTE  |                            |                                      |       |               |  |
| 05N                                                                                    | 29E  | 30  | NE  | NE  | NE  |     |      | BUTTE  |                            |                                      |       |               |  |
| 05N                                                                                    | 29E  | 30  | SE  | SE  | SE  |     |      | BUTTE  |                            |                                      |       |               |  |
| 05N                                                                                    | 29E  | 30  | SW  | SW  | SW  |     |      | BUTTE  |                            |                                      |       |               |  |
| 05N                                                                                    | 29E  | 30  | NW  | NW  | NW  |     |      | BUTTE  |                            |                                      |       |               |  |
| 05N                                                                                    | 29E  | 30  | NE  | NE  | NE  |     |      | BUTTE  |                            |                                      |       |               |  |
| 11N                                                                                    | 27E  | 30  | NE  | SE  | NW  |     |      | LEMMU  | MANOGANY CK.               |                                      | SINKS | DITCH         |  |
| 11N                                                                                    | 27E  | 31  | SE  | NW  | NE  |     |      | LEMMU  | UNNAMED STREAM             |                                      | SINKS |               |  |
| 11N                                                                                    | 27E  | 31  | NE  | SE  | SE  |     |      | LEMMU  | UNNAMED STREAM             | FROM MAGNUS SPS.                     | SINKS |               |  |
| 10N                                                                                    | 27E  | 5   | NE  | NW  | NW  |     |      | BUTTE  | UNNAMED STREAM             | AKA: DUKAN ASP SP.                   | SINKS |               |  |
| 10N                                                                                    | 27E  | 5   | SE  | SE  | NE  |     |      | BUTTE  | BELL Mtn. CK               |                                      | SINKS | ARMOUR        |  |
| 10N                                                                                    | 26E  | 12  | SW  | SE  | SE  |     | I    | BUTTE  | AQUADUCT (DEVELOPED WATER) |                                      | SINKS | SAWMILL CK.   |  |
| SOURCE: BELL MOUNTAIN CREEK                                                            |      |     |     |     |     |     |      |        |                            | TID: NOW-TRIBUTARY BY DECREE         |       |               |  |
| CROOKED ASP SPRINGS                                                                    |      |     |     |     |     |     |      |        |                            | AS A "DEVELOPED WATER" CAUSED THESE  |       |               |  |
| MANOGANY CREEK                                                                         |      |     |     |     |     |     |      |        |                            | WATERS BECOMES TRIBUTARY TO SAWMILL  |       |               |  |
| UNNAMED STREAMS (S)                                                                    |      |     |     |     |     |     |      |        |                            | CREEK AT NOTED POINT OF INTERSECTION |       |               |  |
|                                                                                        |      |     |     |     |     |     |      |        |                            | SEE T.851                            |       |               |  |

REVIEWED BY: *McHenry*

DATE: 24 Oct 95

SYSTEM DESCRIPTION: DESCRIBED BELOW ( ), SEE LICENSE FILE ( ), ON SEE ATTACHMENT ( )



A. AD CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A33-00065 IRRIGATION        | FROM 04-01 TO 11-01       | 6.400 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 6.400 CFS              |                        |

B. WR RECEIVED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A33-00065 IRRIGATION        | FROM TO                   | 6.400 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 6.400 CFS              |                        |

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

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

\* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INQUIRY 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? 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? Y( ) N( )

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

As Decided

IT WAS, IT IS.

As Decided

NOTES: IRRIGATION, PERIOD OF USE AS DIVERSED APRIL 1 TO NOVEMBER 1, AS DECREED.  
26 OCT 1995, CAUSE DAVID ANDERSON. WATERMASTER. BORN 33 TO IN GAINA ABOUT DELIVERY OF THIS  
RIGHT. PER DAVID: THIS RIGHT IS DERIVED 70% OF TIME TO BORROW HIGHWAY WITH 35% COMPENSATED LOSS,  
DELIVERED 30% OF TIME TO HANSHURST PLACE (VIA HANSHURST DWR) WITH 25% COMPENSATED LOSS ASSUMED.

EXCERPT FROM: BLANKS Co. INVEST. vs XXI.  
R.G. MAYES, ET AL. 4 MARCH 1927. P. 9

MERCHANTS TRUST & SAVINGS BANK, a corporation:

(a) From Bell Mountain Creek, Quaken Asp Springs, Mahogany

Creek: All of the water thereof, not exceeding 320 inches, with date of priority June 1, 1899; that none of said sources of supply are tributary to Little Lost River.

Point of diversion:

to be used upon and appurtenant to:

(Bell Mountain Ranch). The South half of the Northeast quarter and the Southeast quarter of Section 1, Township 10 North, Range 26 East of the Boise Meridian; and the South half of the Northwest quarter of Section 6; Township 10 North, Range 27 East of the Boise Meridian.

→ HANSHURST STREAMS (2)

TR 851

33 0065

13  
7/1 E

NESE Sec. 1  
10/26  
S24NW Sec. 6  
10/27

AJ CLAIM TOTAL DIVERSION RATE: 6.400 CFS

MR RIGHT TOTAL DIVERSION RATE: 6.400 CFS

6. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )
7. 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.
8. 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.
9. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y( ) N( )

Y( ) N( ) SEE NOTE Pg. 10

FLOW MEASUREMENT

MEASUREMENT METHOD

*Watermaster Court*

SEE ATTACHED CALCULATIONS.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE  
ACRES  $\times 0.02 \text{ CFS/ACRE} =$  CFS  
(Taken from you review)

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 = AE/A

ACRES  $\times$  DIVERSION VOL. AE/A FOR AREA =

TOTAL DIVERSION VOLUME AE/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AE/A

ACRES  $\times$  CONSUMPTIVE VOL. AE/A FOR AREA =

TOTAL CONSUMPTIVE USE AE/A

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

15. CALCULATIONS

POINT OF DIVERSION AS DESCRIBED BY T.B.S.I IS IN ERROR.  
SURFACE WATERS (DIVERSION) ARE DIVERTED AT SWINNUM SEC. 32  
T. 6N, R. 29E. - LOCALLY REFERRED TO AS HARTMAN DIVERSION.  
T. LUKES, 1993, RECOMMEND TRANS. LOSS AS CALCULATED BY WATERMASTER  
NOT JUST 25% AS PER T.B.S.I.  
NOW DELIVERED AT HARTMAN DIV. WITH 30% LOSS

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| PURPOSE OF USE       | REC. PERIOD FROM   | REC. PERIOD TO | REC. DIV RATE CES | REC. DIV VOL. AE/A | REC. CONS. USE        |
|----------------------|--------------------|----------------|-------------------|--------------------|-----------------------|
| IRRIGATION <i>al</i> | 04-01              | 11-01          | DATABASE 6,400    | DATABASE EXAMINER  | DATABASE EXAMINER 0.0 |
|                      | <i>As Directed</i> |                |                   |                    |                       |
|                      |                    |                |                   |                    |                       |
|                      |                    |                |                   |                    |                       |
|                      |                    |                |                   |                    |                       |
| TOTAL FOR THIS RIGHT |                    |                | 6,400             |                    | 0.0                   |

NON-IRRIGATION USES CLAIMED: INCIDENTAL STOCKWATERING

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

REVIEWED BY:

DATE:

FLAG:

D

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

*00065 used with 02108 slm not exceed 374 cfs and 187 ac. ...*

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP  
FORFEIT/ABANDON  
ADDITIONAL DIV. AMOUNT

ACCEPTED  
AS CLAIMED  
( )  
( )  
( )

APPROVED  
BY REVIEWER  
( )  
( )  
( )

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-00065

TOTAL DIVERSION RATE OF WR SPLITS

~~DATABASE~~  
6-2000

EXAMINER

CFS

SPLITS:

OLD RIGHT  
NUMBERS  
CURRENT  
CLAIM NUMBERS  
A33-00065

DIVERSION  
RATE

CURRENT "X"  
CLAIM NUM.

"Y" DIV.  
RATE

WR RIGHT  
NUMBERS

DIVERSION  
RATE

~~33-00065~~  
~~33-00065~~  
~~NO.~~

TOTAL CFS

~~3.94~~

DIVERSION RATE REVIEW

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

DATABASE  
N

FIELD  
EXAMINER  
Y( ) N( )

NOTES:

THIS RIGHT IS NOT SPLIT - CLAIMED IN-FULL AS 6.4 CFS. - DETERMINED.  
PER T. L. L. May 1993, "IN DELIVER OUT OF SEQUENCE AND CHARGED ACTUAL RATCH LOSSES BE ASSESSED ... NOT CONSTANT 25%.  
189.2 AC. CAN BE SHOWN AS IRRIGATED IN 1987 (SEE ASES Photo). WITH 6.4 CFS AND 187 AC  
THIS RIGHT IS OVERCLAIMED WITH A DIVERSION RATE OF 0.034 CFS/AC. STANDARD DIVERSION RATE  
IS NOT GREATER THAN 0.02 CFS/AC OR 1" AC. PLUS A33-02108 IS ALSO USED ON THESE LANDS  
AS A SUPPLEMENTAL SOURCE. MAX DIVERSION SHOULD NOT EXCEED 3.74 ALSO USED W/ 36C

AUTHENTICATION:

SIGNATURE: *AB [Signature]* DATE: 20 Nov. 95

NAME OF FIELD EXAMINER: *Amos B. [Signature]* TITLE: Sr. Asst.

02108

39  
40

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?                        |
|-----------------------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------|
| <input checked="" type="checkbox"/> ORTHOPHOTOQUAD                    | DATE OF PHOTO <u>1977</u>                              | Y( ) N( ) <input checked="" type="checkbox"/> |
| <input type="checkbox"/> TOPOGRAPHIC                                  | DATE FIELD CHECKED _____                               | Y( ) N( ) <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> NAPP                              | DATE OF PHOTO _____                                    | Y( ) N( ) <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> ASCS AERIAL PHOTO                 | DATE OF PHOTO <u>1987</u>                              | Y( ) N( ) <input checked="" type="checkbox"/> |
| <input type="checkbox"/> ASCS COLOR SLIDE                             | DATE OF PHOTO _____                                    | Y( ) N( ) <input type="checkbox"/>            |
| <input type="checkbox"/> BLM OR USES AERIAL PHOTO                     | DATE OF PHOTO _____                                    | Y( ) N( ) <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY <u>See Ascs photocopy</u>               | Y( ) N( ) <input checked="" type="checkbox"/> |
| <input type="checkbox"/> SCS SOIL SURVEY MAP                          | DATE ISSUED _____                                      | Y( ) N( ) <input type="checkbox"/>            |
| <input type="checkbox"/> SUBDIVISION PLAT MAP                         | DATE OF MAP _____                                      | Y( ) N( ) <input type="checkbox"/>            |
| <input type="checkbox"/> OTHER <u>LAND LIST ATTACHMENT</u>            | DATE <u>2006/95</u>                                    | Y( ) N( ) <input checked="" type="checkbox"/> |
| <input type="checkbox"/> OTHER <u>Trunks, W.E. Water Dist. May 93</u> | DATE _____                                             | Y( ) N( ) <input checked="" type="checkbox"/> |
| <input type="checkbox"/> OTHER <u>Deans</u>                           | DATE _____                                             | Y( ) N( ) <input type="checkbox"/>            |

| LIST OF ATTACHMENTS (CHECK IF ATTACHED)                    | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION  | NO. OF PAGES | NOTES |
|------------------------------------------------------------|----------------------------------------------|--------------|-------|
| <input type="checkbox"/> LICENSING FIELD EXAM              | DATE OF FIELD EXAM _____                     | _____        | _____ |
| <input type="checkbox"/> WATER RIGHT LICENSE               | DATE LICENSE STAMPO _____                    | _____        | _____ |
| <input checked="" type="checkbox"/> IDMR APPROVED TRANSFER | DATE TRANSFER APPROVED <u>See Trans. 851</u> | _____        | _____ |
| <input type="checkbox"/> SYSTEM DESCRIPTION                | DATE DRAWN _____                             | _____        | _____ |
| <input checked="" type="checkbox"/> PHOTOGRAPHS            | DATE(S) PHOTOS TAKEN <u>2/24/95</u>          | <u>6</u>     | _____ |
| <input type="checkbox"/> SPLIT RIGHT REVIEW                | DATE REVIEW COMPLETED _____                  | _____        | _____ |
| <input type="checkbox"/> RUBBLE ANALYSIS                   | DATE ANALYSIS COMPLETED _____                | _____        | _____ |
| <input type="checkbox"/> CONVEYANCE LOSS ANALYSIS          | DATE ANALYSIS COMPLETED _____                | _____        | _____ |
| <input type="checkbox"/> FLOW MEASUREMENT CALCULATIONS     | DATE SYSTEM MEASURED _____                   | _____        | _____ |
| <input type="checkbox"/> OTHER _____                       | DATE _____                                   | _____        | _____ |
| <input type="checkbox"/> OTHER _____                       | DATE _____                                   | _____        | _____ |

STATE OF IOWA  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:06  
09/28/95

PAGE: 14  
QUICKLOOK INFORMATION

14  
CLAIM NUMBER: A33-00065

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

BARCODE UPDATED  
WHOM/DATE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

01:16:49  
09/28/95  
15

PAGE: 15  
PAGE: 15  
PAGE: 15

CLAIM NUMBER: A33-00065

OWNER CODE: C PANCHERI INC NAME & ADDRESS: BELL MOUNTAIN CREEK QUAKEN ASP SPRINGS MAHOGANY CREEK

PRIORITY DATE: 06/01/1999 WATER USE: IRRIGATION

USE PERIOD FROM TO: 04-01 11-01 DIVERSION RATE: 6.40 CPS DIVERSION VOLUME: 6.40 CPS

Water Source: SAW HILL CREEK SAW HILL CREEK SAW HILL CREEK

Stage: DECREED

TOTAL DIVERSION: 6.40 CPS

Point(s) of Diversion: T05N R25E S04 SESESE BUTTE County  
T06N R25E S30 SWSNW BUTTE County  
S32 SWSNW BUTTE County  
T09N R27E S05 NUNE BUTTE County  
S33 NUNE BUTTE County

| Place of use Legal Description for: IRRIGATION |     |    |      |    |    |      |    |    |        |
|------------------------------------------------|-----|----|------|----|----|------|----|----|--------|
| T                                              | R   | S  | NENE |    |    | NUNE |    |    | SUM    |
|                                                |     |    | Lt   | Ac | Lt | Ac   | Lt | Ac |        |
| 05N                                            | 29E | 3  | 39   | 40 | 40 | 40   | 40 | 40 | 159.0  |
| 05N                                            | 29E | 4  | 40   | 40 | 40 | 40   | 40 | 40 | 383.0  |
| 05N                                            | 29E | 5  | 28   |    |    |      |    |    | 20.0   |
| 05N                                            | 29E | 10 |      |    |    |      |    |    | 160.0  |
| 05N                                            | 29E | 11 |      |    |    |      |    |    | 320.0  |
| 05N                                            | 29E | 12 |      |    |    |      |    |    | 160.0  |
| 05N                                            | 29E | 13 | 40   | 40 | 39 | 40   | 40 | 40 | 638.0  |
| 05N                                            | 29E | 14 | 40   | 40 | 40 | 40   | 40 | 40 | 298.0  |
| 06N                                            | 29E | 29 | 40   | 40 | 40 | 40   | 40 | 40 | 270.0  |
| 06N                                            | 29E | 30 |      |    |    |      |    |    | 107.0  |
| 06N                                            | 29E | 31 | 33   | 40 |    |      |    |    | 91.0   |
| 06N                                            | 29E | 32 |      |    |    |      |    |    | 313.0  |
| 06N                                            | 29E | 34 |      |    |    |      |    |    | 117.0  |
| 06N                                            | 27E | 9  | 24   | 15 | 35 | 39   | 40 | 40 | 362.0  |
| 06N                                            | 27E | 10 |      |    | 39 | 39   | 39 | 39 | 312.0  |
| 06N                                            | 27E | 15 |      |    | 39 | 39   | 39 | 39 | 312.0  |
| 06N                                            | 27E | 21 |      |    | 33 | 33   | 33 | 33 | 264.0  |
| 06N                                            | 27E | 25 |      |    | 33 | 33   | 33 | 33 | 264.0  |
| 06N                                            | 27E | 26 |      |    | 33 | 33   | 33 | 33 | 139.0  |
| 06N                                            | 27E | 34 | 19   | 25 | 06 | 06   | 05 | 07 | 94.0   |
| TOTAL ACRES                                    |     |    |      |    |    |      |    |    | 4699.0 |

FOU County: BUTTE

Non-Irrigation Uses: INCIDENTAL STOCKWATERING

Other Rights: SEE A33-00002A => no 00065

Hydropower Lic. 33-07087 is PERMITTED AS SOURCE & DEVELOPED WATER

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

01:16:49  
09/28/95  
16

CLAIM NUMBER: A33-00065

PAGE: 16  
PROFILE REPORT CONTINUED

Remarks: OWNER HAS PURCHASED THIS PLACE OF USE IN SEVERAL PIECES. THE WATER RIGHTS THAT WERE USED ON THE INDIVIDUAL PARCELS HAVE BEEN COMBINED AND ARE USED ON ALL OF THE LANDS AS NEEDED. THIS HAS BEEN THE COMMON PRACTICE FOR THIS AREA. THIS CLAIM IS FILED AS AN EXPANSION OF THE ORIGINAL DECREE THAT OCCURRED PRIOR TO 1997.

\*\*\*\*\*  
THE HISTORICAL PRACTICE FOR DELIVERING THIS RIGHT HAS BEEN TO: MEASURE THE FLOW OF WATER ENTERING THE LITTLE LOST RIVER AT THE POINT OF INJECTION (WHICH IS THE OUTLET FOR HYDRO POWER PLANT UNDER 33-07087), DELIVER THIS TO THE REDIVERSION POINTS DOWN THE RIVER (CHARGING A 25% LOSS) AND THEN DELIVERING TO PLACE OF USE THROUGH CANALS AND DITCHES. THE OWNER HAS BEEN ALLOWED TO USE THIS WATER ON HIS VARIOUS PARCELS ALONG THE RIVER.

IN ADDITION TO THIS PRACTICE, THE OWNER HAS BEEN ALLOWED TO DIVERT (EXCHANGE) A PORTION OF THIS RIGHT FROM THE DIVERSION IN WET CREEK, SO LONG AS THE WATER RIGHT CAN BE DELIVERED THROUGH THE LITTLE LOST RIVER AND THERE IS WATER AVAILABLE IN WET CREEK (THERE ARE NO OTHER DIVERSIONS IN THE REACH OF WET CREEK FROM THE OWNERS DIVERSION TO THE CONJUNCTION WITH THE LITTLE LOST RIVER).

CONFORMED ATTORNEY MAILING ADDRESS DWS

|        |                           |                          |
|--------|---------------------------|--------------------------|
| Dates: | Exam Made Date:           | Verified Date:           |
| Misc:  | Water District Number: 33 | Field Inspection Flag: D |
|        |                           | Presumption Flag:        |



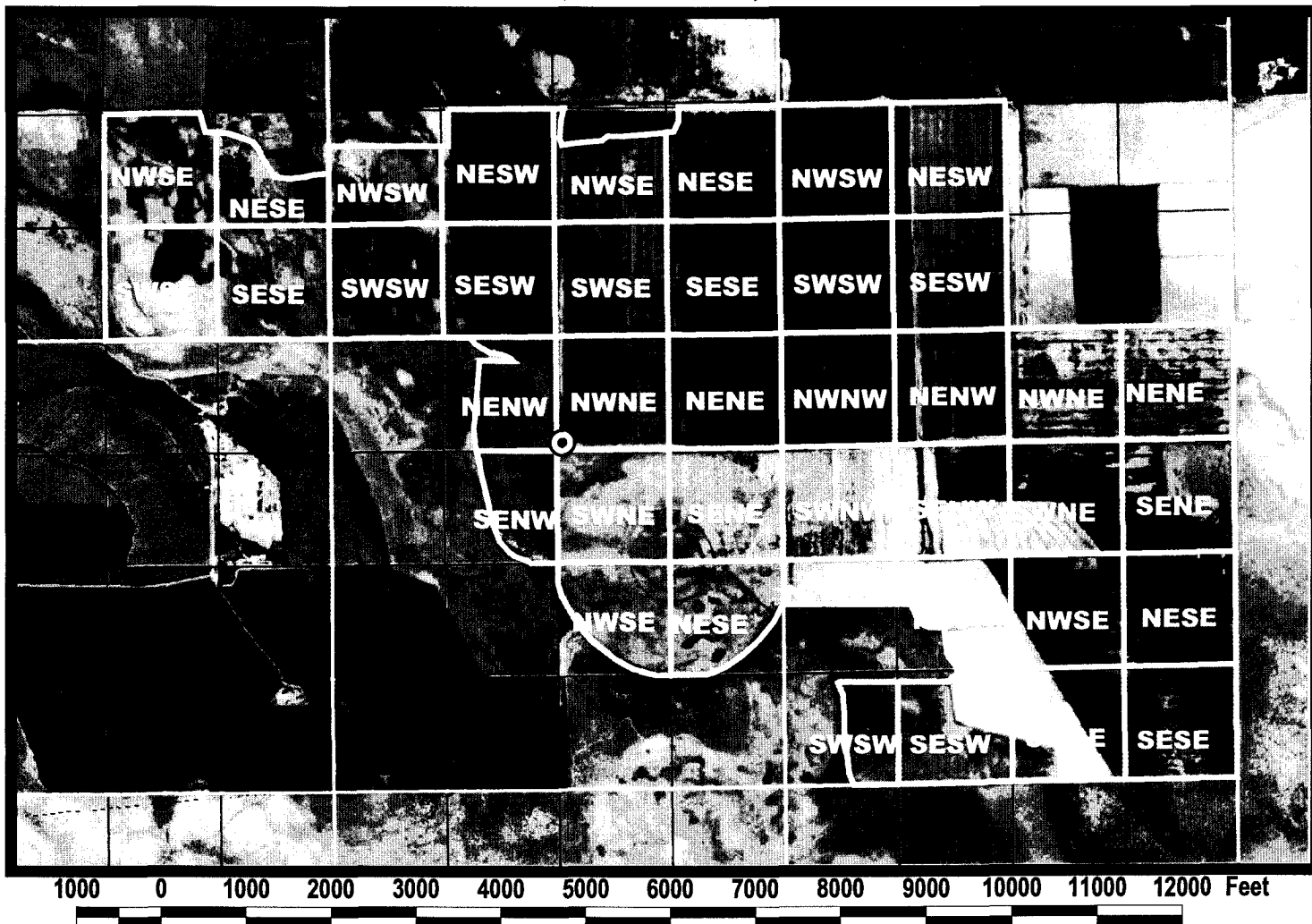
# STATE OF IDAHO

Department of Water Resources

Eastern Region

**Claimant: Pancheri, Inc.**

**Water Right(s): 33-07027, 33-02117A, 33-00024, 33-00025,  
33-00026C, 33-00027, 33-00028, 33-00029, 33-00030,  
33-00065, 33-00115, 33-10109**



## LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

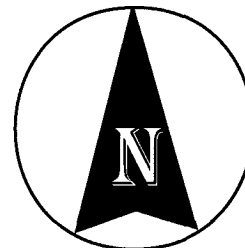
Place of Use

Section Line

Quarter-section line

**Place(s) of Use: T.5N., R.29E.  
(parts of) Sec. 10, 11, 12, 13, 14**

**Point(s) of Diversion: T.5N., R.29E.  
Sec. 4 SESESE (surface)  
T.5N., R.29E. Sec. 14  
SEENW (well)**



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: A. Ruberry  
Date: November 1999

11/15/2000

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

RIGHT NUMBER: 33-65

NAME AND ADDRESS: PANCHERI INC  
C/O JERRY PANCHERI PRES  
HC 65 BOX 2104  
HOWE, ID 83244

SOURCE: BELL MOUNTAIN CREEK      TRIBUTARY: SINKS  
MAHOGANY CREEK      SINKS  
UNNAMED STREAM      SINKS

QUANTITY: 6.4 CFS

THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER  
SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO  
APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM  
FROM THE POINT OF REDIVERSION PURSUANT TO SECTION 42-105,  
IDAHO CODE.

PRIORITY DATE: 06/01/1899

|                     |               |        |             |                     |
|---------------------|---------------|--------|-------------|---------------------|
| POINT OF DIVERSION: | T05N R29E S4  | SESESE | Rediversion | Within BUTTE County |
|                     | T10N R26E S12 | SWSESE | Injection   | Within BUTTE County |
|                     | T10N R27E S5  | SESENE |             | Within BUTTE County |
|                     | T10N R27E S5  | NENWNW |             | Within BUTTE County |
|                     | T11N R27E S30 | NESENW |             | Within LEMHI County |
|                     | T11N R27E S31 | SENWNE |             | Within LEMHI County |
|                     | T11N R27E S31 | SENESE |             | Within LEMHI County |

PURPOSE AND  
PERIOD OF USE:

|                       |                      |                 |
|-----------------------|----------------------|-----------------|
| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
| IRRIGATION            | 4-01 11-01           | 6.40 CFS        |

PLACE OF USE:

|                                       |      |    |                                 |
|---------------------------------------|------|----|---------------------------------|
| <u>IRRIGATION Within BUTTE County</u> |      |    |                                 |
| T05N R29E S10                         | NESE | 23 | T05N R29E S10      NWSE      40 |
| T05N R29E S10                         | SWSE | 40 | T05N R29E S10      SESE      40 |
| T05N R29E S11                         | NESW | 40 | T05N R29E S11      NWSW      28 |
| T05N R29E S11                         | SWSW | 40 | T05N R29E S11      SESW      40 |
| T05N R29E S11                         | NESE | 40 | T05N R29E S11      NWSE      31 |
| T05N R29E S11                         | SWSE | 40 | T05N R29E S11      SESE      40 |
| T05N R29E S12                         | NESW | 40 | T05N R29E S12      NWSW      40 |
| T05N R29E S12                         | SWSW | 40 | T05N R29E S12      SESW      40 |
| T05N R29E S13                         | NENE | 40 | T05N R29E S13      NWNE      40 |
| T05N R29E S13                         | SWNE | 40 | T05N R29E S13      SENE      40 |
| T05N R29E S13                         | NENW | 40 | T05N R29E S13      NWNW      40 |
| T05N R29E S13                         | SWNW | 40 | T05N R29E S13      SENW      40 |
| T05N R29E S13                         | NESW | 32 | T05N R29E S13      NWSW      16 |
| T05N R29E S13                         | SWSW | 17 | T05N R29E S13      SESW      39 |
| T05N R29E S13                         | NESE | 40 | T05N R29E S13      NWSE      40 |
| T05N R29E S13                         | SWSE | 40 | T05N R29E S13      SESE      40 |
| T05N R29E S14                         | NENE | 40 | T05N R29E S14      NWNE      40 |
| T05N R29E S14                         | SWNE | 40 | T05N R29E S14      SENE      40 |
| T05N R29E S14                         | NENW | 28 | T05N R29E S14      SENW      24 |
| T05N R29E S14                         | NESE | 34 | T05N R29E S14      NWSE      32 |

1464 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 680 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, AND 33-00115. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1464 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-07027, 33-02117A, 33-10109, AND 33-10999

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 -

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-10999

11/15/2000

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 33-65

NAME AND ADDRESS: PANCHERI INC  
C/O JERRY PANCHERI PRES  
HC 65 BOX 2104  
HOWE, ID 83244

QUANTITY: 6.4 CFS

THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM FROM THE POINT OF REDIVERSION PURSUANT TO SECTION 42-105, IDAHO CODE.

PRIORITY DATE: 06/01/1899

|                     |               |        |             |                     |
|---------------------|---------------|--------|-------------|---------------------|
| POINT OF DIVERSION: | T05N R29E S4  | SESESE | Rediversion | Within BUTTE County |
|                     | T10N R26E S12 | SWSESE | Injection   | Within BUTTE County |
|                     | T10N R27E S5  | SESENE |             | Within BUTTE County |
|                     | T10N R27E S5  | NENWNW |             | Within BUTTE County |
|                     | T11N R27E S30 | NESENW |             | Within LEMHI County |
|                     | T11N R27E S31 | SENWNE |             | Within LEMHI County |
|                     | T11N R27E S31 | NESESE |             | Within LEMHI County |
|                     |               | SENESE |             |                     |

PURPOSE AND  
PERIOD OF USE:

|                       |                      |                 |
|-----------------------|----------------------|-----------------|
| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
| IRRIGATION            | 4-01 11-01           | 6.40 CFS        |

PLACE OF USE:

|                                       |      |    |               |      |    |
|---------------------------------------|------|----|---------------|------|----|
| <u>IRRIGATION Within BUTTE County</u> |      |    |               |      |    |
| T05N R29E S10                         | NESE | 23 | T05N R29E S10 | NWSE | 40 |
| T05N R29E S10                         | SWSE | 40 | T05N R29E S10 | SESE | 40 |
| T05N R29E S11                         | NESE | 40 | T05N R29E S11 | NWSW | 28 |
| T05N R29E S11                         | SWSW | 40 | T05N R29E S11 | SESW | 40 |
| T05N R29E S11                         | NESE | 40 | T05N R29E S11 | NWSE | 31 |
| T05N R29E S11                         | SWSE | 40 | T05N R29E S11 | SESE | 40 |
| T05N R29E S12                         | NESW | 40 | T05N R29E S12 | NWSW | 40 |
| T05N R29E S12                         | SWSW | 40 | T05N R29E S12 | SESW | 40 |
| T05N R29E S13                         | NENE | 40 | T05N R29E S13 | NWNE | 40 |
| T05N R29E S13                         | SWNE | 40 | T05N R29E S13 | SENE | 40 |
| T05N R29E S13                         | NENW | 40 | T05N R29E S13 | NWNW | 40 |
| T05N R29E S13                         | SWNW | 40 | T05N R29E S13 | SENW | 40 |
| T05N R29E S13                         | NESW | 32 | T05N R29E S13 | NWSW | 16 |
| T05N R29E S13                         | SWSW | 17 | T05N R29E S13 | SESW | 39 |
| T05N R29E S13                         | NESE | 40 | T05N R29E S13 | NWSE | 40 |
| T05N R29E S13                         | SWSE | 40 | T05N R29E S13 | SESE | 40 |
| T05N R29E S14                         | NENE | 40 | T05N R29E S14 | NWNE | 40 |
| T05N R29E S14                         | SWNE | 40 | T05N R29E S14 | SENE | 40 |
| T05N R29E S14                         | NENW | 28 | T05N R29E S14 | SENW | 24 |
| T05N R29E S14                         | NESE | 34 | T05N R29E S14 | NWSE | 32 |

1464 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 680 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, AND 33-00115. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1464 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-07027, 33-02117A, 33-10109, AND 33-10999

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-10999

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)DATE: 11/30/99  
PAGE: 1

OWNER CODE: C  
NAME & ADDRESS: PANCHERI INC  
C/O JERRY PANCHERI PRES  
HC 65 BOX 2104  
HOME ID 83244  
(208) 767-3419

PRIORITY DATE: 06/01/1899  
WATER USE: IRRIGATION  
USE PERIOD FROM TO: 04-01 11-01  
DIVERSION RATE: 6.400 CFS  
DIVERSION VOLUME: 6.400 CFS

TOTAL DIVERSION: 6.400 CFS

Water Source: BELL MOUNTAIN CREEK  
UNNAMED STREAMS  
MAHOGANY CREEK

Tributary to: SINKS  
SINKS  
SINKS

Stage: DECREEED

Point(s) of Diversion:

T10N R27E S05  
T11N R27E S30  
S31  
T10N R26E S12  
T05N R29E S04

Point(s) of Injection:

SESENE  
NESENE/168  
SESENE/167  
SESENE  
SESENE

Point(s) of Re-diversion:

SESENE  
NESENE/168  
SESENE/167  
SESENE  
SESENE

Place of use Legal Description for: IRRIGATION

| T R S       |     | NE   |      |      |      |      |      | NW   |      |      |      |      |      | SW   |      |      |      |    |    | SE |    |        |    |    |    | SUM |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
|-------------|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|----|----|----|----|--------|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
|             |     | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE |    |    |    |    |        |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| Lt          | Ac  | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt | Ac | Lt | Ac |        |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| 05N         | 29E | 10   | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :  | :  | :  | :  | :      |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| 05N         | 29E | 11   | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :  | :  | :  | :  | :      |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| 05N         | 29E | 12   | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :  | :  | :  | :  | :      |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| 05N         | 29E | 13   | :    | 40   | 40   | 40   | 40   | :    | 40   | 40   | 40   | 40   | :    | 40   | 40   | 40   | 40   | :  | 40 | 40 | 40 | :      |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| 05N         | 29E | 14   | :    | 40   | 40   | 40   | 40   | :    | 28   | :    | :    | :    | :    | 32   | 16   | 17   | 39   | :  | 40 | 40 | 40 | :      |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| TOTAL ACRES |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |    |    |    | 34     | 32 | 32 | 32 | 34  | 23 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | : |
|             |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |    |    |    | 1464.0 |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |

POU County: BUTTE

Other Rights: SEE REMARKS

## Conditions of Approval:

- C18 - 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.
- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- SECTION 42-1425, IDAHO CODE.

Remarks: QNT

THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER  
SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO  
APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM FROM  
THE POINT OF REDIVERSION PURSUANT TO SECTION 42-105, IDAHO CODE.

POU1

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN

170 unnamed  
169 unnamed  
168 Mahogany  
167 unnamed  
166 Bedlam  
Creek

POU 10 = 135, 136

POU 10 = 166, 167, 168,

169, 170

Remarks:

THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 680 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025,  
33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, AND 33-00115.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 1464 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025,  
33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115,  
33-07027, 33-02117A AND 33-10109.

|        |                           |                          |                       |
|--------|---------------------------|--------------------------|-----------------------|
| Dates: | Exam Made Date:           | Verified Date:           | Objection Filed Date: |
| Misc:  | Water District Number: 33 | Field Inspection Flag: C | Presumption Flag:     |

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: A33-00065

Date Received: 1/11/1990

Receipt No: E011683

Received By: \_\_\_\_\_

*Original  
Sent to  
Court.*

*4-20-00*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: PANCHERI, INC. 208-767-3419  
Address: C/O JERRY PANCHERI, PRES.  
HOWE, ID 83244

2. Date of Priority: JUN 01, 1899

3. Source: BELL MOUNTAIN CREEK Trib. to: SAW MILL CREEK  
QUAKEN ASP SPRINGS SAW MILL CREEK  
MAHOGANY CREEK SAW MILL CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05N      | 29E   | 4       | SE     | SE     | SE     |     | BUTTE  |
| 06N      | 29E   | 30      | SW     | SW     | NW     |     | BUTTE  |
|          |       | 32      | SW     | NW     | NW     |     | BUTTE  |
| 09N      | 27E   | 5       |        | NW     | NE     |     | BUTTE  |
|          |       | 33      |        | NW     | NE     |     | BUTTE  |

5. Description of diverting works:  
HEADGATES IN RIVER INTO IRRIGATION DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 6.400  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
INCIDENTAL STOCKWATERING

A33-00065

Page 1

Date: 02/22/90

MICROFILMED  
NOV 18 1992

10. Place of Use:

| Township | Range | Section | 1/4                 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------------|----|-----|-----|-----|-------|
| 05N      | 29E   | 3       | NW                  |    | NE  |     | IRR | 39.0  |
|          |       |         | SW                  |    | NE  |     | IRR | 40.0  |
|          |       |         | NW                  |    | SW  |     | IRR | 40.0  |
|          |       |         | SW                  |    | SW  |     | IRR | 40.0  |
|          |       |         | Section Acres 159.0 |    |     |     |     |       |
|          |       | 4       | NE                  |    | NE  |     | IRR | 40.0  |
|          |       |         | NW                  |    | NE  |     | IRR | 40.0  |
|          |       |         | SW                  |    | NE  |     | IRR | 40.0  |
|          |       |         | SE                  |    | NE  |     | IRR | 40.0  |
|          |       |         | NW                  |    | NW  |     | IRR | 38.0  |
|          |       |         | SE                  |    | NW  |     | IRR | 30.0  |
|          |       |         | NE                  |    | SE  |     | IRR | 40.0  |
|          |       |         | NW                  |    | SE  |     | IRR | 40.0  |
|          |       |         | SW                  |    | SE  |     | IRR | 35.0  |
|          |       |         | SE                  |    | SE  |     | IRR | 40.0  |
|          |       |         | Section Acres 383.0 |    |     |     |     |       |
|          |       | 5       | NE                  |    | NE  |     | IRR | 28.0  |
|          |       |         | Section Acres 28.0  |    |     |     |     |       |
|          |       | 10      | NE                  |    | SE  |     | IRR | 40.0  |
|          |       |         | NW                  |    | SE  |     | IRR | 40.0  |
|          |       |         | SW                  |    | SE  |     | IRR | 40.0  |
|          |       |         | SE                  |    | SE  |     | IRR | 40.0  |
|          |       |         | Section Acres 160.0 |    |     |     |     |       |
|          |       | 11      | NE                  |    | SW  |     | IRR | 40.0  |
|          |       |         | NW                  |    | SW  |     | IRR | 40.0  |
|          |       |         | SW                  |    | SW  |     | IRR | 40.0  |
|          |       |         | SE                  |    | SW  |     | IRR | 40.0  |
|          |       |         | NE                  |    | SE  |     | IRR | 40.0  |
|          |       |         | NW                  |    | SE  |     | IRR | 40.0  |
|          |       |         | SW                  |    | SE  |     | IRR | 40.0  |
|          |       |         | SE                  |    | SE  |     | IRR | 40.0  |
|          |       |         | Section Acres 320.0 |    |     |     |     |       |
|          |       | 12      | NE                  |    | SW  |     | IRR | 40.0  |
|          |       |         | NW                  |    | SW  |     | IRR | 40.0  |
|          |       |         | SW                  |    | SW  |     | IRR | 40.0  |
|          |       |         | SE                  |    | SW  |     | IRR | 40.0  |
|          |       |         | Section Acres 160.0 |    |     |     |     |       |

10. Place of Use: Continued

| Township      | Range | Section       | 1/4 | of | 1/4 | Lot | Use | Acres |       |
|---------------|-------|---------------|-----|----|-----|-----|-----|-------|-------|
| 05N           | 29E   | 13            | NE  |    | NE  |     | IRR | 40.0  |       |
|               |       |               | NW  |    | NE  |     | IRR | 40.0  |       |
|               |       |               | SW  |    | NE  |     | IRR | 40.0  |       |
|               |       |               | SE  |    | NE  |     | IRR | 39.0  |       |
|               |       |               | NE  |    | NW  |     | IRR | 40.0  |       |
|               |       |               | NW  |    | NW  |     | IRR | 40.0  |       |
|               |       |               | SW  |    | NW  |     | IRR | 40.0  |       |
|               |       |               | SE  |    | NW  |     | IRR | 40.0  |       |
|               |       |               | NE  |    | SW  |     | IRR | 40.0  |       |
|               |       |               | NW  |    | SW  |     | IRR | 40.0  |       |
|               |       |               | SW  |    | SW  |     | IRR | 40.0  |       |
|               |       |               | SE  |    | SW  |     | IRR | 40.0  |       |
|               |       |               | NE  |    | SE  |     | IRR | 39.0  |       |
|               |       |               | NW  |    | SE  |     | IRR | 40.0  |       |
|               |       |               | SW  |    | SE  |     | IRR | 40.0  |       |
|               |       |               | SE  |    | SE  |     | IRR | 40.0  |       |
| Section Acres |       |               |     |    |     |     |     | 638.0 |       |
| 06N           | 29E   | 14            | NE  |    | NE  |     | IRR | 40.0  |       |
|               |       |               | NW  |    | NE  |     | IRR | 40.0  |       |
|               |       |               | SW  |    | NE  |     | IRR | 37.0  |       |
|               |       |               | SE  |    | NE  |     | IRR | 40.0  |       |
|               |       |               | NE  |    | NW  |     | IRR | 40.0  |       |
|               |       |               | SE  |    | NW  |     | IRR | 40.0  |       |
|               |       |               | SE  |    | SW  |     | IRR | 30.0  |       |
|               |       |               | SE  |    | SE  |     | IRR | 31.0  |       |
|               |       | Section Acres |     |    |     |     |     |       | 298.0 |
|               |       | 29            | NE  |    | SW  |     | IRR | 40.0  |       |
|               |       |               | SW  |    | SW  |     | IRR | 38.0  |       |
|               |       |               | SE  |    | SW  |     | IRR | 40.0  |       |
|               |       |               | NE  |    | SE  |     | IRR | 40.0  |       |
|               |       |               | NW  |    | SE  |     | IRR | 40.0  |       |
|               |       |               | SW  |    | SE  |     | IRR | 40.0  |       |
|               |       |               | SE  |    | SE  |     | IRR | 40.0  |       |
|               |       | Section Acres |     |    |     |     |     |       | 278.0 |
|               |       | 30            | SE  |    | SW  |     | IRR | 27.0  |       |
|               |       |               | SW  |    | SE  |     | IRR | 40.0  |       |
|               |       |               | SE  |    | SE  |     | IRR | 40.0  |       |
| Section Acres |       |               |     |    |     |     |     | 107.0 |       |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 06N      | 29E   | 31      | NE  |    | NE  |     | IRR           | 33.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 18.0  |
|          |       |         |     |    |     |     | Section Acres | 91.0  |
|          |       | 32      | SW  |    | NE  |     | IRR           | 39.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 35.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 37.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 10.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 38.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 14.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 35.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 39.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 26.0  |
|          |       |         |     |    |     |     | Section Acres | 313.0 |
|          |       | 34      | SW  |    | SW  |     | IRR           | 38.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 39.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 117.0 |
| 08N      | 27E   | 3       | NW  |    | NE  |     | IRR           | 24.0  |
|          |       |         | SW  |    | NE  |     | IRR           | 15.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 35.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 14.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 2.0   |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 35.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 32.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 25.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 262.0 |
| 09N      | 27E   | 9       | NE  |    | NW  |     | IRR           | 39.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 39.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 39.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 39.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 39.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 39.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|-----|-----|-----|-------|
| 09N      | 27E   | 9       | SW            | SW  |     | IRR | 39.0  |
|          |       |         | SE            | SW  |     | IRR | 39.0  |
|          |       |         | Section Acres |     |     |     | 312.0 |
|          |       | 16      | NE            | NW  |     | IRR | 39.0  |
|          |       |         | NW            | NW  |     | IRR | 39.0  |
|          |       |         | SW            | NW  |     | IRR | 39.0  |
|          |       |         | SE            | NW  |     | IRR | 39.0  |
|          |       |         | NE            | SW  |     | IRR | 39.0  |
|          |       |         | NW            | SW  |     | IRR | 39.0  |
|          |       |         | SW            | SW  |     | IRR | 39.0  |
|          |       |         | SE            | SW  |     | IRR | 39.0  |
|          |       |         | Section Acres |     |     |     | 312.0 |
|          |       | 21      | NE            | NW  |     | IRR | 33.0  |
|          |       |         | NW            | NW  |     | IRR | 33.0  |
|          |       |         | SW            | NW  |     | IRR | 33.0  |
|          |       |         | SE            | NW  |     | IRR | 33.0  |
|          |       |         | NE            | SW  |     | IRR | 33.0  |
|          |       |         | NW            | SW  |     | IRR | 33.0  |
|          |       |         | SW            | SW  |     | IRR | 33.0  |
|          |       |         | SE            | SW  |     | IRR | 33.0  |
|          |       |         | Section Acres |     |     |     | 264.0 |
|          |       | 28      | NE            | NW  |     | IRR | 33.0  |
|          |       |         | NW            | NW  |     | IRR | 33.0  |
|          |       |         | SW            | NW  |     | IRR | 33.0  |
|          |       |         | SE            | NW  |     | IRR | 33.0  |
|          |       |         | NE            | SW  |     | IRR | 33.0  |
|          |       |         | NW            | SW  |     | IRR | 33.0  |
|          |       |         | SW            | SW  |     | IRR | 33.0  |
|          |       |         | SE            | SW  |     | IRR | 33.0  |
|          |       |         | Section Acres |     |     |     | 264.0 |
|          |       | 33      | NW            | NE  |     | IRR | 18.0  |
|          |       |         | SW            | NE  |     | IRR | 25.0  |
|          |       |         | NE            | NW  |     | IRR | 40.0  |
|          |       |         | SE            | NW  |     | IRR | 40.0  |
|          |       |         | NE            | SE  |     | IRR | 9.0   |
|          |       |         | SE            | SE  |     | IRR | 7.0   |
|          |       |         | Section Acres |     |     |     | 139.0 |

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres  |
|---------------|-------|---------|--------|-----|-----|-----|--------|
| 09N           | 27E   | 34      | NE     | SW  |     | IRR | 6.0    |
|               |       |         | NW     | SW  |     | IRR | 8.0    |
|               |       |         | SW     | SW  |     | IRR | 40.0   |
|               |       |         | SE     | SW  |     | IRR | 35.0   |
|               |       |         | SW     | SE  |     | IRR | 5.0    |
| Section Acres |       |         |        |     |     |     | 94.0   |
| Total Acres   |       |         |        |     |     |     | 4699.0 |

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:

SEE A33-00002A

14. Remarks:

OWNER HAS PURCHASED THIS PLACE OF USE IN SEVERAL PIECES. THE WATER RIGHTS THAT WERE USED ON THE INDIVIDUAL PARCELS HAVE BEEN COMBINED AND ARE USED ON ALL OF THE LANDS AS NEEDED. THIS HAS BEEN THE COMMON PRACTICE FOR THIS AREA. THIS CLAIM IS FILED AS AN EXPANSION OF THE ORIGIANL DECREE THAT OCCURED PRIOR TO 1987.

\*\*\*\*\*

THE HISTORICAL PRACTICE FOR DELIVERING THIS RIGHT HAS BEEN TO: MEASURE THE FLOW OF WATER ENTERING THE LITTLE LOST RIVER AT THE POINT OF INJECTION (WHICH IS THE OUTLET FOR HYDRO POWER PLANT UNDER 33-07087), DELIVER THIS TO THE REDIVERSION POINTS DOWN THE RIVER (CHARGING A 25% LOSS) AND THEN DELIVERING TO PLACE OF USE THROUGH CANALS AND DITCHES. THE OWNER HAS BEEN ALLOWED TO USE THIS WATER ON HIS VARIOUS PARCELS ALONG THE RIVER.

IN ADDITION TO THIS PRACTICE, THE OWNER HAS BEEN ALLOWED TO DIVERT (EXCHANGE) A PORTION OF THIS RIGHT FROM THE DIVERSION IN WET CREEK, SO LONG AS THE WATER RIGHT CAN BE DELIVERED THROUGHT THE LITTLE LOST RIVER AND THERE IS WATER AVAILABLE IN WET CREEK (THERE ARE NO OTHER DIVERSIONS IN THE REACH OF WET CREEK FROM THE OWNERS DIVERSION TO THE CONFLUENCE WITH THE LITTLE LOST RIVER).

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/04/1927

A33-00065

Page

6

Date: 02/22/90

MICROFILMED

NOV 18 1992

BLAINE COUNTY INVESTMENT CORP.  
Decree Plaintiff

ROBERT H. MAYS, ET. AL.  
Decree Defendant

vs

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 \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 039576

Ident. Number A33-0065Date Received 1/11/90Receipt Number E011683

A3300065

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

JAN 11 1990

Department of Water Resources  
Eastern District Office1. Name of Claimant(s) Pancheri, Inc. Phone (208) 767-3419  
% Jerry Pancheri, PresidentMailing Address Howe, Idaho Zip 832442. Date of Priority (Only (1) per claim) June 1, 18993. Source of water supply (a) Bell Mountain CreekSource of water supply (b) Quaken Asp SpringsSource of water supply (c) Mahogany Creekwhich is tributaries to (d) Saw Mill Creek*Original  
Sent to  
card.**4-20-00*

4.a. Location of existing

point of diversion is: Township 5N. Range 29E. Section 4 ,1/4 of SE 1/4 of SE, Govt. Lot, B.M., County of ButteAdditional points of diversion if any: T.6N, R.29E, S.30, SW1/4 NW1/4;  
T.6N, R.29E, S.32, NW1/4 NW1/4; T.9N, R.27E, S.5, NW1/4 NE1/4, T.9N, R.27E,  
S.33, NW1/4 NE1/4

b. If instream flow, beginning point of claimed instream flow is:

Township        Range        Section       ,        1/4 of        1/4 of        1/4,Govt. Lot        B.M., County of       ending point is: Township        Range        Section       ,        1/4 of       1/4 of        1/4 Govt. Lot        B.M., County of       5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.       Diversion dams and wooden headgates.

MICROFILMED

NOV 18 1992

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 6.40 or \_\_\_\_\_  
(and incidental stock watering)  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 6.40 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is See attached list of water rights acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)  
Incidental stock watering.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

| TWP:RNG:SEC: | NE1/4                | : | NW1/4            | : | SW1/4            | : | SE1/4            | : | TL   |
|--------------|----------------------|---|------------------|---|------------------|---|------------------|---|------|
| :            | :NE 'NW 'SW 'SE      | : | :NE 'NW 'SW 'SE  | : | :NE 'NW 'SW 'SE  | : | :NE 'NW 'SW 'SE  | : | :    |
| 5N:29E:      | 3: '39' 40'          | : | ' ' ' ':         | : | '40' 40'         | : | ' ' ' ':         | : | :159 |
| :            | :4: 40' 40' 40' 40:  | : | '38' '30:        | : | ' ' ' ':         | : | :40' 40' 35' 40: | : | :383 |
| :            | :5: 28' ' ' ':       | : | ' ' ' ':         | : | ' ' ' ':         | : | ' ' ' ':         | : | :28  |
| :            | :10: ' ' ' ':        | : | ' ' ' ':         | : | ' ' ' ':         | : | :40' 40' 40' 40: | : | :160 |
| :            | :11: ' ' ' ':        | : | ' ' ' ':         | : | :40' 40' 40' 40: | : | :40' 40' 40' 40: | : | :320 |
| :            | :12: ' ' ' ':        | : | ' ' ' ':         | : | :40' 40' 40' 40: | : | ' ' ' ':         | : | :160 |
| :            | :13: 40' 40' 40' 39: | : | :40' 40' 40' 40: | : | :40' 40' 40' 40: | : | :39' 40' 40' 40: | : | :638 |
| :            | :14: 40' 40' 37' 40: | : | :40' ' ' 40:     | : | ' ' ' 30:        | : | ' ' ' 31:        | : | :298 |
| 6N:29E:      | 29: ' ' ' ':         | : | ' ' ' ':         | : | :40' '38' 40:    | : | :40' 40' 40' 40: | : | :278 |
| :            | :30: ' ' ' ':        | : | ' ' ' ':         | : | ' ' ' 27:        | : | ' ' ' 40:        | : | :107 |
| :            | :31: 33' 40' ' ':    | : | :18' ' ' ':      | : | ' ' ' ':         | : | :40' 35' 39' 26: | : | :313 |
| :            | :32: ' ' 39' ' ':    | : | :35' 37' 10' 38: | : | 14' ' ' ':       | : | ' ' ' ':         | : | :91  |
| :            | :34: ' ' ' ':        | : | ' ' ' ':         | : | ' ' 38' 39:      | : | ' ' 40'          | : | :117 |
| 8N:27E:      | 3: '24' 15'          | : | :35' 14' 2' 40:  | : | 35' ' ' 32:      | : | '25' 40'         | : | :262 |
| 9N:27E:      | 9: ' ' ' ':          | : | :39' 39' 39' 39: | : | :39' 39' 39' 39: | : | ' ' ' ':         | : | :312 |
| :            | :16: ' ' ' ':        | : | :39' 39' 39' 39: | : | :39' 39' 39' 39: | : | ' ' ' ':         | : | :312 |
| :            | :21: ' ' ' ':        | : | :33' 33' 33' 33: | : | :33' 33' 33' 33: | : | ' ' ' ':         | : | :264 |
| :            | :28: ' ' ' ':        | : | :33' 33' 33' 33: | : | :33' 33' 33' 33: | : | ' ' ' ':         | : | :264 |
| :            | :33: '18' 25'        | : | :40' ' ' 40:     | : | ' ' ' ':         | : | :9' ' '7:        | : | :139 |
| :            | :34: ' ' ' ':        | : | ' ' ' ':         | : | :6' 8' 40' 35:   | : | ' ' 5'           | : | :94  |

Total number of acres irrigated 4699

11. In which county(ies) are lands listed above as place of use located?  
Butte

Last Name Pancheri, Inc. Ident. Number 33-0065

MICROFILMED

NOV 18 1997

12. Do you own the property listed above as place of use? Yes X No       
If your answer is      describe in Remarks below the authority you have  
to claim this water right.

13. Describe any other water rights used at the same place and for the same  
purposes as described above.  
See attached list of water rights. or None (      )

14. Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Basis of Claim (Check one) Beneficial Use      Posted Notice       
Permit      Decree X License     

If applicable provide IDWR Water Right Number 33-0065  
Court Sixth District for Butte County Case Number      Decree  
Date March 4, 1927 Plaintiff vs Defendant The Blaine County Invest. Co. v.  
Robert G. Mays, et al.

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 3

For Individuals: I do solemnly swear or affirm that the statements  
contained in the foregoing document are true and correct.

Signature of Claimant(s)      Date       
     Date     

For Organizations: I do solemnly swear or affirm that I  
am President of Pancheri, Inc., that I have signed the  
Title Organization

foregoing document in the space below as President  
Title  
of said corporation and that the statements contained in the  
Organization

foregoing document are true and correct.

Signature of Authorized Agent   
Title and Organization President, Pancheri, Inc. Date 1/8/80

Last Name Pancheri, Inc. Ident. Number 33-0065

MICROFILMED  
NOV 18 1992

State of Idaho/or \_\_\_\_\_ )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 8<sup>th</sup> day  
of January, 1990.

Notary Public *Kent W. Foster*  
Residing at Idaho Falls, Idaho  
My Commission Expires 11/10/92

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as  
attorney at law on behalf of the claimant signing above, and that all  
notices required by law to be mailed by the director to the claimant  
signing above should be mailed to me at the address listed below.

Signature *Kent W. Foster*  
Address P.O. Box 50130, Idaho Falls, Idaho 83405  
Date 01/11/90

Last Name Pancheri, Inc. Ident. Number 33-0065

MICROFILMED  
NOV 18 1992

LIST OF ALL WATER RIGHTS APPURTENANT  
TO TOTAL 4699 ACRES INCLUDED WITHIN THE LAND LIST

| <u>RIGHT #</u>                          | <u>RIGHT #</u> |
|-----------------------------------------|----------------|
| 33-2014                                 | 33-0029        |
| 33-2056                                 | 33-0030        |
| 33-2065                                 | 33-0031        |
| 33-2066                                 | 33-0032        |
| 33-2093                                 | 33-0033        |
| 33-2108                                 | 33-0034        |
| 33-2113                                 | 33-0035        |
| 33-2117                                 | 33-0036        |
| 33-2126                                 | 33-0039        |
| 33-7015                                 | 33-0040        |
| 33-7027                                 | 33-0041        |
| 33-? (expansion of groundwater licenses | 33-0042        |
| under Idaho Code §42-1416(2))           | 33-0043        |
| 33-0002                                 | 33-0044        |
| 33-0003                                 | 33-0045        |
| 33-0004                                 | 33-0046        |
| 33-0005                                 | 33-0047        |
| 33-0006                                 | 33-0065        |
| 33-0007                                 | 33-0068        |
| 33-0008                                 | 33-0083        |
| 33-0009                                 | 33-0084        |
| 33-0010                                 | 33-0085        |
| 33-0011                                 | 33-0087        |
| 33-0012                                 | 33-0088        |
| 33-0013                                 | 33-0090        |
| 33-0024                                 | 33-0092        |
| 33-0025                                 | 33-0108        |
| 33-0026                                 | 33-0109        |
| 33-0027                                 | 33-0110        |
| 33-0028                                 | 33-0115        |

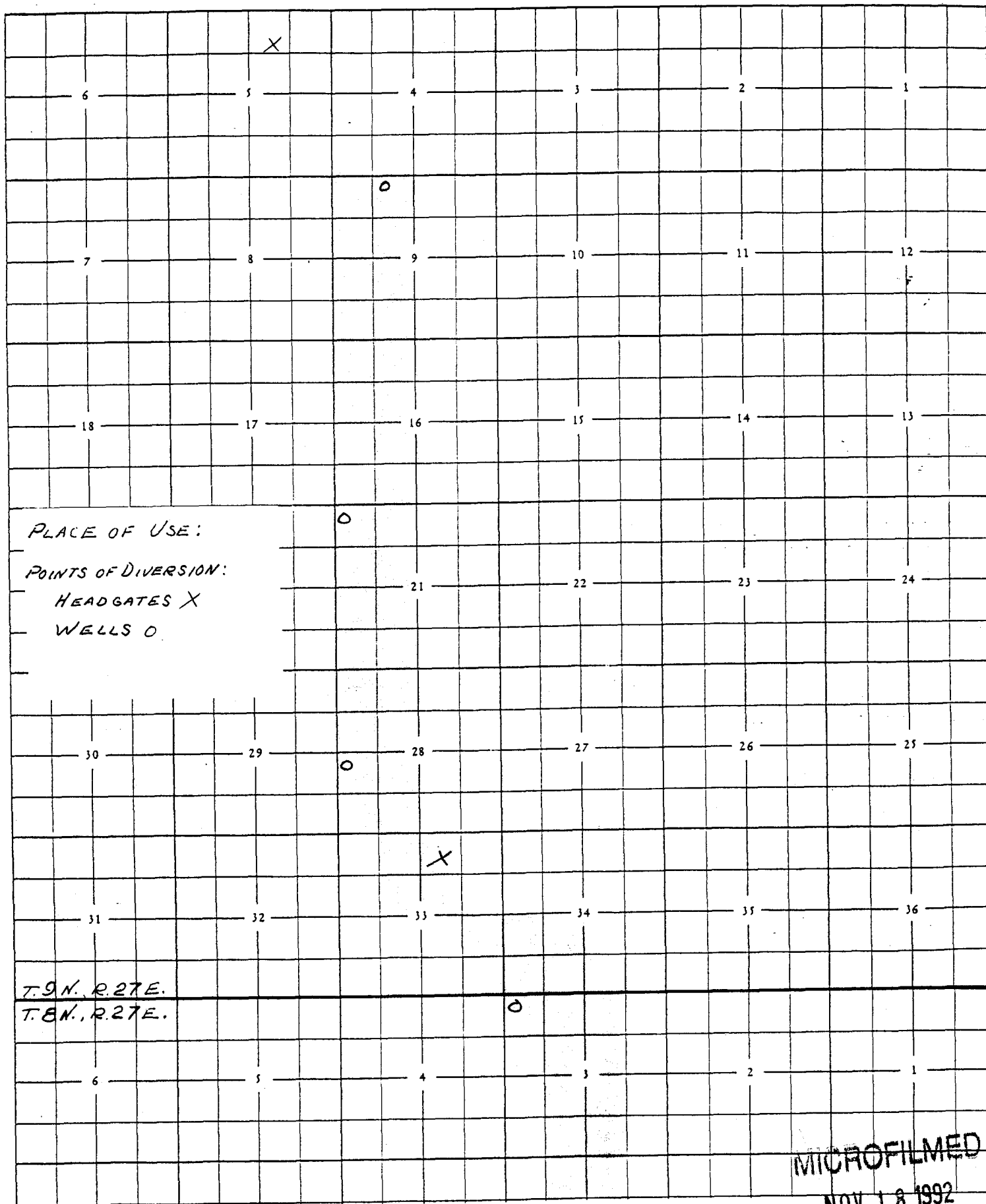
The consumptive use claimed for the combination of all the above listed rights for the irrigation of the total 4699 acres is 16,446.5 acre feet per annum.

5676h/srr

MICROFILMED

NOV 18 1992





MICROFILMED  
NOV 18 1992