



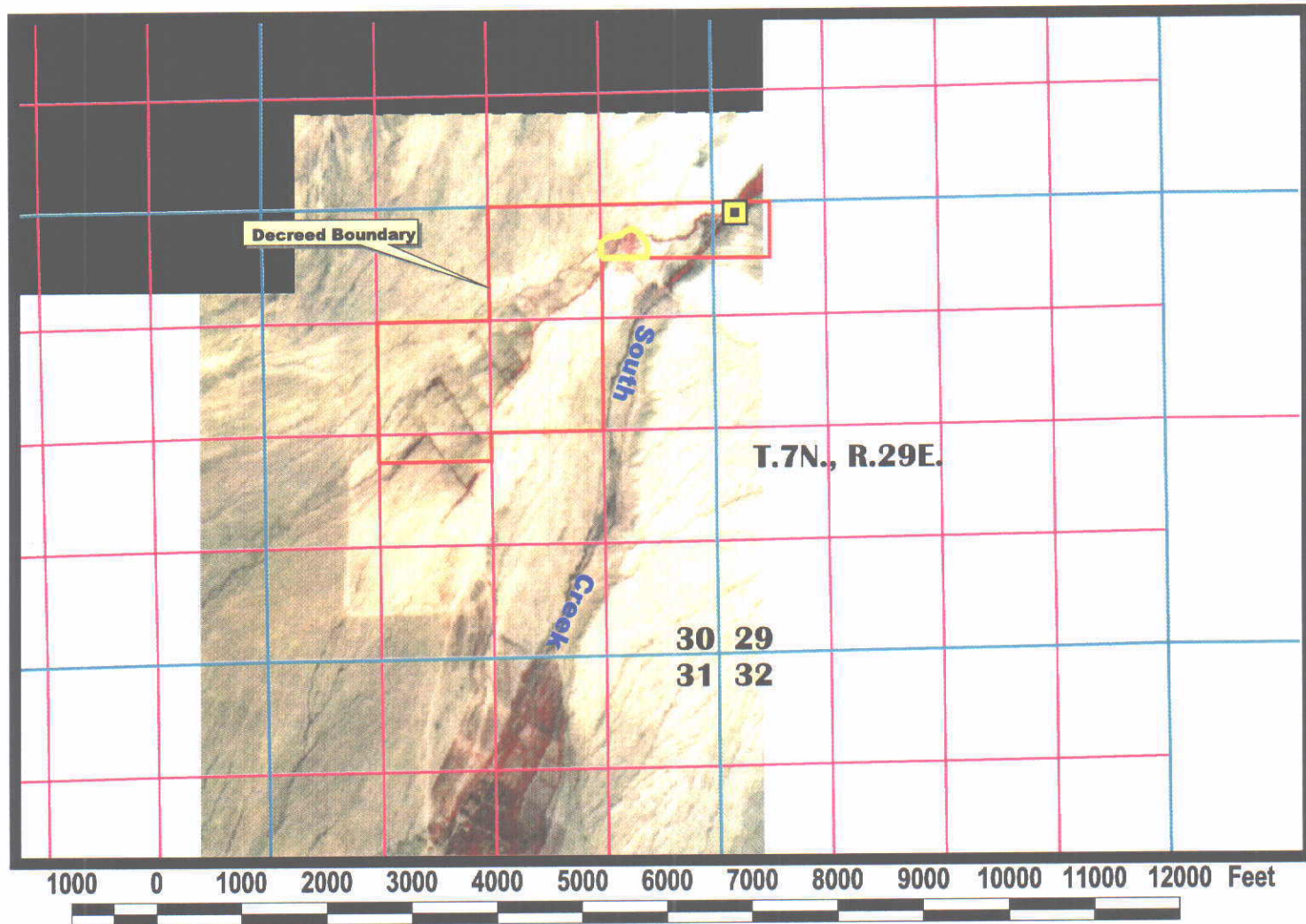
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: D & P Trust

Water Right(s):33-00 101B



LEGEND



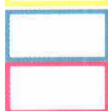
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



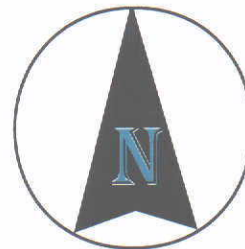
Section Line



Quarter-section line

Place(s) of Use: T.7N., R.29E.
Sec. 30 (part of) NENE

Point(s) of Diversion: T.7N., R.29E.
Sec. 29 NWNWNW



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

LARRY A. BROWN
SPECIAL ATTORNEY, USDOJ - ENRD
380 PARK CENTER BLVD. #330
BOISE, ID. 83706
Ph: (208) 331-5941 FAX: (208) 387-0842

FAX COVER SHEET**OCTOBER 16, 2000**

TO:
FROM: JANET ARNEL - LEGAL ASSISTANT

FROM:
TO: MR. ERNEST CARLSEN
IDWR - EASTERN REGION

FAX NO.: (208) 525-7177**RE: STANDARD FORM 5****SUBCASE NUMBER(S): 33-00101B****CLAIMANT(S): D & P TRUST****PAGES TRANSMITTED (including cover sheet): 3****REMARKS:****DEAR MR. CARLSEN,**

Thank you for looking at this SF-5. Please sign the cover page of the SF-5 and initial the water right description page, fax back to me. I'll get all the attorneys signatures, and we can file it with the court.

SINCERELY,
JANET ARNEL
LEGAL ASSISTANT
(208) 331-5945

Dear Janet -

Signed SFS, initialed recommendation.

BLM LANGUAGE DOES
NOT DESCRIBE POLL.

ACTUALLY, IT'S ^{W/} S² OR N² OR NB

(S² N W N E N E)

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

In Re SRBA	)	Subcase Number: 33-00101B
	)	
	)	Standard Form 5
Case No. 39576	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

D & P Trust

OBJECTOR:United States on behalf of the
Bureau of Land Management

Blair Grover Date
Of Attorneys for D & P Trust

Larry A. Brown *Fwp* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:**IDWR CONCURRENCE:**

Ernst Carlson *Oct 16, 2000*

enc Date

Date

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

Right Number: 33-00101B

Name and Address: D & P TRUST
861 N 2850 E
ROBERTS, ID 83444

Source SOUTH CREEK Tributary: LITTLE LOST RIVER

Quantity: 0.10 CFS

Priority Date: 05-01-1889

Diversion Point: T07N R29E S29 NWNWNW Within Butte County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 11-01	0.10 CFS

Place of Use: Irrigation Within Butte County
T07N R29E S30 NENE 3.3
3.3 Acres Total

THE USE OF WATER IS LIMITED TO THE N1/2 of the N1/2 OF
THE DESCRIBED PLACE OF USE

Other Provisions Necessary for Definition/Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF
DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 33-00101A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

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.

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 33-00101B

(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: D & P Trust

Address: 861 N. 2850 E. Roberts, ID. 83444

Name:

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: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

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

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

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, 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.

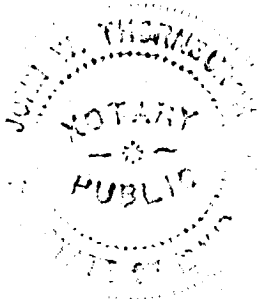
Gary A. Madenford
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 6, 2000

John W. Thornburgh

John W. Thornburgh
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 05-16-2003



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: D & P Trust

Address: 861 N. 2850 E. Roberts, ID. 83444

Name:

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: SOUTH CREEK TRIBUTARY: LITTLE LOST RIVER

RIGHT NUMBER: 33-00101B

NAME & ADDRESS: D & P TRUST
861 N 2850 E
ROBERTS ID 83444

SOURCE: SOUTH CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 0.1 CFS

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION: T07N R29E S29 NW1/4 Within BUTTE County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 11-01 0.1 CFS

PLACE OF USE: IRRIGATION Within BUTTE County
T07N R29E S30 NENE 3.3 Mixed ownership AND 5/2
3.3 ACRES TOTAL
THE USE OF WATER IS LIMITED TO THE N 1/2 OF THE DESCRIBED
EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE PLACE OF USE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 33-00101A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Issue:

Place of use is mixed ownership between BLM and private

→ Claimant needs to clarify more
Specifically where the irrigation is
taking place.

→ Farming on public land is not authorize



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

JUNE 21, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

D & P TRUST
861 N 2850 E
ROBERTS ID 83444

RE: CHANGE IN OWNERSHIP FOR A33-00101

Dear Mr. Bell:

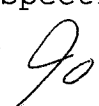
The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the rights were split as follows:

D & P Trust, A33-00101B, 0.100 cfs, on 18 acres
Pancheri Inc., A33-00101A, 1.90 cfs, on 123 acres

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,


Jo Thompson
Adjudications Secretary

Enclosure:

cc: Pancheri, Inc./copy claim/letter

NOV 15 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) _____
Assigned by IDWR: A33-00101

☐ Name and Address of Former Owner/Claimant(s)(Seller): ~~John~~ Pancheri clve

☐ New Owner/Claimant (Purchaser): D & P Trust

☐ New Mailing Address: 861 N 2850E
Robert clve 83444

☐ New Telephone Number: (208) 228-3721

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): ~~David~~ D & P Trust Date 6-14-96
David Bell, Jr Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 15 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED _____

PANCHERI, INC., an Idaho Corporation, the Grantor,

does hereby grant, bargain, sell and convey unto _____

DAVID BELL and PEGGY BELL, husband and wife,, the Grantee,whose current address is 861 N. 2850 E. ROBERTS, IDAHO 83444the following described real estate situated in BUTTE County,
State of Idaho, to-wit:TOWNSHIP 7 NORTH, RANGE 29 EAST, BOISE MERIDIAN,
BUTTE COUNTY, IDAHO.SECTION 29: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;SECTION 30: N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Together with a right of access easement over an across
a private road on property of grantor.An also together with 5 inches of decreed water
from the South Creek.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATED Oct 27, 1992STATE OF IDAHO, County of Nadavon

On this 27th day of October 1992
before me, George J. Pancheri, a
Notary Public in and for the said State personally
appeared George J. Pancheri

Known to me to be the person(s) whose name(s)
subscribed to the within instrument, and acknowl-
edges to me that _____ executed the same.

THIS SPACE FOR COUNTY RECORD'S USE ONLY.

NO.

026336

FILED

NOV 03 1992

11:05 A.M.

P.M.

BUTTE COUNTY RECORDER

Dora Palmer

RECOMMENDED LAND LIST FOR A33-00101
PANCHERI, INC., SOUTH CREEK PROPERTY
DECREED RIGHT

LEGAL DESCRIPTION RECOMMENDED ACREAGE CLAIMED ACREAGE DECREED

T.7N.,R.29E.

NWNWNW	SEC. 29	0.0	0.0	YES
NENE	SEC. 30	3.0	18.0 <i>B part</i>	Y (N2NENE) <i>for</i>
NWNE	SEC. 30	8.0	1.0	Y
SWNE	SEC. 30	12.0	19.0	Y
SEnw	SEC. 30	19.0	4.0	Y
N2N2NESW	SEC. 30	10.0	0.0	Y
NWSE	SEC. 30	0.0	25.0	NO
SWSE	SEC. 30	0.0	22.0	N
NWNE	SEC. 31	0.0	20.0	N
SWNE	SEC. 31	0.0	18.0	N
NENW	SEC. 31	0.0	4.0	N
SEnw	SEC. 31	0.0	10.0	N

TOTALS: 52.0* 141.0

*BY DECREE: "CONTAINING 160.0 ACRES"

=====

~~EXERT~~ FROM BUREAU OF LAND MANAGEMENT LAND STATUS MAP

T.7N.,R.29E.

NOTE: OUTLINE OF PRIVATE OWNERSHIP BOUNDARY-- DOES NOT CONFORM TO
OUTLINE SHOWN ON THE ASCS PHOTO(COPY)

10:29:04
06/15/96

STATE OF INDIANA
DEPARTMENT OF WATER RESOURCES
ADMINISTRATION CLAIM VERIFICATION REPORT

18
CLAIM NUMBER: A33-00101B

PAGE: 1
GENERAL INFORMATION

LAST: NORTH AMERICAN MORTGAGE CO

ADDRESS:

CITY: X

PHONE NUMBER: 308-000-0000

OWNER CODE: 0

LAST: E & F TRUST

ADDRESS: 361 W. WINDY E

CITY: KOREYTS

PHONE NUMBER: 308-328-3771

OWNER CODE: C

LAST: PANCHERI INC

ADDRESS: 7 JERRY PANCHERI PSES

CITY: HOWE

PHONE NUMBER: 308-767-3419

OWNER CODE: 0

FIRST:

ID

ZIP: 0

STATE:

FIRST:

ID

ZIP: 03444

STATE:

FIRST:

ID

ZIP: 03244

STATE:

FIELD
EXAMINER

DATASOURCE
N

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

THIS CLAIM WAS GENERATED BY CHANGE OF OWNERSHIP JUNE 1996.
A33-00101B TO D & P TRUST 0.10cts on 18 acres (B.O.A.C. IN NENG FROM A33-00101)
A33-00101A - "A" sent to Pancheri Inc.

CONTACT PERSON: A. Packer, R. Packer

PHONE NUMBER: ()

DATE OF FIELD EXAM: / /

APPOINTMENT MADE: Y ☒ N ☐

TIME: : A() P()

APPROVED BY: Mat w/ Jerry Packer

PHONE NUMBER: ()

RELATIONSHIP TO CLAIMANT: Owner Packer (10 Aug 95)

DIRECTIONS TO PROPERTY / NOTES:

THIS PROPERTY WAS VISITED 10 Aug 95 BY R. Packer AND A. Packer (THAN ALL HAND BY Packer Inc.)

A. CLAIM: # A33-00101B PRIORITY DATE: 05-01-1989 STAGE: D

B. WR RECORD: # 33-00101 PRIORITY DATE: 05-01-1989 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 CONVICTION 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: P.D. claimed incorrect license date, Ref: Pg. 16 Little Lost Dams

RECOMMENDED PRIORITY DATE:

05-01-1989 As claimed

REVIEWED BY SA [Signature]

DATE Nov 27, 1996

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()

A. CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A33-00101B	07N	29E	29	NW	NW			BUTTE		

OTHER AJ CLAIMS WITH SAME AJ POD:
A PREFIX R PREFIX
A33-00101A R33-00101

MR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SOUTH CREEK

TRIP: LITTLE LOST RIVER

B. MR POINT OF DIVERSION AND SOURCE:

3300101 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: SOUTH CREEK

TRIP: LITTLE LOST RIVER

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

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

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

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

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

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

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

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

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

AJ FIELD EXAM (DATE OF FIELD EXAM 12 Aug 95)

NAME OF EXAMINER E. Chausse / A. Roberson

OTHER (DESCRIBE IN NOTES BELOW)

No changes to P.O.D. only to 10th Tract

TWP.	RGE.	S&C.	1/4 NW	1/4 NE	LOT	FLAG	COUNTY	DIVISION NAME	NATIONALL REG
29E	29E	29°	NW	NW			BUTTE		

SECRET

THE
NEW
YORK
PUBLIC
LIBRARY

5/21/10

DATE: 27 Nov 56

[illegible]

SEE photos in A33-00101(A), AND ASES photo Map

* Flow from So. Cr5th subs, within $\frac{1}{4}$ mi. past P.O.D., into the Aurivian Fm.
South Cr5th is now tributary to Little Lost River.

A. ROOT WATER RIGHT NUMBERS: A33-00101
A33-00101A
A33-00101B

B. POU LISTING											
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AI #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	29E	30	NE	NE	NE	U & P TRUST	A33-00101B	7	7		3.0
			NE	NE	NE	PANCHERI INC	E33-00101	3.0			
			NE	NE	NE	US DEPT OF INTERIOR		33-00101	/		
			NE	NE	NE			33-04016	/		

ADDITIONAL POU FOUND
→ 132 NEWS
THE 18.0 AC. OF THIS CLAIM ARE FROM THE QUENAN A33-00101 CLAIM - NOT A REFLECTION OF THE CHANGE OF OWNERSHIP, HOWEVER, THERE IS NOT 18 AC FARMED HISTORICALLY - ASES PHOTO SHOWS ONLY 3.0 AC IN NEWS. ONLY 132 NEWS IS DESCRIBED BY DEEDS - NOT ALL TOTAL ACRES A33-00101B OF NEWS, 18.00

POU COUNTY: BUTTE

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

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

Y (X) N ()

SUBS 33-00101A

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	VOL./ACRE
A33-00101B	SOUTH CREEK	D & P TRUST	0.100	0.005		
A33-00101A	SOUTH CREEK	PANCHERI INC	1.040	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

Y () N (X)

N/A() Y() N() *Sub Deleted POU.*

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

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

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

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

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

N/A() Y() N()

Y() N()

Y() N()

it was 10 Aug 95

CHECK DOCUMENTS USED TO VERIFY FOU: () ORTHOPHOTOGRAPH, IOWR NO. W-34; () TOPOGRAPHIC QUAD, IOWR NO. _____;
(X) NAPP, IOWR NO. W-34 SW/SE; (X) ASCS PHOTO; () OTHER _____

NOTES:

P.O.M. WAS FIELD EXAMINED 10 Aug 95 BY LT E. CAMPBELL AND A. BURRICH

RECOMMENDATIONS:

TOTAL ACKS: 30 K N/A ()
REVIEWED BY: SP4 Barry DATE: 27 Nov 1986

A. CLAIMED USES:

PURPOSE OF USE

PERIOD OF USE (MONTH/DAY)

DIV. RATE FOR EACH USE DIV. VOL. FOR EACH USE

A33-00101B IRRIGATION

FROM 04-01 TO 11-01

0.100 CFS

TOTAL DIVERSION RATE/VOLUME

0.100 CFS

per 5 minutes

B. WR RECORDED USES:

PURPOSE OF USE

PERIOD OF USE (MONTH/DAY)

DIV. RATE FOR EACH USE DIV. VOL. FOR EACH USE

33-00101 IRRIGATION

FROM TO

2.000 CFS

TOTAL DIVERSION RATE/VOLUME

2.000 CFS

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

Y(✓) N()

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

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() *DECEMBER*

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() *DECEMBER*

* 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() *SPURT*

* 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()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE:

WR RIGHT TOTAL DIVERSION RATE:

0.100 CFS PER C/A $\frac{14 \text{ June } 96}{\text{Mandatory Dead } 27 \text{ Oct. } 1912}$
2.000 CFS

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

N/A() Y() N()

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

N/A() Y() N()

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

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

Y() N()

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

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

Y() N()

E. MEASUREMENT METHOD FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE $\frac{3}{\text{ACRES}}$ $\times \frac{0.038 \text{ CFS/ACRE} = \text{RWD}}{(\text{Taken from flow review})}$ CFS

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 ()

1b. CALCULATIONS

PROPORTIONATE SPILT BASED ON
18.0 AC OF NENE (AS CLAIMED BY
33-00101 [14/11/11 w/2005 - 0014/11/11])

18.0 AC @ 0.10 cfs (5 months in per c/b)
4/11/11

CLAIM 18 T.D = 0.00555...

RECLAIMED 3 T.D = 0.0333...

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CTS	REC. DIV DATA	REC. DIV EXAMINER	REC. DIV DATA	REC. DIV EXAMINER	REC. DIV DATA	REC. DIV EXAMINER
IRRIGATION	04-01	11-01	0.100	0.100	0.0	0.0	0.0	0.0	0.0
TOTAL FOR THIS RIGHT			0.100	0.100	0.0	0.0	0.0	0.0	0.0

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: *MB. R. R. R.* DATE: *27 Nov 99*

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ☒ ()
NEEDS REVIEW ☒ ()

OWNERSHIP FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-00101

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A33-00101	A33-00101A	1.900	R33-00101A	1.040	33-00101	2.000
	A33-00101B	0.100	R33-00101B	0.10?		
TOTAL CFS		2.000		1.040		2.000

DATABASE 2.000
EXAMINER 0.10 CFS

DIVERSION RATE REVIEW

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

DATABASE N

FIELD EXAMINER Y() N()

NOTES:

As Split on "A" Record Right is Claimed in Full

AUTHENTICATION:

SIGNATURE:

DATE: 22 Nov 87

NAME OF FIELD EXAMINER:

TITLE:

SA 41

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?

() ORTHOPHOTOGRAPH

DATE OF PHOTO

TOWNSHIP ID NO.

Y() N()

() TOPOGRAPHIC

DATE FIELD CHECKED

TOWNSHIP ID NO.

Y() N()

(X) NAPP

DATE OF PHOTO

TOWNSHIP ID NO.

Y() N()

(X) ASCS AERIAL PHOTO

DATE OF PHOTO

TOWNSHIP ID NO.

Y() N()

() ASCS COLOR SLIDE

DATE OF PHOTO

TOWNSHIP ID NO.

Y() N()

() BLM OR USES AERIAL PHOTO

DATE OF PHOTO

TOWNSHIP ID NO.

Y() N()

() TOWNSHIP SURVEY (GOVERNMENT PLAT)

DATE OF SURVEY

TOWNSHIP ID NO.

Y() N()

() SCS SOIL SURVEY MAP

DATE ISSUED

TOWNSHIP ID NO.

Y() N()

() SUBDIVISION PLAT MAP

DATE OF MAP

TOWNSHIP ID NO.

Y() N()

() OTHER *Chp. 1000, Nov 15, 1926*

DATE

TOWNSHIP ID NO.

Y() N()

() OTHER *Whannery Road*

DATE

TOWNSHIP ID NO.

Y() N()

() OTHER

DATE

TOWNSHIP ID NO.

Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION NO. OF PAGES

NOTES

() LICENSING FIELD EXAM

DATE OF FIELD EXAM

TOWNSHIP ID NO.

Y() N()

() WATER RIGHT LICENSE

DATE LICENSE SIGNED

TOWNSHIP ID NO.

Y() N()

() IDWR APPROVED TRANSFER

DATE TRANSFER APPROVED

TOWNSHIP ID NO.

Y() N()

(X) SYSTEM DESCRIPTION

DATE DRAWN

TOWNSHIP ID NO.

Y() N()

(X) PHOTOGRAPHS

DATE(S) PHOTOS TAKEN

TOWNSHIP ID NO.

Y() N()

(X) SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

TOWNSHIP ID NO.

Y() N()

() HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

TOWNSHIP ID NO.

Y() N()

() CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

TOWNSHIP ID NO.

Y() N()

() FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

TOWNSHIP ID NO.

Y() N()

() OTHER *Little Lost Disease*

DATE *4 March 1927*

TOWNSHIP ID NO.

Y() N()

() OTHER

DATE

TOWNSHIP ID NO.

Y() N()

33-00101 DELETED

See 33-00101 FILE

See 33-00101 FILE

pg. 14 CIR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:23:06
06/25/96

PAGE: 16
QUICKLOOK INFORMATION

33
CLAIM NUMBER: A33-00101B

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

BARCODE UPDATED
WHOM/DATE

[illegible]

Date:	Exam Made Note:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag:
		Presumptive Flag:

3 ac $\frac{.03 \text{ cfs/ac}}{1.09 \text{ cfs}}$
BARRED ON DOWT. STD. FOR
CHANNISED WATERS 4.5 ac.

SEE A33-00101 Cvr - PRIOR TO
SPLIT BY C/O. MAPS, PHOTOS, DEGREES
EXCERPT, AND FIELD EXAM FINDINGS —



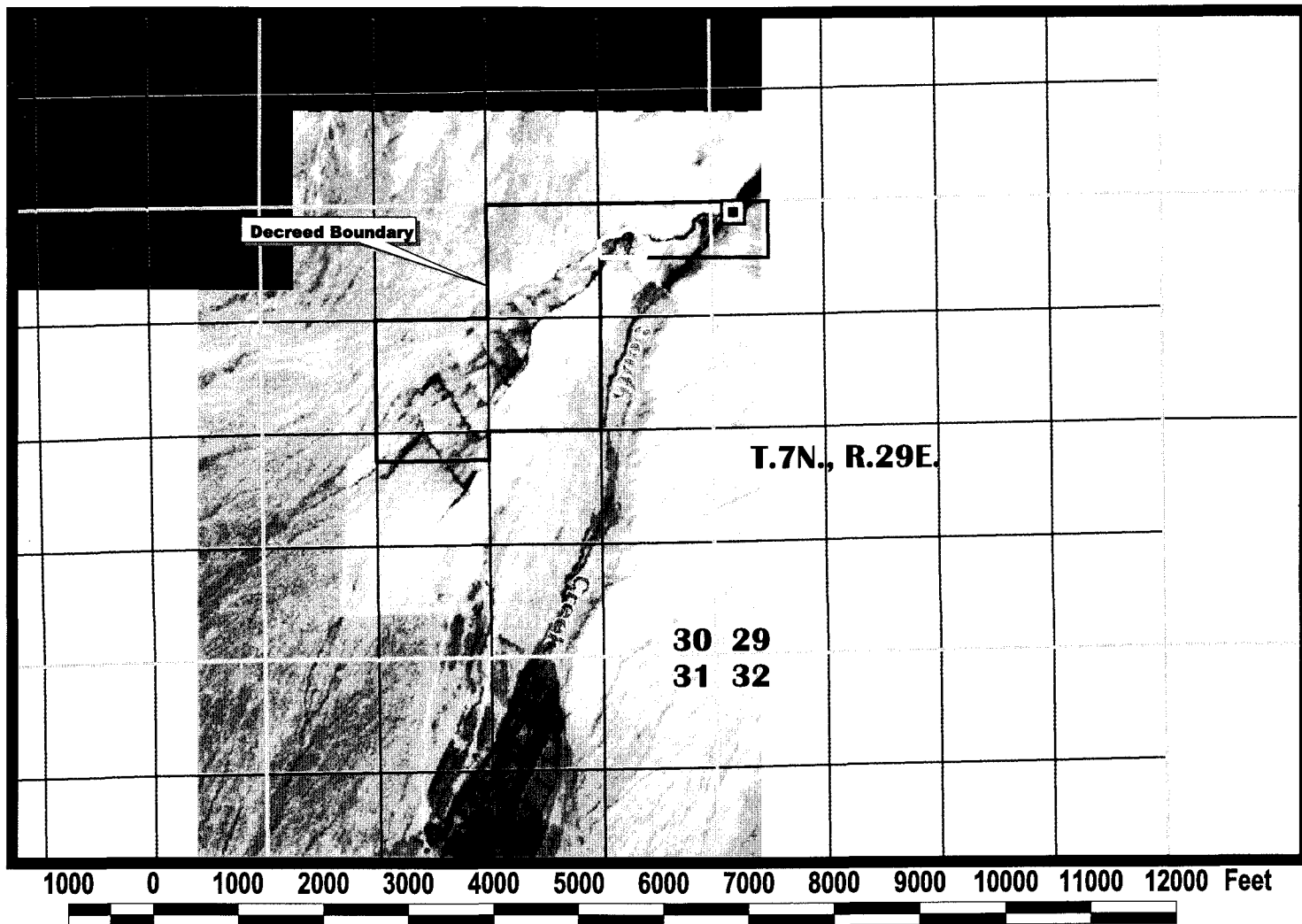
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: D & P Trust

Water Right(s):33-00 101B



LEGEND



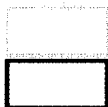
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



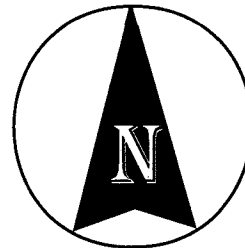
Section Line



Quarter-section line

Place(s) of Use: T.7N., R.29E.
Sec. 30 (part of) NENE

Point(s) of Diversion: T.7N., R.29E.
Sec. 29 NWNWNW



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

AJ0749NP
No. R33-00101B

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

DATE: 11/24/99
PAGE: 1

OWNER
CODE
C D & P TRUST
861 N 2850 E
ROBERTS ID 83444
(208) 228-3771

NAME & ADDRESS

PRIORITY
DATE
05/01/1889

WATER USE
IRRIGATION

USE PERIOD
FROM TO
04-01 11-01

DIVERSION
RATE
0.100 CFS

DIVERSION
VOLUME

TOTAL DIVERSION:
0.100 CFS

Water Source: SOUTH CREEK Tributary to: LITTLE LOST RIVER Stage: DECREED

Point(s) of Diversion: T07N R29E S29 NWNNW BUTTE County

Place of Use Legal Description for: IRRIGATION

NE		NW		SW		SE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	29E	30	03									
TOTAL ACRES												
3.3												
3.3												

POU County: BUTTE

Conditions of Approval:
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: EXP RIGHT NO. 33-00101A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

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

Misc: Water District Number: 33 Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/24/1999 User-ID: ARUBERRY Subject: RECEIPT NO.
PAID UNDER RECEIPT NO. E011683.

Audit: 11/24/99 ARUBERRY

Pop Tot # 48
Pop Tot # 58

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: A33-00101B
Date Received: 1/15/1990
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: D & P TRUST
Address: 861 N 2850 E
ROBERTS ID

208-228-3771

83444

2. Date of Priority: MAY 1, 1889

3. Source: SOUTH CREEK

Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	29E	29	NW	NW			BUTTE

5. Description of diverting works:
HEADGATE IN STREAM TO DIVERSION DITCHES. FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	29E	30	NE	NE		IRR	18.0

Section Acres 18.0

A3300101B



*Original
Sent to
court.*

4/20-00

NOV 15 1996

10. Place of Use: Continued

Total Acres 18.0

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/ 4/1927

BLAINE COUNTY INVESTMENT CO.
Decree Plaintiff

ROBERT G. MAYES, ET. AL.
vs Decree Defendant

NOV 15 1996

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: A33-00101B
Date Received: 1/15/1990
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: D & P TRUST
Address: 861 N 2850 E
ROBERTS ID

208-228-3771

83444

2. Date of Priority: MAY 1, 1889

3. Source: SOUTH CREEK

Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	29E	29	NW	NW			BUTTE

5. Description of diverting works:
HEADGATE IN STREAM TO DIVERSION DITCHES. FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	29E	30	NE	NE		IRR	18.0

Section Acres 18.0

NOV 15 1990

A3300101B



AS CLAIMED BY
PANCHERI INC.
UNDER 53-00101

10. Place of Use: Continued

Total Acres 18.0

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/ 4/1927

BLAINE COUNTY INVESTMENT CO.

Decree Plaintiff

ROBERT G. MAYES, ET. AL.

vs

Decree Defendant

C. J. H. H. H. H. H.

NOV 15 1996