

SAWMILL CK AND LITTLE LOST RIVER DIVERSIONS

NHEL
③
236.2

17/16
20/21

221 NHEL
T-370 NW
J O ANDREASON

NHEL
NW
④
114.5

422
T-302

NHEL
NW
⑤
121.4

20/21
29/28

LANDS HELD UNDER
PANCHERI, INC.

NHEL
NW
⑧
123.3

①
58.5

②
45.3

⑥
8.0

⑧
62.6

RIVER

DRY

LOST

MAINLINE

DRY

DRY

DRY

DRY

DRY

HORSE CK
DRY

PLACE OF
USE
T.9N.
R.27E.

LANDS HELD BY J. ORR

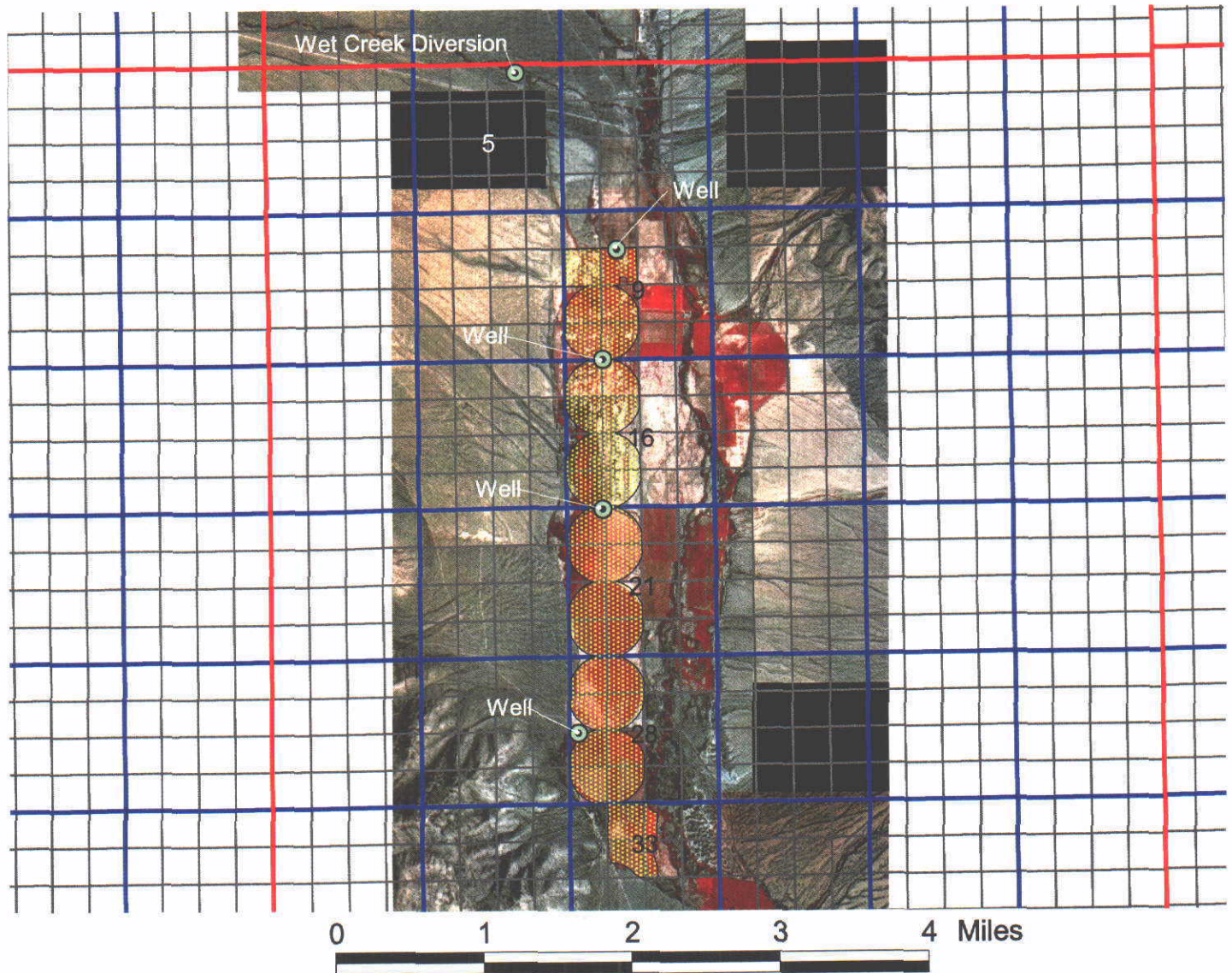
CLAIM NO(S) A33-00110, 00108, 10069, 10070
DATE: 25 AUG. 1999 T 9N R 27E
SOURCE OF DOC: ASCS

SIGNATURE: *[Signature]*



Department of Water Resources

Claim No.: 33-84, 33-85, 33-90E, 33-2065,
33-2066A, 33-2066B, 33-7015,
33-7202, 33-10070, 33-10998



Irrigated Acres = 1122

-  Pod.shp
-  T68885.shp
-  Townships
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2002



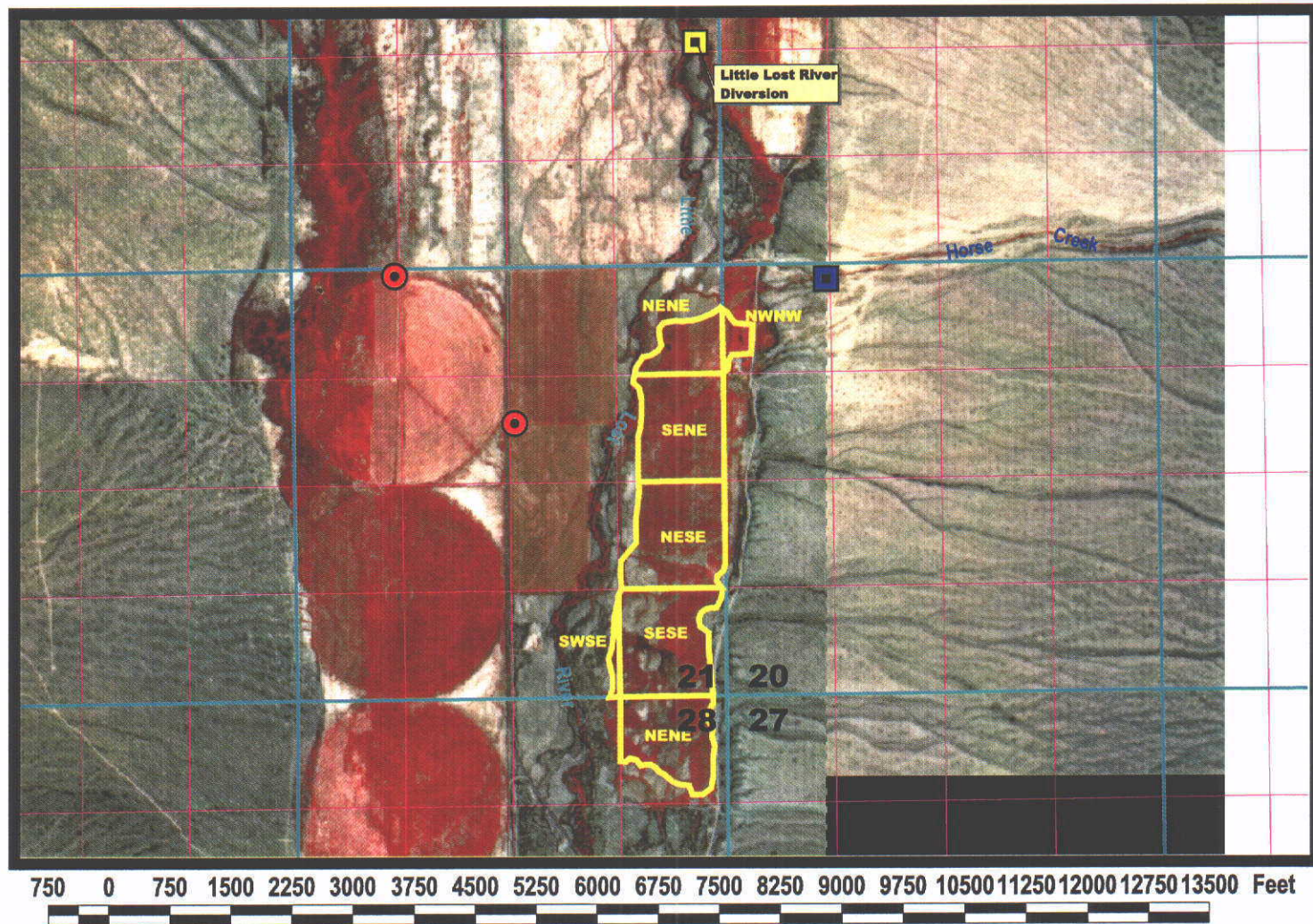
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Pancheri, Inc.

Water Right(s): **33-10070**, 33-00090E



LEGEND



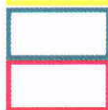
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



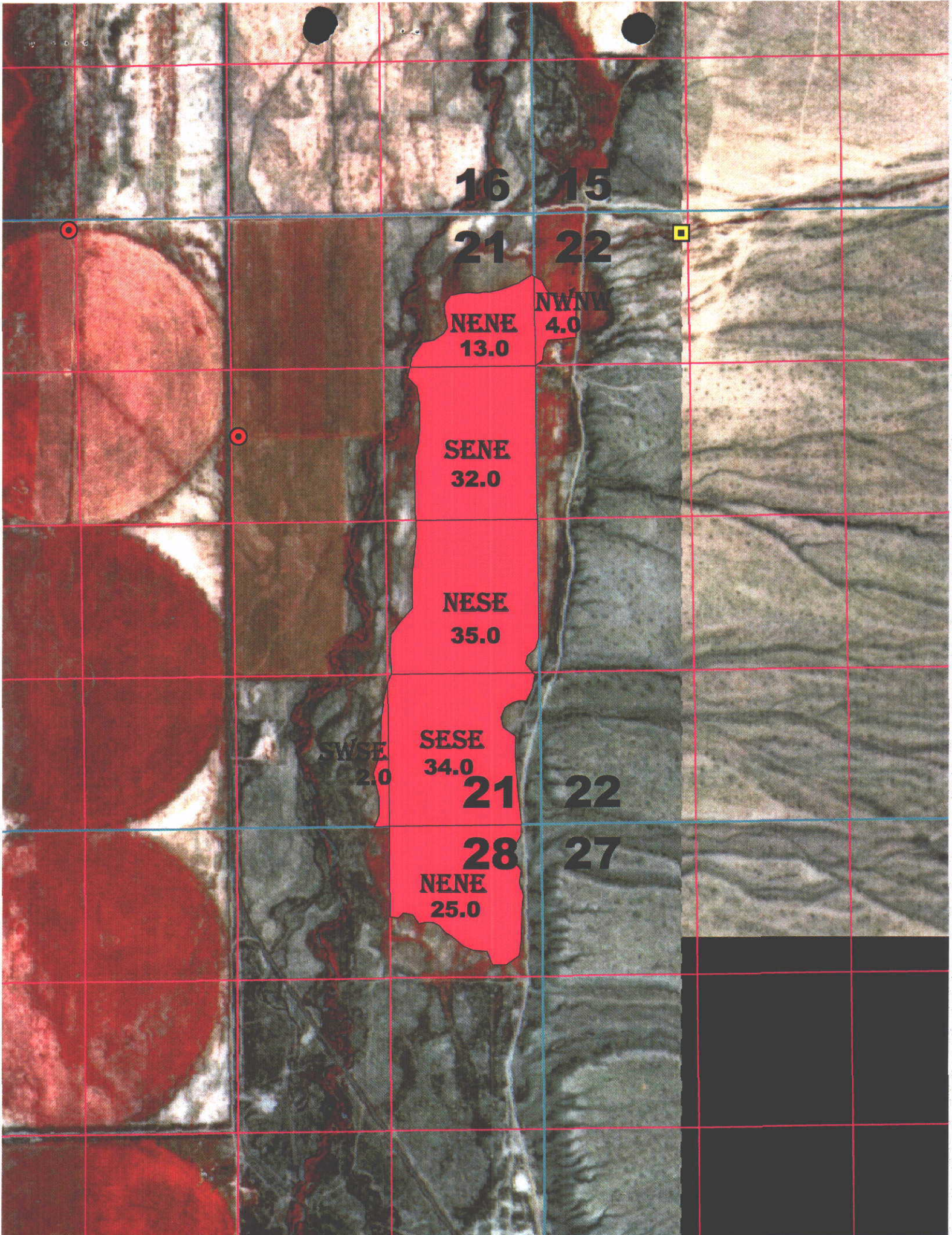
Quarter-section line

Place(s) of Use: T.9N., R.27E.
Sec. 21 (parts of) E2E2, SWSE
Sec. 22 (part of) NWNW,
Sec. 28 (part of) NENE

Point(s) of Diversion: T.9N., R.27E.
Sec. 16 SESENE (Little Lost River)



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



2002 MAY -1 AM 9:36

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

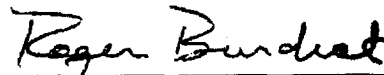
For Water Right 33-10070

On March 12, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 33-10070 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 1, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 33-10070

2002 MAY -1 AM 9:36
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PANCHERI INC
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: WET CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 1.50 CFS
507.50 AFY

THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT
OF DIVERSION DESCRIBED BELOW IS 1.43 CFS. THIS REDUCTION IN
QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A
CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 507.5 AF. COMBINED RIGHT NOS.: 33-90E,
33-10070.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 18.73 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3927.0 AF. COMBINED RIGHT NOS.: 33-84, 33-85,
33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-7202, 33-10070,
33-10998.

PRIORITY DATE: 05/25/1891

POINT OF DIVERSION: T09N R27E S05 LOT 02 (NENWNE) Within Butte County

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER
FROM SAWMILL CREEK INTO LITTLE LOST RIVER AT THE ORIGINAL POINT
OF DIVERSION IN T10N, R27E, S18, NWSESW, AND DIVERTING AN
APPROPRIATE AMOUNT FROM WET CREEK AT THE POINT OF DIVERSION
DESCRIBED ABOVE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.50 CFS 507.50 AFY

PLACE OF USE:	Irrigation		Within Butte County
	T09N R27E S09	SWNW 40.0	SENW 37.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S16	NENW 34.0	NWNW 34.0
		SWNW 34.0	SENW 34.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S21	NENW 34.0	NWNW 34.0
		SWNW 34.0	SENW 34.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S28	NENW 34.0	NWNW 34.0
		SWNW 34.0	SENW 34.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S33	NWNE 12.0	SWNE 11.0
		NENW 40.0	SENW 30.0
	1122.0 Acres Total		

PLACE OF USE (continued)

USE OF THIS RIGHT WITH RIGHT NO. 33-00090E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-90E, 33-10070 AND 33-7202.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1122 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-84, 33-85, 33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-7202, 33-10070, 33-10998.

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

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT FROM SAWMILL CREEK AT THE ORIGINAL POINT OF MEASUREMENT IN TION R26E S12 NE34.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAY 01 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 33-10070

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 33-10070 was mailed
on May 01, 2002, with sufficient first-class postage prepaid
to the following:

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

PANCHERI INC
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/01/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 4, 2002

PANCHERI INC
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Transfer #68885 for water right(s) 33-84, 33-85, 33-7015, 33-7202, 33-10070 and 33-10998 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir:

On November 7, 2001, the Idaho Department of Water Resources (IDWR) approved Transfer #68885, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

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

)
)

Water Rights: 33-84, 33-85, 33-7015,
33-7202, 33-10070 AND 33-10998

Case No. 39576

)
)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer **68885**
 - ☐ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership
 - ☐ other

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

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

DATED: January 4, 2002

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Jan 4, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
PANCHERI INC
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Cheri Undermaulen

Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68885

This is to certify that: PANCHERI INC
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405
(208)523-0620

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
33-85	AJC/Decreed	04/15/1891	2.88 cfs		249.0	249.0	DRY CREEK
33-84	AJC/Decreed	03/14/1891	2.10 cfs		249.0	249.0	WET CREEK
33-7015	AJC/License	05/22/1972	1.77 cfs		249.0	249.0	GROUND WATER
33-10998	AJC/Beneficial Use	04/15/1927	0.71 cfs	126.0 af	36.0	36.0	WET CREEK
33-7202	AJC/License	11/08/1995	3.11 cfs	1050.0 af	300.0	300.0	GROUND WATER
33-10070	AJC/Decreed	05/25/1891	1.50 cfs	507.5 af	145.0	145.0	WET CREEK
33-90E	AJC/Decreed	04/01/1887	0.40 cfs	169.8 af	145.0	145.0	WET CREEK
33-2066A	AJC/License	11/17/1952	3.56 cfs	871.5 af	249.0	249.0	GROUND WATER
33-2066B	AJC/License	11/17/1952	0.52 cfs		364.0	364.0	GROUND WATER
33-2065	AJC/License	11/17/1952	4.66 cfs		364.0	364.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
33-85	NO	YES	YES	NO	NO	NO - AT ISSUE
33-84	NO	NO	YES	NO	NO	NO - AT ISSUE
33-7015	NO	NO	YES	NO	NO	NO - AT ISSUE
33-10998	NO	NO	NO	NO	NO	NO - AT ISSUE
33-7202	NO	NO	YES	NO	NO	NO - AT ISSUE
33-10070	NO	NO	YES	NO	NO	NO - AT ISSUE
33-90E	NO	NO	YES	NO	NO	NO - PD
33-2066A	NO	NO	YES	NO	NO	NO - PD
33-2066B	NO	NO	YES	NO	NO	NO - PD
33-2065	NO	NO	YES	NO	NO	NO - PD

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
33-85	33-85	2.88 cfs	871.5 af	249.0	1,122.0		N/A	N/A		N/A
33-84	33-84	2.1 cfs	871.5 af	249.0	1,122.0		N/A	N/A		N/A
33-7015	33-7015	1.77 cfs	750 af	249.0	1,122.0		N/A	N/A		N/A
33-10998	33-10998	0.71 cfs	126 af	36.0	1,122.0		N/A	N/A		N/A
33-7202	33-7202	3.11 cfs	1050 af	300.0	1,122.0		N/A	N/A		N/A
33-10070	33-10070	1.5 cfs	507.5 af	145.0	1,122.0		N/A	N/A		N/A
33-90E	33-90E	0.4 cfs	106.8 af	30.5	1,122.0		N/A	N/A		N/A
33-2066A	33-2066A	3.56 cfs	871.5 af	249.0	1,122.0		N/A	N/A		N/A
33-2066B	33-2066B	0.52 cfs	220.3 af	66.0	1,122.0		N/A	N/A		N/A
33-2065	33-2065	4.66 cfs	1116.5 af	319.0	1,122.0		N/A	N/A		N/A
TOTALS		18.73 cfs	3927 af	1122	1122		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7 day of Nov, 2001

Chief, Water Allocation Bureau

WATER RIGHT NO. 33-10070
As Modified by Transfer No. 68885

In accordance with the approval of Transfer No. 68885, Water Right No. 33-10070 is now described as follows.

Right Holder: PANCHERI INC
 C/O HOLDEN KIDWELL
 HAHN & CRAPO
 PO BOX 50130
 IDAHO FALLS ID 83405

Priority Date: 05/25/1891

Source: WET CREEK

Tributary: LITTLE LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.50 CFS	507.5 AF
			1.50 CFS	507.5 AF

LOCATION OF POINT(S) OF DIVERSION:

WET CREEK NENWNE Sec. 5 Twp 09N Rge 27E BUTTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 27E 9							40.0	37.0	34.0	34.0	34.0	34.0					213.0
09N 27E 16					34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0					272.0
09N 27E 21					34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0					272.0
09N 27E 28					34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0					272.0
09N 27E 33		12.0	11.0		40.0			30.0									93.0

Total Acres: 1122

CONDITIONS OF APPROVAL

- To be*
- The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. *11/7/02*
 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 - Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
 - The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 33-10070
As Modified by Transfer No. 68885

CONDITIONS OF APPROVAL

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. This right is limited to the irrigation of 145 acres within the place of use described above in a single irrigation season.
8. Rights 33-90E, 33-10070 and 33-7202 when combined shall not exceed the irrigation of 300 acres.
9. Rights 33-84, 33-85, 33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-10070 and 33-10998 when combined shall not exceed a total diversion rate of 18.73 cfs, a total annual maximum diversion volume of 3927.0 af at the field headgate, and the irrigation of 1122 acres.
10. Rights 33-90E and 33-10070 when combined shall not exceed a total annual maximum diversion volume of 507.5 af at the field headgate and the irrigation of 145 acres.
11. Diversion of water from Wet Creek under this right is limited to those times when water is available for diversion under the priority of this right from the original source, Sawmill Creek.

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

Dated this _____ day of _____, 20____

Chief, Water Allocation Bureau

N AP
Sent
3-2-01

TRANSFER APPLICATION STAGE

1) Recommended rights being transferred (from Part 2). Check IWTRS for partial decrees.

1. 33-00084
2. 33-00085
3. 33-00090E p.d.

4. 33-02005 p.d.
5. 33-02066A p.d.
6. 33-02066B p.d.

33-07015
33-07202
33-10070
33-10998

*2) Overlapping recommended rights before and after proposed change. Check IWTRS for partial decrees.

1.
2.
3.

4.
5.
6.

TRANSFER APPROVAL STAGE

*1) Pedigree for parents and splits (children) due to approved transfer

*2) Any additional overlapping recommended rights

1.
2.
3.

4.
5.
6.

* To be completed by agent

*Rights listed on this TX AND
ALL THAT'S INVOLVED*



MEMORANDUM

To: Transfer File 68885

From: Sharla

Date: November 8, 2001

Re: Combined Diversion Rate

On this date, Ernie Carlsen notified me of an amended transfer that occurred last week modifying the combined rate of diversion limitation under Rights 33-84, 33-85, 33-7015 and 33-10998. Because the AJ records were not immediately updated in the computer database, I prepared the transfer approval for 68885 using the old combined limitation, unaware of the amended transfer.

The transfer had not yet been mailed out when the error was brought to my attention so the approval document was changed and re-signed. The combined rate of diversion under the four rights also affected the grand total under the newly approved transfer so those changes were also made in the new approval document. The transfer had already been updated in the database, which means that I am unable to make the changes to the updated AJ records. Regional AJ staff will be responsible for changing the appropriate records to match the amended combined totals.

Ruberry, Allen

From: Ruberry, Allen
Sent: Monday, February 26, 2001 10:20 AM
To: Shaff, Don
Subject: B33-Pancheri Tx's

Per our discussion this a.m., the following is a listing of the tx's and rights involved.

Tx # 5796 (approved)
33-00090E PARTIAL DECREE issued
33-10070 BLM Objection (Sawmill Ck issue) NO PD

Basically, this tx moves these two rights onto Pancheri lands (off Oar property). The language regarding the Sawmill Ck issue of right 33-10070 is the reason for the BLM objection. However, we (Bryce and I) thought it was completed since we had bowed to BLM to adjust the language for the POD's. Now, there are the two Little Lost River rights left at the Oar place; 33-00108, 33-00110 (both PD'd), both require Remark adjustment. The Tx moves the rights to Wet creek to be delivered with other surface water rights (33-00084, 33-00085) and enlargement claim (33-10998). See Tx # 68885, below.

33-10998 was objected to because of a BLM trespass issue, Transfer # 5780 completed this task. No Partial Decree was issued; NAP, Version 2, and NCAP completed.

Now, along comes the MEGA Transfer # 68885. This Transfer seeks to make a Permissible POU of the following rights;

33-00084 NO PD- BLM Objection-Sawmill Ck issue
33-00085 NO PD
33-07015 NO PD
33-10998 NO PD
33-07202 NO PD
33-10070 ~~PD issued~~- See tx 5796 *No PD*
33-00090E ~~NO PD~~- See tx 5796 *PD issued.*
33-02066A PD issued
33-02066B PD issued
33-02065 PD issued

As we discussed, we in Adj. do not have the system capability to make changes to the PD's. The non-PD'd rights can be changed on Adj. with no real problem (NAP's, Version 2, NCAP's), however, there is specific need with this series of Tx's to know there is a finality of all rights involved. Allocations can't do Adjudication's part and vice versa due to system capabilities, but they need done together.

As always, thanks for the HELP.....al

Ruberry, Allen

From: Ruberry, Allen
Sent: Monday, February 26, 2001 10:20 AM
To: Shaff, Don
Subject: B33-Pancheri Tx's

Per our discussion this a.m., the following is a listing of the tx's and rights involved.

Tx # 5796 (approved)
33-00090E PARTIAL DECREE issued
33-10070 BLM Objection (Sawmill Ck issue) NO PD

Basically, this tx moves these two rights onto Pancheri lands (off Oar property). The language regarding the Sawmill Ck issue of right 33-10070 is the reason for the BLM objection. However, we (Bryce and I) thought it was completed since we had bowed to BLM to adjust the language for the POD's. Now, there are the two Little Lost River rights left at the Oar place; 33-00108, 33-00110 (both PD'd), both require Remark adjustment. The Tx moves the rights to Wet creek to be delivered with other surface water rights (33-00084, 33-00085) and enlargement claim (33-10998). See Tx # 68885, below.

33-10998 was objected to because of a BLM trespass issue, Transfer # 5780 completed this task. No Partial Decree was issued; NAP, Version 2, and NCAP completed.

Now, along comes the MEGA Transfer # 68885. This Transfer seeks to make a Permissible POU of the following rights;

33-00084 NO PD- BLM Objection-Sawmill Ck issue
33-00085 NO PD
33-07015 NO PD
33-10998 NO PD
33-07202 NO PD
33-10070 PD issued- See tx 5796
33-00090E NO PD- See tx 5796
33-02066A PD issued
33-02066B PD issued
33-02065 PD issued

As we discussed, we in Adj. do not have the system capability to make changes to the PD's. The non-PD'd rights can be changed on Adj. with no real problem (NAP's, Version 2, NCAP's), however, there is specific need with this series of Tx's to know there is a finality of all rights involved. Allocations can't do Adjudication's part and vice versa due to system capabilities, but they need done together.

As always, thanks for the HELP.....al



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 2001

PANCHERI INC
C/O JERRY PANCHERI PRES
HC 65 BOX 2104
HOWE ID 83303-2707

RE: Transfer #5796 for water right(s) 33-10070 and Corrected Notice
of Completed Administrative Proceeding (NCAP)

Dear Mr. Pancheri:

The Idaho Department of Water Resources (IDWR) has corrected the recommendation for water right 33-10070, modifying the Point of Diversion Remark. Based on this correction, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

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

Water Rights: 33-10070

Case No. 39576

**CORRECTED
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 5796

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

☒ other: Source

☒ **Changed POD remark**

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

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

DATED: Nov 1, 2001

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Nov. 2, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
PANCHERI INC
C/O JERRY PANCHERI PRES
HC 65 BOX 2104
HOWE ID 83244

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record
KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

5. One copy each to:

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

6. One Copy to:

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

Cheri Undermeulen

Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 2001

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

RE: Transfer #5796 for water right(s) 33-10070 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Mr. Pancheri:

On October 25, 2000, the Idaho Department of Water Resources
(IDWR) approved Transfer #5796, modifying the above referenced
water right. Based on this transfer, IDWR water right records for the
Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy
of the updated water right record(s) to each party listed on the enclosed
NCAP. The intent of this mailing is to ensure each party has a current
record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this
matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

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

)

Water Rights: 33-10070

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 5796

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

☒ other: Source

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

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

DATED: Oct 26, 2001

Ewert Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Oct. 21, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
PANCHERI INC
C/O JERRY PANCHERI PRES
HC 65 BOX 2104
HOWE ID 83244
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Cheri Vandermeulen

Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 27, 2001

KENT FOSTER
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Transfer #68885 (33-84, 33-85, 33-7015
33-7202, 33-10070, 33-10998) and Notice of Administrative
Proceeding (NAP)

Dear Mr. Foster:

The Idaho Department of Water Resources (IDWR) received an
Application for Transfer for the above referenced water right(s).

In response to the Application, this office is sending the enclosed NAP
to the SRBA Court and other parties listed on page 2 of the form. The
intent of this mailing is to notify those parties of the requested change.

Please feel free to contact me if you have any questions concerning this
matter.

Respectfully,

Cheri Vandermeulen
Cheri Vandermeulen
Records Clerk

Enclosure

CERTIFICATE OF MAILING

I certify that on March 2, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record

5. One copy each to:

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

6. One Copy to:

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

Cheri Undermeulen

Signature of person or attorney mailing the form

11 April 2020
From: BLM Eastern Region

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 RIGHT S.*

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 Thom
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
31B
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:

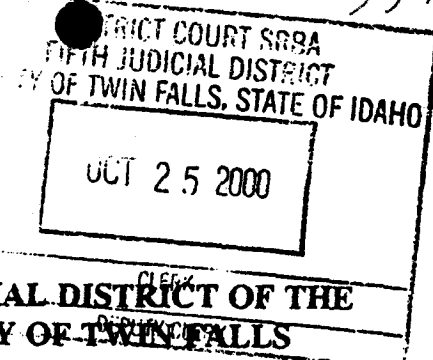
R33-00023B
R33-00030
R33-00043
R33-00077
R33-10070
R33-10073
R33-10084
R33-10086

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

Steve Hranac
Deputy Clerk



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 2000

PANCHERI INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Transfer #5796 (33-00090E, 33-10070) and
Notice of Administrative Proceeding (NAP)

Dear Mr. Foster:

On July 17, 2000, the Idaho Department of Water Resources (IDWR) received an Application for Transfer for the above referenced water right(s).

In response to the Application, this office is sending the enclosed NAP to the SRBA Court and other parties listed on page 2 of the form. The intent of this mailing is to notify those parties of the requested change.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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

In Re SRBA

Case No. 39576

Water Rights: 33-00090E, 33-10070

NOTICE OF ADMINISTRATIVE
PROCEEDING

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

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

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer **5796**

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☒ other: **change source**

IDWR projects the Administrative Proceeding shall be completed no later than: AUGUST 8, 2001

DATED: Aug 20, 2000

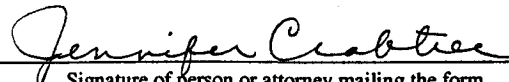
Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/23, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
PANCHERI INC
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
KENT FOSTER
(SEE ABOVE)
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

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 33-10070

(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):**

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

F.

VERIFICATION (Must be Completed)

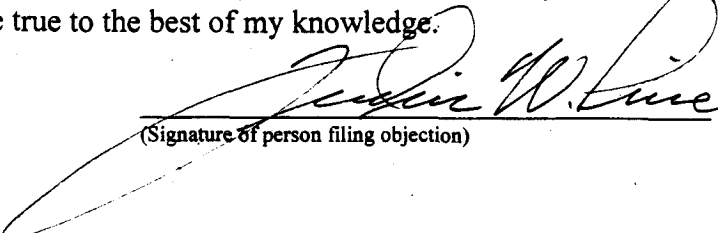
State of Idaho)

) ss.

County of Ada)

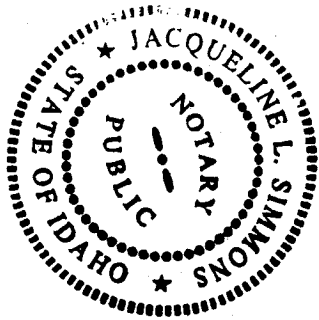
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

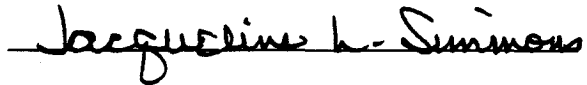
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

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





Jacqueline L. Simmons

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:

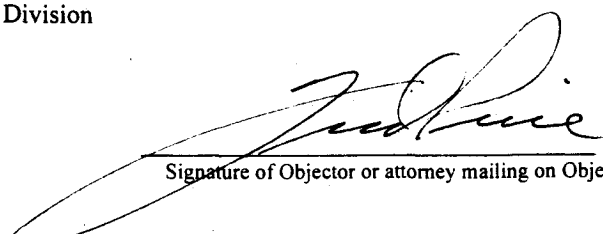
Name: Pancheri, Inc.
Address: HC 65 Box 2104 Howe, ID. 83244
Name: c/o Jerry Pancheri, President
Address:
Name:
Address:
Name:
Address:

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: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER

RIGHT NUMBER: 33-10070

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

SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER
QUANTITY: 1.5 CFS

THE QUANTITY OF WATER THAT MAY BE DIVERTED AT THE POINT(S)
OF DIVERSION DESCRIBED ABOVE IS 1.43 CFS. THIS REDUCTION IN
QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A
CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

PRIORITY DATE: 05/25/1891
POINT OF DIVERSION: T10N R27E S18 NWSESW (INJECTION) Within BUTTE County
T09N R27E S16 SESENE (REDIVERSION)
T11N R26E S10 NWNE BLM - POD NOT USED. Within LEMHI County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 11-01 1.5 CFS

PLACE OF USE: IRRIGATION Within BUTTE County
T09N R27E S21 NENE 13 SENE 32 NESE 35 SWSE 2
S22 NWNW 4
S28 NENE 25
145 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Issue:
Point of diversion on BLM

AJ5856NP

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

DATE: JAN-28-2000
PAGE: A-614

RIGHTS FROM: SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER

RIGHT NUMBER: 33-10070 (CONT)

EXPLANATORY MATERIAL: (CONT)

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00109,
33-00092D, 33-00092F.

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"



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

January 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

David Andreason
Watermaster, Water District 33
Howe, Idaho, 83244

Sawmill Creek Water Users
Water District 33
Howe, Idaho, 83244

Dear Watermaster and Water Users:

Based on the information available to the department at the time, Idaho Department of Water Resources recommended the Little Lost River as the source for water rights originally decreed with a source of Sawmill Creek. This change effectively puts the Sawmill Creek rights on a par with Little Lost River rights.

Through the Notice of Error process, additional information has been brought forward indicating that the recommendations should be changed to show the source as "Sawmill Creek" as originally decreed. This change would afford protection to holders of Little Lost River rights that have priorities junior to May 25, 1891, the priority for decrees from Sawmill Creek.

The 1927 decree lists "the mouth of Sawmill Creek" as the Point of Diversion, with implied injection into the Little Lost River and implied points of rediversion near the places of use.

It appears that the basis for these Sawmill Creek rights was a channelization or improvement of Sawmill Creek. We have tentatively selected the apparent beginning of the channelization as the recommended Point of Diversion, as illustrated on the attached maps. The confluence of Sawmill Creek and Summit Creek would be recommended as the Point of Injection, and the headgates on the Little Lost River as Points of Rediversion.

To administer Sawmill Creek rights separately from Little Lost River rights, the watermaster would have to measure the contributions of Sawmill Creek to the Little Lost River. The attached maps show the apparent historical location where these measurements were taken and a proposed alternate measurement point. The measurement point would not be specified in the water right recommendations but would be a practical matter for the watermaster's administration.

Please review these proposed changes to the recommendations and the enclosed maps and respond with the attached form. Feel free to mark the maps and add additional comments as needed. Please return any comments by January 15, 2000.

Sincerely,

Ernest Carlsen
Water Rights Supervisor

**RESPONSE TO PROPOSED CHANGES IN
SAWMILL CREEK RECOMMENDATIONS**

Name _____

Water Rights _____

I. Point of Diversion

I agree with the proposed Point of Diversion _____

I disagree. I propose instead: (describe below and mark maps)

II. Point of Injection and Points of Rediversion

I agree _____

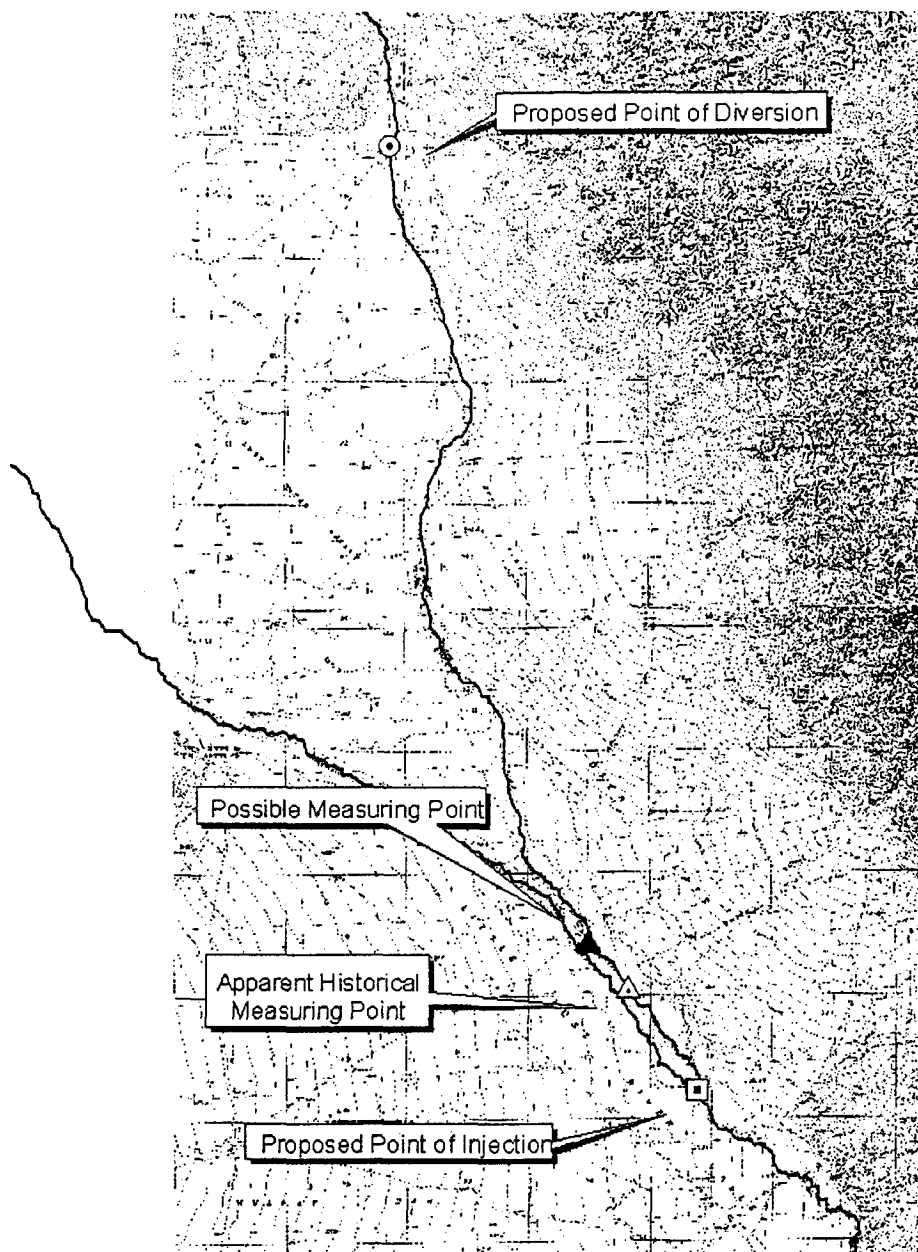
I disagree. I propose instead: (describe below and mark maps)

Signature _____ Date _____

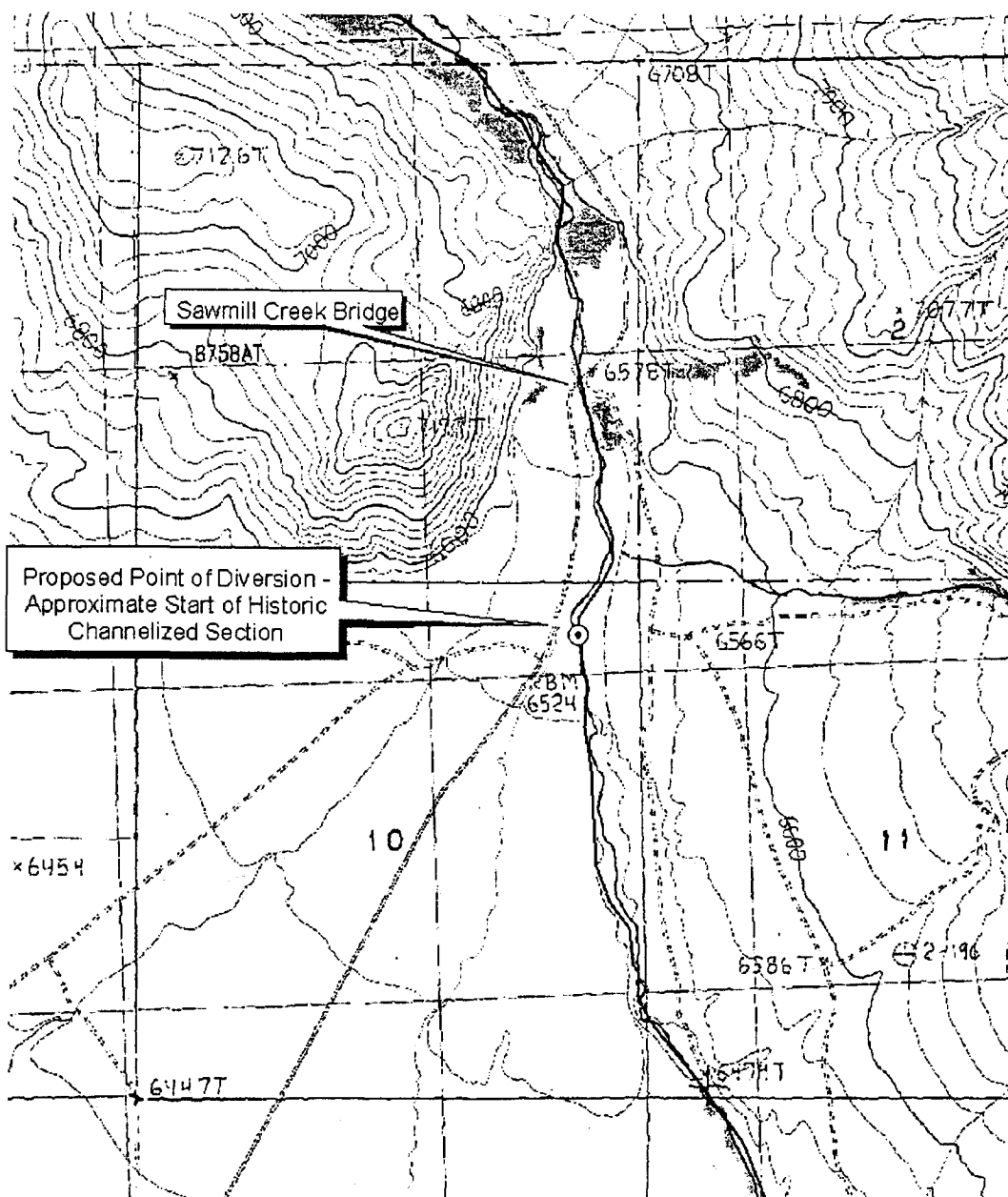
Please feel free to attach additional comments. Please return to:

IDWR Adjudication, 900 N Skyline Ste A, Idaho Falls, ID 83402, by January 15, 2000

Idaho Department of Water Resources Sawmill Creek Proposal



Idaho Department of Water Resources
Sawmill Creek Proposal



BACK

A33-10070

PANCHER, Inc.
HOWS TO 83244

3244

☐ Amend P.O.U.

☒ OWNERSHIP OF SWSE SEC. 21 — PANCHER, Inc.

Saw Mick
1891



A3310070

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: 33-10070

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: _____

November 23, 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: 33-10070

JACK OAR
CONNIE OAR
HC 65 BOX 3165
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: 12/08/99 SIGNATURE: Jack Oar

Please print your name: Jack Oar

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

*This claim is recommended to Panhandle Inc. per
change of ownership/deed.*

ABN

Contor, Bryce

33-10070

From: Contor, Bryce

Sent: Friday, November 19, 1999 2:43 PM

To: Carlsen, Ernie; Ruberry, Allen

Subject: fixed shrink

The selection file B33-FIX-SHRK contains the r-records that need a fixed shrink. I have coded the remark on all of them except R33-00109, I knew if I tried to sort out the twisted path I'd just waste a lot of time doing something Al already knows. Per Neph's Bible as confirmed by David, the original 00109 right had a shrink of 5%.

Other items to note are:

33-00032A Original right not claimed in full.
Removed from sel file, no remark. 33-00047 Pancheri
right. I created r-record so I could add the remark.
33-00063 Source on claim and WR database doesn't
match decree (decreed as "Sawmill,"
coded as "Spring Creek"). Original
right not claimed in full. Removed
from sel file, no remark.

92 also had shrink of 5%

70 had shrink of 25% on Cowgill 1/2
probably not on Bratee half?

(See Al's
Part II, 3.A.)

92FL Bratee portion)	0.25	less 5% =	0.24
109A(109)	0.50	less 5% =	0.48
10070	0.75	less 5% =	0.71
	1.50	less 5% =	1.43

See A33-00002 for detailed corr.

↑ spreadsheets re: shrink.

6 October 1999

IN THE MATTER OF WATER RIGHTS
33-10069, 33-10070, 33-00110, 33-00108
SRBA Claims by Jack & Connie Oar

Original Warranty Deed, 8 Sept. 1989, Pancheri, Inc. to Oar's list water rights conveyed as:

Together with, all water...as follows:

Horse Creek 05-01-1996, twenty (20) inches [33-00110] and 05-01-1996, ninety (90) inches [33-00108] and one-half (1/2) of the Brabec Place Water [33-00090E, 33-00092D, 33-00109], ditch and ditch rights... appurtenant thereto.

PART I

- 1.) 33-10069, SRBA claim, J. Oar, was for 0.02 cfs on 145 acres, priority date of April 01, 1887. Remarks read "This notice is for 1/2 portion of decreed right 33-00090E" (refer to split history of 33-00090, attached) ...33-00090C was further split by Tx#450, 26 April 1929, to parts D and E. This dissertation is concerned only with part E. Part E then became 0.4 cfs.
- 2.) At claims taking evidence supported "a claim to this portion of an historic (decreed) water right." However, it was unclear just what that split portion would be. So, 33-10069 was assigned, pending SRBA investigation.
- 3.) Coincidentally, Pancheri, Inc. filed a claim to decreed right 33-00090 in its entirety as 0.80 cfs and claimed use on the 4699 acre land list. According to recorded (split history) documents, Pancheri Inc. was only entitled to 1/2 of part E (0.40 cfs) or 0.20 cfs. Thus, rendering 33-00090(E) grossly over-claimed. Ultimately, the Pancheri Inc. claim to 33-00090 would be disallowed because by declaring the many points of diversion and the 4699 acre land list they asserted an accomplished change (pursuant to §42-1425 I.C.), in both the point(s) of diversion and place(s) of use after to Nov. 19, 1987, (SRBA commencement order). The claim was taken 01-15-1990. However, there have been no transfers or applications. Further, the District 33 Watermaster, David Andreason, states, and delivery records support, that since his tenure and prior to, all of the Barbec Place water has been delivered at the Barbec Place Little Lost River diversion. But, Pancheri Inc. still held title to this other one-half (1/2) interest of 33-00090E (0.20 cfs).
- 4.) Then by Change of Ownership and Quitclaim Deed, 2 March 1994, Jack & Connie Oar (Grantor) conveyed unto Pancheri, Inc. (Grantee) by instrument number 027926, Butte County Recorder "In part to correct or clarify the language...in that certain Warranty Deed (Pancheri Inc. to Oars), 8 Sept. 1989, instrument no 22616, Butte County, Idaho...
...does by these presents promise, release and forever Quitclaim...all right, title...in all the following described water rights...
33-00090 [33-00090E]...04/01/1887
33-00092 [33-00092D]...05/25-1891
33-00109 [33-00109]... 05/25/1891
This effectively conveyed all portions of 33-00090E, 00092D and 00109 to Pancheri, Inc. But, still no transfer application. Thus, leaving the "rights" on Mr. Oar's property.

- 5.) Consequently, the disposition of the right will be:

33-10069, ownership changed to Pancheri, Inc. and amended to show the 145 acres on Mr. Oar's property. Then, 33-10069 will be renumbered to 33-00090E to accurately reflect the split history of decreed right 33-00090. Ultimately, the SRBA recommendation will show ownership by Pancheri, Inc. of all (0.40 cfs) of 33-00090E, but appurtenant to Jack Oar's property.

PART II

- 1.) 33-10070, SRBA claim, J. Oar, is a combined claim of the following right portions:

33-00092D	0.25 cfs...	05/25/1891
33-00109	0.50 cfs...	05/25/1891

33-10070	0.75 cfs	05/25/1891
----------	----------	------------

NOTE: the remaining 0.25 cfs of 33-00092D was claimed as 33-00092 by Pancheri, Inc. And Pancheri, Inc. had claimed all (1.0 cfs) of the original decreed amount of 33-00109, claimed as 33-00109A. Both to the 4699 acre land list. 33-00109A was now over-claimed by 0.50 cfs. 33-00092 was renumbered to 33-00092F and disallowed since it appeared that Pancheri, Inc. was claiming and accomplished Tx (under §42-1425 I.C.) after 1987.

- 2.) Refer to Part I ¶ 4, Change of Ownership and Quitclaim Deed of 2 March 1994.
- 3.) The course of action for 33-10070, 33-00109A, and 33-00092 will be as follows:

A.) 33-10070, Change of Ownership to Pancheri, Inc. and amended to include the portion of the above referenced rights as:

33-00092	[33-00092F]	0.25 cfs
33-00109A	[33-00109]	1.00 cfs (actually only) 0.50 cfs
33-10070	[33-00092D @ 0.25; 33-00109 @ 0.50]	0.75 cfs

Total 1.50 cfs

Acreage amended to 145 acres on Jack Oar's property since no Tx or application has come forward.

- B.) 33-00092 [renumbered to 33-00092F] Pancheri Inc, DISALLOWED.
33-00109A [renumbered to 33-00109] Pancheri Inc., DISALLOWED.
33-10070 [P15 of portions described above] to total 1.50 cfs, amended with Change of Ownership to 145 acres, to Pancheri, Inc., but on Oar's property.

PART III

Since 33-10070 and 33-00090E have been amended with Change of Ownership to show Pancheri, Inc. as the legal owner of the right(s), but, (ultimately) decreed to the Oar property (145 acres): Jerry Pancheri, President Pancheri Inc, with Kent Foster, Attorney, have been advised by IDWR to wait until the Partial Decree is issued before attempting to file a transfer moving the Pancheri, Inc. rights from the Oar property.

PART IV

Until a transfer is IDWR approved, the rights by **what ever definition**, and listed below, will continue to be delivered to the Oar property subject to priority cuts as dictated by the District 33 Watermaster.

Sources	Priority	Amount	Water Right Number
Horse Creek	05/01/1896	20 inches	33-00110
Little Lost River	05/01/1896	90 inches	33-00108
Saw Mill Creek	05/25/1891	50 inches	33-00109
Little Lost River	04/01/1887	20 inches	33-00090(E)
Saw Mill Creek	05/25/1891	25 inches	33-00092(D)

PART V

A33-00110 and A33-00108 are SRBA claims by Jack and Connie Oar, and are uncontested by deed of ownership. Both will be recommended to the SRBA Court in their full amount, to 145 acres, to Jack and Connie Oar. Ref: discussion, Part VI.

PART VI

A complication occurs at SW SE (2.0 acre irrigation by GIS) Sec. 21, T.9N., R. 27E.

This parcel was claimed by Oar on all of Oar's SRBA claims. The original Warranty Deed, 8 Sept. 1989, does not include this parcel in the sale. Apparently, Oar's thought this parcel was included in the sale since other parcels (Ref. Warranty Deed, 8 Sept. 1989, Exhibit "A".) in Section 21 (T.9N., R.27E.) Read: "Section 21 E1/2E1/2... together with all of that portion of the SE1/4NE1/4 and the NW1/4SE1/4 of Section21, [T9N., R.27E.] E.B.M, lying East of the East bank of the Little Lost River.

However, irrigated acres (2.0 acres +) are noted by 1987 NAPP photograph in NWNE Section 28 (lying East of Little Lost River). The Warranty Deed defines N1/2 NE1/4 Section 28... as conveyed by sale.

Pancheri, Inc., through Kent Foster, Attorney, filed a Change of Ownership of claims A33-10069 and A33-10070 which include the questioned 2.0 acres in SWSE Section 21, and thus, will be recommended as such. Oar's claims, 33-00108 and 33-00110 will be recommended to include 2.0 acres in the NWNE Section 28 and delete 2.0 acres in SWSE Section 21, based on an accomplished transfer pursuant to §42-1425 I.C. No amendment will be made pursuant to discussion with Harold Jones, IDWR, 6 October 1999.

Al Ruberry

Cc: Files
Jerry Pancheri, President, Pancheri Inc.
Kent Foster, Attorney for Pancheri Inc.
David Andreason, District 33 Watermaster
Jack Oar, Original claimant & property owner

25 JANUARY 1996

JACK AND CONNIE OAR
HC 65 BOX 3165
HOWE ID 83244

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIMS; A33-10069,
A33-10070

Dear Mr. and Mrs. Oar:

During one of our previous discussions we spoke of the omission of the SWSE Section 21, T.9N., R.27E., from the lands identified on the "Legal Description, Exhibit 'A'". This is a parcel of land which you indicate you purchased from Pancheri, Inc., and so claimed under the above referenced SRBA water right claims. I have contacted the Butte Co. Assessor, 24 January 1996, to confirm ownership. Their records indicate ownership is in the name of Pancheri, Inc. Reference is also made to Quitclaim Deed, No. 027927, recorded April 29, 1994, Butte County Recorder, which adds those lands of SWNE and NWSE, Section 21, east of the east bank of the Little Lost River, but fails to include any portion of SWSE Section 21.

In addition, there is the question of the "Quitclaim Deed", dated ___ May, 1993, which conveys, to Pancheri, Inc., Oar's portions of the following rights:

<u>Right No.</u>	<u>Source</u>	<u>Amount</u>	<u>Priority date</u>
**33-00090(E)	Little Lost Riv.	0.20cfs	04/01/1887
*33-00092(D)	Sawmill Creek	0.25cfs	05/25/1891
*33-00109	Sawmill Creek	0.50cfs	05/25/1891

*33-10070, 0.75cfs, 05/25/1891, Sawmill Ck, claimed by Jack and Connie Oar, combines 0.25cfs of Decreed right 33-00092(D) with 0.5.cfs of Decreed right 33-00109.

**33-10069, 02.cfs, 04/01/1887, Little Lost River, claimed by Jack and Connie Oar, for 1/2 of Decreed right 33-00090E.

Both of the above referenced issues must be resolved before any further action may proceed with the recommendations regarding your SRBA claimed water rights.

02065 corrected

DRAFT COPY
NOT SIGNED
AS of 8/11/96

Page 2
J. Oar

I look forward to your timely response, if I can be of assistance in providing any additional information please do not hesitate to contact me.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

SAWMILL CK AND LITTLE LOST RIVER DIVERSIONS

17/16
20/21

236.2

NHEL

③

221 NHEL
T-370 NW
J O ANDREASON

NHEL
NW

④

114.5

422
T-302

NHEL
NW

⑤

121.4

20/21
29/28

LANDS HELD UNDER
PANCHERI, INC.

NHEL
NW

⑧

123.3

①
58.5

②
45.3

⑥
8.0

⑨
62.6

RIVER

DRY

LOST

DRY

DRY

DRY

DRY

18.8

36.0

28.8

39.0

31.2

44

28

1000

26.8

21/22
28/27

HORSE CK

DRY

PLACE OF
USE

T.9N.
R.27E.

LANDS HELD BY J. OAR

CLAIM NO(S) A33-00110, 00108, 10069, 10070.
DATE: 25 Aug. 1994 T 9N R 27E
SOURCE OF DOC: 15CS

SIGNATURE: *ABR...*

RECORDED

MAR 20 1994

Department of Water Resources
Eastern District Office

COPY

QUITCLAIM DEED

NO. 027926
FILED

APR 29 1994

A.M. 2:19 P.M.
BUTTE COUNTY RECORDER
[Signature]

THIS INDENTURE is made this 2 day of March, 1994, between JACK JOSEPH OAR and CONNIE JOY OAR, husband and wife, the "GRANTOR" and PANCHERI, INC., whose mailing address is Howe, Idaho 83244, the "GRANTEE", in part to correct or clarify the language relating to water rights in that certain Warranty Deed from Pancheri, Inc., to Oars as Grantees, dated September 8, 1989, and recorded as Instrument No. 22616 of the records of Butte County, Idaho, on the 18th day of September, 1989.

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the GRANTOR in all the following described water rights in the County of Butte, State of Idaho, to-wit:

<u>IDWR ID NO.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>PRIORITY DATE</u>
33-0090	Little Lost River	.4 cfs (20 miner's inches)	04/01/1887

<u>IDWR ID NO.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>PRIORITY DATE</u>
33-0092	Saw Mill Creek	.5 cfs (25 miner's inches)	05/25/1891
33-0109	Saw Mill Creek	1.0 cfs (50 miner's inches)	05/25/1891

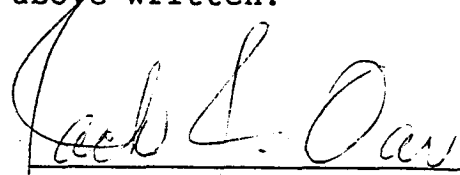
For use upon and in connection with the irrigation of the attached land list.

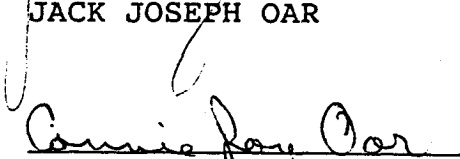
TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said premises and the appurtenances unto the GRANTEE, and to GRANTEE's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

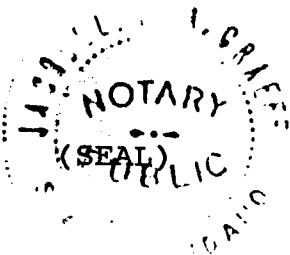

 JACK JOSEPH OAR


 CONNIE JOY OAR

STATE OF IDAHO)
) ss.
County of Butte)

On the 02nd day of March, in the year of 1994,
before me, the undersigned, a Notary Public, in and for the
State of Idaho, personally appeared JACK JOSEPH OAR and
CONNIE JOY OAR, husband and wife, known or identified to me
to be the persons whose names are subscribed to the within
instrument and acknowledged to me that they executed the same.

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



James A. Grepe
Notary Public for Idaho
Residing at Ham Idaho
My Commission Expires: 4.6.95

#7548.00
58551/srs



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: January 5, 1990

Jack and Connie OAr
HC 65 Box 3165
Howe, ID 83244

RECEIVED

JAN 16 1990

RE: Notices of Claim to a Water Right Returned

Department of Water Resources
Eastern District Office

Dear Mr. and Mrs. OAr:

The Idaho Department of Water Resources (IDWR) is returning your check #573 (\$343.00) and Notices of Claim to a Water Right because of insufficient information and/or fees. All items on the notices must be correctly completed and fees submitted before the IDWR can process the claims.

Please correct the items identified below and return the forms to the IDWR within 30 days of the date of this letter. Failure to return the corrected notices within the 30-day period may result in an assessment of an additional \$50.00 late-fee for each notice.

- Insufficient Fee: The filing fee for each irrigation Notice of Claim is \$50.00, plus a variable fee of \$1.00 per claimed irrigated acre (\$145.00). The total fee for your four notices is \$345.00.

If you have any questions, please call Tony Olenichak, Water Right Agent, at (208)-525-7161.

Sincerely,

Tony Olenichak
for Ernest Carlsen
Ernest Carlsen
Adjudication Supervisor

Enclosure

Dear Mr Ernest Carlsen,

we written a new check and
it.

MICROFILMED

NOV 18 1992

Sincerely, Connie L Oar

Entered . . .	✓
Compared . . .	✓
Indexed	✓

No. 22616
FILED
SEP 18 1989
12:00 A.M. P.M.
BUTTE COUNTY RECORDER
[Signature]
WARRANTY DEED

FOR VALUE RECEIVED Pancheri, Inc., the Grantor does hereby grant bargain, sell and convey unto Jack Joseph Car and Connie Joy Car, husband and wife, whose current address is HC-65-Box 3165, HOWE, ID the Grantee (s), the following described premises, in Butte County, to-wit:

Legal Description attached as Exhibit "A" and incorporated by reference hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances and they will warrant and defend the same from all lawful claims whatsoever.

Witness my hand and seal this 8th day of September, 1989.

[Signature] Sec
Pancheri, Inc.
By: Jenny Pancheri, Secretary

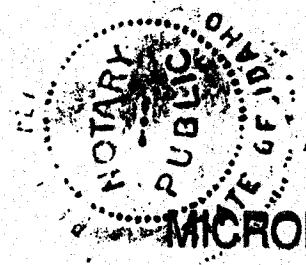
STATE OF IDAHO, COUNTY OF BONNEVILLE

On this 8th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared, Jenny Pancheri, known to me to be the Secretary of the Corporation, Pancheri, Inc., and acknowledged to me that he executed the foregoing instrument on behalf of said Corporation.

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

[Signature]
Paula Peterson

Notary Public for Idaho
Residing at Idaho Falls
My commission expires: 05-19-1991


MICROFILMED
NOV 18 1992

LEGAL DESCRIPTION
EXHIBIT "A"

Township 9 North, Range 27 East, Boise Meridian Butte County,
Idaho.

Section 21: E1/2E1/2;

Section 22: NW1/4NW1/4;

Section 28: NE1/2NE1/4. Lying East of the Little Lost River

TOGETHER WITH, all of that portion of the SW1/4NE1/4 and the
NW1/4SE1/4 of Section 21, Township 9 North, Range 27 E.S.M., lying
East of the East bank of the Little Lost River.

TOGETHER WITH, all water and water rights more particularly
described as follows:

Horse Creek 5-1-86, twenty (20) inches

and 5-1-96, ninety (90) inches and one-half

(1/2) of the Brabec Place Water,

ditch and ditch rights appurtenant thereto represented by license,
permit or otherwise and all mineral, oil, gas, coal and geothermal
rights appurtenant thereto.

MICROFILMED

NOV 18 1992

00:02:56
03/31/93

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

3042
CLAIM NUMBER: A33-10070

LAST: OAR
ADDRESS: HC 65 BOX 3165
CITY: HOME
PHONE NUMBER: 208-000-0000
OWNER CODE: C
767-3225

FIRST: JACK
STATES: ID ZIP: 83244

LAST: OAR
ADDRESS: HC 65 BOX 3165
CITY: HOME
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: CONNIE
STATES: ID ZIP: 83244

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y
FIELD
EXAMINER

CLAIM REMARKS: TRANSFER 404, 423, 450.
THIS NOTICES COMBINES .250CS OF DECREEED RIGHT 33-00092D WITH
.500CS OF DECREEED RIGHT 33-00109. SEE ATTACHED NOTICE
DESCRIBING 1/2 INTEREST IN "BRABEC PLAGE" WATER. THIS NOTICE
IS FOR 1/2 OF WATER UNDER THE ABOVE MENTIONED DECREEED RIGHTS.

cc: Comments

DECREEED RIGHT: 0092D Priority Date May 25, 1891. - 0.25 cfs

0109 Priority Date May 25, 1891. - 0.50 cfs
0.75 cfs as A33-10070

PDB Recommended as Right Nos. A33-00092E, AND A33-00109.

CONTACT PERSON: Mr. Ruben
DATE OF FIELD EXAM: 8/25/84 APPOINTMENT MADE: Y() N()
ACCOMPANIED BY: Jack Doe PHONE NUMBER: () 767-3225
RELATIONSHP TO CLAIMANT: Owner TIME: : : A() P()
DIRECTIONS TO PROPERTY / NOTES: PHONE NUMBER: () - - -
Met Mr. Doe 25 Aug 84. He showed me the ruins of Division on Little Lost River and
House Creek. He also showed me the remains of the Fort. All waters.

A. AJ CLAIM: # A33-10070 PRIORITY DATE: 05-25-1991 STAGE: D
B. WR RECORD: # 14-00001 PRIORITY DATE: 07-01-1991 ~~STAGE: D~~ DOES NOT RELATE TO BASHN 33.

C. FIELD EXAM REQUIRED? FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER
Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()

NOTES: Priority Date claimed matches Declassification Date 00092.
AND 00109

RECOMMENDED PRIORITY DATE: As claimed
REVIEWED BY: [Signature] DATE: 23 Aug 94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A33-10070	09N	27E	16	SE	SE	NE		BUTTE

OTHER AJ CLAIMS WITH SAME AJ P.O.D.

A PREFIX
A33-00100
A33-10059

R PREFIX
33-00100
33-02013
33-07953

SOURCE: SAWHILL CREEK

TRIB: LITTLE LOST RIVER

B. WR POINT OF DIVERSION AND SOURCE:

3310070 THERE IS NO P.O.D. ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BIG LOST RIVER

TRIB: SINKS

C. FIELD EXAM REQUIRED?

	DUE TO P.O.D. DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY? (Y/N)	Y	Y	----

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:	IN ² .	RSE.	SEC.
	174	174	174

114	114	114	114
35	35	35	35

COUNTY Beth

DIVERSION NAME

TRT8:

Little Lost River

DATE: 25 Aug 94

SYSTEM DESCRIPTION:

Curvert pipe from Little last Route to given system.
Visited P.O.D. Owens took w/ watermaster Dennis Anderson in April 94.
And AGAIN on 25 Aug. 94 w/ Jack Owen.

* See photo of P.O.D. in file A33-001084

CONUGRANCE SYSTEM ON ASCS PHOTO (COPY)

A. ROOT WATER RIGHT NUMBERS: A33-10070

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	AR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	27E	21	NE	NE		ORR, JACK	A33-10070 /10.0	/	35.0		18.0
			NE	NE		ORR, JACK	A33-00108 /10.0	33-00108 /			
			NE	NE		ORR, JACK	A33-00110 /10.0	33-00110 /			
			NE	NE		ORR, CONNIE	A33-10069 /10.0	-			
			NE	NE		WILLIAMS, HAROLD R.		33-00090E /			
			NE	NE		WILLIAMS, HAROLD R.		33-00092D /			
			NE	NE		BRABEC, MATTHEW		33-00109 /			
09N	27E	21	SE	NE		ORR, JACK	A33-10070 /25.0	/	39.0		36.0
			SE	NE		ORR, JACK	A33-00108 /25.0	33-00108 /			
			SE	NE		ORR, JACK	A33-00110 /25.0	33-00110 /			
			SE	NE		ORR, CONNIE	A33-10069 /25.0	-			
			SE	NE		WILLIAMS, HAROLD R.		33-00090E /			
			SE	NE		WILLIAMS, HAROLD R.		33-00092D /			
			SE	NE		BRABEC, MATTHEW		33-00109 /			
09N	27E	21	NE	SE		ORR, JACK	A33-10070 /34.0	/	36.0		39.0
			NE	SE		ORR, JACK	A33-00108 /34.0	33-00108 /			
			NE	SE		ORR, JACK	A33-00110 /34.0	33-00110 /			
			NE	SE		ORR, CONNIE	A33-10069 /34.0	-			
			NE	SE		WILLIAMS, HAROLD R.		33-00090E /			
			NE	SE		BRABEC, MATTHEW		33-00109 /			
09N	27E	21	S4	SE		ORR, JACK	A33-10070 / 2.0	/	5.0		4.4
			S4	SE		ANDREASON, JAMES O.	A33-00100 / 5.0	-			
			S4	SE		ANDREASON, JAMES O.	A33-07055 / 5.0	33-07055 / 5.0			
			S4	SE		ORR, JACK	A33-00108 / 2.0	33-00108 /			
			S4	SE		ORR, JACK	A33-00110 / 2.0	33-00110 /			
			S4	SE		ORR, CONNIE	A33-10069 / 2.0	-			
			S4	SE		WILLIAMS, HAROLD R.		33-00092D /			
			S4	SE		BRABEC, MATTHEW		33-00109 /			
			S4	SE		ALDOUS, JULIA V.		33-02013 /40.0			
09N	27E	21	SE	SE		ORR, JACK	A33-10070 /35.0	/	38.0		31.2
			SE	SE		ORR, JACK	A33-00108 /35.0	33-00108 /			
			SE	SE		ORR, JACK	A33-00110 /35.0	33-00110 /			
			SE	SE		ORR, CONNIE	A33-10069 /35.0	-			
			SE	SE		WILLIAMS, HAROLD R.		33-00092D /			
			SE	SE		BRABEC, MATTHEW		33-00109 /			
			SE	SE		ALDOUS, JULIA V.		33-02013 /40.0			
09N	27E	22	N4	N4		ORR, JACK	A33-10070 / 3.0	/	21.0		3.0
			N4	N4		ORR, JACK	A33-00108 / 3.0	33-00108 /			
			N4	N4		ORR, JACK	A33-00110 / 3.0	33-00110 /			

*Ownership by Orr not shown
See Note 2.*

FIELD EXAM.	RECOMM. ACRES
1	10
2	10
3	10
4	10
5	10
6	10
7	10
8	10
9	10
10	10
11	10
12	10
13	10
14	10
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87	10
88	10
89	10
90	10
91	10
92	10
93	10
94	10
95	10
96	10
97	10
98	10
99	10
100	10

LANDSAT
DATA

4R
#/ACRES

AJ
#/ACRES

ANNEX

1 1/4 1 1/2 LOT

IMP RNG SEC

NJ	NW	GAR, CONNIE	A33-10069 / 35.0	-	/
N4	NH	WILLIAMS, HAROLD R.		33-30090E /	
N4	NH	WILLIAMS, HAROLD R.		33-30092D /	
N4	NW	BRABEC, MATTHEW		33-30109 /	
09N 27E 28	NE	GAR, JACK	A33-10070 / 35.0	-	32.0
	NE	GAR, JACK	A33-30108 / 35.0	33-30108 /	
	NE	GAR, JACK	A33-30110 / 35.0	33-30110 /	
	NE	GAR, CONNIE	A33-10069 / 35.0	-	/
	NE	WILLIAMS, HAROLD R.		33-30090E /	
	NE	WILLIAMS, HAROLD R.		33-30092D /	
	NE	BRABEC, MATTHEW		33-30109 /	
	NE	ALCOUS, JULIA V.		33-32013 / 40.0	

206-30

145-30

435-10970

TOTAL PER RES

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

2.4:

NWNE Sec. 28

POW COUNTRY: BUTTE

FIELD
EXAMINER

DATA BASE

C. FIELD EXAM REQUIRED?
DUE TO POB DISCREPANCY? (Y/N)

~~PRE-SUMPTION FLAG: 3~~

NOTES:

1. Expansion of Areas over claimed Places of the BY 176ac.
2. 24 JAN 96, RUTHER Co. Assessor, Lori Gimmatt, CONFIRMS SWISS SEC. 21 AND NINE W. OF CLR SEC. 28 ARE HELD BY PANCHARD, BVE., EXCEPT THE N. N. SW 1/4 SEC. 21 T. 9 N., R. 27 E., HELD BY J. ANDERSON.

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AD CLAIMED USES:

PURPOSES
A33-10070 IRRIGATION

MONTH/DAY
FROM 04-11 TO 11-01

DIVERSION QUANTITY

.750 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.750 CFS

B. WR RECORDED USES:

PURPOSES
34-00001 IRRIGATION

MONTH/DAY
FROM 05-11 TO 10-15

DIVERSION QUANTITY

1.420 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.420 CFS

DOGS NOT RELATE
TO BASIN 33.

PRESUMPTION FLAG: 0

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD EXAMINER
DATABASE N
Y
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(✓)

Y(✓) N()

EXPLAIN IN NOTES, BELOW

NOTES:

Recommended April 1 to November 1 per Decree of Part 33-00092 & 00109
DECREED PERIOD OF USE IS "AT ANY TIME BETWEEN APRIL 1 AND NOVEMBER 1" (A. 21, XLY)

Y(✓) N()

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AW TOTAL CLAIMED DIVERSION RATE: 0.750 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: ~~1.420 CFS~~

IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ###
IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS ##
CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF Y: COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: PORTION OF 33-0090E, 33-00110 AND 33-00109

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A33-10070	SANMILL CREEK	DAZ, JACK	0.750	0.005		
A33-00170	DRY CREEK	ANDREASON, JAMES D.	0.300	0.006		
A33-00128	LITTLE LOST RIVER	DAZ, JACK	1.300	0.012		
A33-00110	HORSE CREEK	DAZ, JACK	0.400	0.002		
A33-07035	GROUNDWATER	ANDREASON, JAMES D	1.440	0.013		
A33-10059	LITTLE LOST RIVER	DAZ, CONNIE	0.200	0.001		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

A33-10070 is composed of .25cfs of 00092D and .50cfs of 00109 ⇒ 0.75cfs

18. CALCULATIONS

1. IRRIGATION RATE

ACRES X 0.02 CFS/ACRE = CFS
(TAKEN FROM P/U REVIEW)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 352.5 AF/A

ACRES X CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES X DIVERSION VOL. AF/A FOR AREA 3.5 =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()
P/O ARCO CANAL.

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~04-15~~ 04-15	DATABASE EXAMINER 0.750	DATABASE EXAMINER	DATABASE EXAMINER
TOTAL FOR THIS NIGHT		0.750 <i>OK</i>		362.5

REVIEWED BY: *AB Robinson* DATE: *26 Aug. 94*

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/AJUDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()

NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-10070
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
~~EXAMINER~~
EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A33-10070	0.750	-	-	-	-

TOTAL CFS 0.750

DIVERSION RATE REVIEW

DATABASE
N

FIELD
EXAMINER

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

NOTES:

A33-10070 AS DESCRIBED IN COMMENTS (Remarks Transferred) IS CLAIMED IN FULL.

AUTHENTICATION:

SIGNATURE: John B. Ruben DATE: 21 FEB 95
NAME OF FIELD EXAMINER: John B. Ruben TITLE: SA. Agt.

00:00:54
03/31/93

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A33-10070
5054

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y			N				
POINT OF JOU	Y			N				
SOURCE	Y			N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CF3/VOLUME	Y			Y				
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y							

VERIFIED BY CODES

- TOPD MAP/ORT40-PQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

CLAIM NUMBER: A33-10070

DIVER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C JACK BAR		05/25/1871	IRRIGATION	04-01 11-01	0.75 CFS	
C CONNIE BAR					0.75 CFS	
	MC 55 BOX 3165					
	MO4E IO 38244					
WATER SOURCE: SAWMILL CREEK		TRIBUTARY TO: LITTLE LOST RIVER		STAGE: DECREE		362.5 AFI
POINT(S) OF DIVERSION:		109N R27E S1D		BUTTE COUNTY		
PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION		SENE				
NAME NAME SENE SENE		NAME NAME SENE SENE		SUM		
T R S : LT AC LT AC LT AC LT AC		T R S : LT AC LT AC LT AC LT AC		SUM		
09N 27E 21 : 10		09N 27E 21 : 10		107.0		
09N 27E 22 : 25		09N 27E 22 : 25		3.0		
09N 27E 23 : 35		09N 27E 23 : 35		35.0		
				TOTAL ACRES		145.0

POU COUNTY: BUTTE

NON-IRRIGATION USES: NONE

OTHER RIGHTS: PORTION OF 33-00090E, 33-00110 AND 33-00103

REMARKS: TRANSFER 404, 423, 453.
THIS NOTICES COMBINES/250CFS OF DECREE RIGHT 33-00090E WITH
.50 CFS OF DECREE RIGHT 33-00109. SEE ATTACHED NOTICE
DESCRIBING 1/2 INTEREST IN "BRABE" PLACE WATER. THIS NOTICE
IS FOR 1/2 OF WATER UNDER THE ABOVE MENTIONED DECREE RIGHTS.

Comments

DATES: EXAM MADE DATES: 10/07/1985
FIELD INSPECTION FLAG: 0
PRESUMPTION FLAG: 0

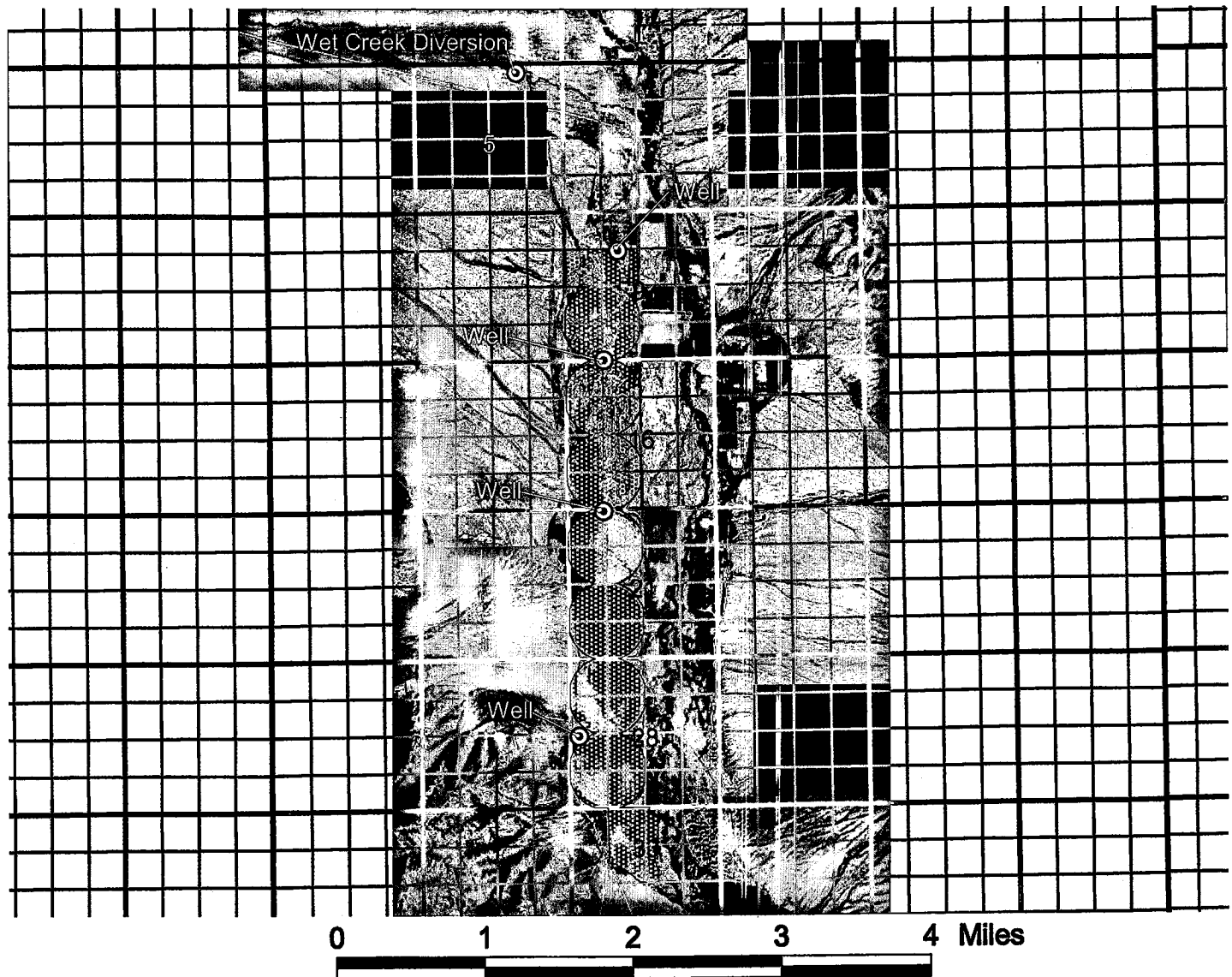
920 - T 450 .50 cfs. / 0.25 cfs.
109 1.00 cfs. - 0.50 cfs.
0.75 cfs.

CONDITIONS / Remarks
P001 P001
P006 P006



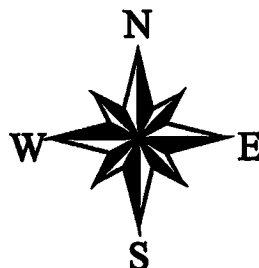
Department of Water Resources

Claim No.: 33-84, 33-85, 33-90E, 33-2065,
33-2066A, 33-2066B, 33-7015,
33-7202, 33-10070, 33-10998



Irrigated Acres = 1122

- Pod.shp
- T68885.shp
- Townships
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2002

Water Right Number - R33-10070

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

OAR

JACK

1 - HC 65 BOX 3165

2 -

3 -

City- HOWE

Phone - 208-000-0000

1 - HC 65 BOX 3165

2 -

3 -

City- HOWE

Phone - 208-000-0000

State- ID Zip- 83244

State- ID Zip- 83244

CONNIE

OAR

+ - - - - Priority Date - - - + + - - - - Region - - - + + - - - - Stage - - - + + - - - - Status - - - +
05/25/1891 15 EASTERN+ - - - - Source - - - - + + - - - - Tributary - - - - - +
SAWMILL CREEK LITTLE LOST RIVER+ - - - - Point of Diversion - - - - - +
Diversion Name

Diversion Name

09N 27E 16 SE SE NE (23) BUTTE

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

01 - IRRIGATION

04/01

11/01

0.750

+ - - - - Total Div. Rate - - + + - - - - Total Div. Volume - - + + - - - - Total Div. Capacity - - + + - - - - Total Consumptive Use - - + + - - - - KW Usage - - +
0.750 0.0

+ - - - - Twn Rng Sec Tract Lot Acres Code Description County

09N	27E	21	NE NE		01	IRRIGATION	(23) BUTTE
09N	27E	21	SE NE		01	IRRIGATION	(23) BUTTE
09N	27E	21	NE SE		01	IRRIGATION	(23) BUTTE
09N	27E	21	SW SE		01	IRRIGATION	(23) BUTTE
09N	27E	21	SE SE		01	IRRIGATION	(23) BUTTE
09N	27E	22	NW NW		01	IRRIGATION	(23) BUTTE
09N	27E	28	NE NE		01	IRRIGATION	(23) BUTTE

+ - - - - Diversion Means - HEADGATE IN RIVER TO DITCHES. FLOOD IRRIGATION

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN RECOMMENDED AS RIGHT NOS. 33-00092F AND 33-00109A.

Prefix Translation: RESEARCH

Old Water Right Numbers

[illegible]

+ + + + + Decree Plaintiff - - - +
BLAINE COUNTY INVESTMENT CO.
+ - - - - Decree Defendant - - - +
ROBERT G. MAYS, ET. AL.
+ - Decree Date - -
03/04/1927

+ + + + +
-Comments- + + + + +

THIS NOTICE COMBINES .25CS OF DECREE RIGHT 33-00092D WITH DESCRIBING 1/2 INTEREST IN "BRABEC PLACE" WATER. THIS NOTICE

[illegible]

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/16/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 33
Licensed Date	- 00/00/0000	Receipt Number	- E011733	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- OR	Notice of Error 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: **A33-10070**
Date Received: 1/16/1990
Receipt No: E011733
Received By: _____

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

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

2. Date of Priority: MAY 25, 1891

3. Source: SAWMILL CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	27E	16	SE	SE	NE		BUTTE

5. Description of diverting works:
HEADGATE IN RIVER TO 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	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	27E	21	NE	NE		IRR	13.0
			SE	NE		IRR	32.0
			NE	SE		IRR	35.0
			SW	SE		IRR	2.0

01/07/2002

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

RIGHT NUMBER: 33-10070
NAME AND ADDRESS: PANCHERI INC
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: WET CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 1.500 CFS
507.50 AFY

THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT OF DIVERSIION DESCRIBED BELOW IS 1.43 CFS. THIS REDUCTION IN QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 507.5 AF. COMBINED RIGHT NOS.: 33-90E, 33-10070.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.73 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3927.0 AF. COMBINED RIGHT NOS.: 33-84, 33-85, 33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-7202, 33-10070, 33-10998.

PRIORITY DATE: 05/25/1891

POINT OF
DIVERSION:

T09N R27E S5 NENWNE Lot 2 Within BUTTE County

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER FROM SAWMILL CREEK INTO LITTLE LOST RIVER IN THE ORIGINAL POINT OF DIVERSION IN T10N, R27E, S18, NWSESW, AND DIVERTING AN APPROPRIATE AMOUNT FROM WET CREEK AT THE POINT OF DIVERSION DESCRIBED ABOVE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

1.500 CFS
507.50 AFY

PLACE OF USE: IRRIGATION Within BUTTE County

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

T09N R27E S16	NENW	34.0	T09N R27E S16	NWNW	34.0
T09N R27E S16	SWNW	34.0	T09N R27E S16	SEnw	34.0
T09N R27E S16	NESW	34.0	T09N R27E S16	NWSW	34.0
T09N R27E S16	SWSW	34.0	T09N R27E S16	SESW	34.0
T09N R27E S21	NENW	34.0	T09N R27E S21	NWNW	34.0
T09N R27E S21	SWNW	34.0	T09N R27E S21	SEnw	34.0
T09N R27E S21	NESW	34.0	T09N R27E S21	NWSW	34.0
T09N R27E S21	SWSW	34.0	T09N R27E S21	SESW	34.0
T09N R27E S28	NENW	34.0	T09N R27E S28	NWNW	34.0
T09N R27E S28	SWNW	34.0	T09N R27E S28	SEnw	34.0
T09N R27E S28	NESW	34.0	T09N R27E S28	NWSW	34.0
T09N R27E S28	SWSW	34.0	T09N R27E S28	SESW	34.0
T09N R27E S33	NWNE	12.0	T09N R27E S33	SWNE	11.0
T09N R27E S33	NENW	40.0	T09N R27E S33	SEnw	30.0
T09N R27E S09	SWNW	40.0	T09N R27E S09	SEnw	37.0
T09N R27E S09	NESW	34.0	T09N R27E S09	NWSW	34.0
T09N R27E S09	SWSW	34.0	T09N R27E S09	SESW	34.0

1122 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 33-00090E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-90E, 33-10070, 33-7202.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1122 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-84, 33-85, 33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-7202, 33-10070, 33-10998.

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

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT FROM SAWMILL CREEK AT THE ORIGINAL POINT OF MEASUREMENT IN T10N R26E S12 NESW. 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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00109, 33-00092D, 33-00092F.

works of a The right holder shall maintain a measuring device and lockable controlling

type approved by the Department in a manner that will provide the watermaster

suitable control of the diversion.

cfs per This right when combined with all other rights shall provide no more than 0.02

the lands acre nor more than 3.5 afa per acre at the field headgate for irrigation of

above.

The right holder shall accomplish the change authorized by this transfer by

November 7, 2002..

Failure of the right holder to comply with the conditions of this transfer is

cause for the Director to rescind approval of the transfer.



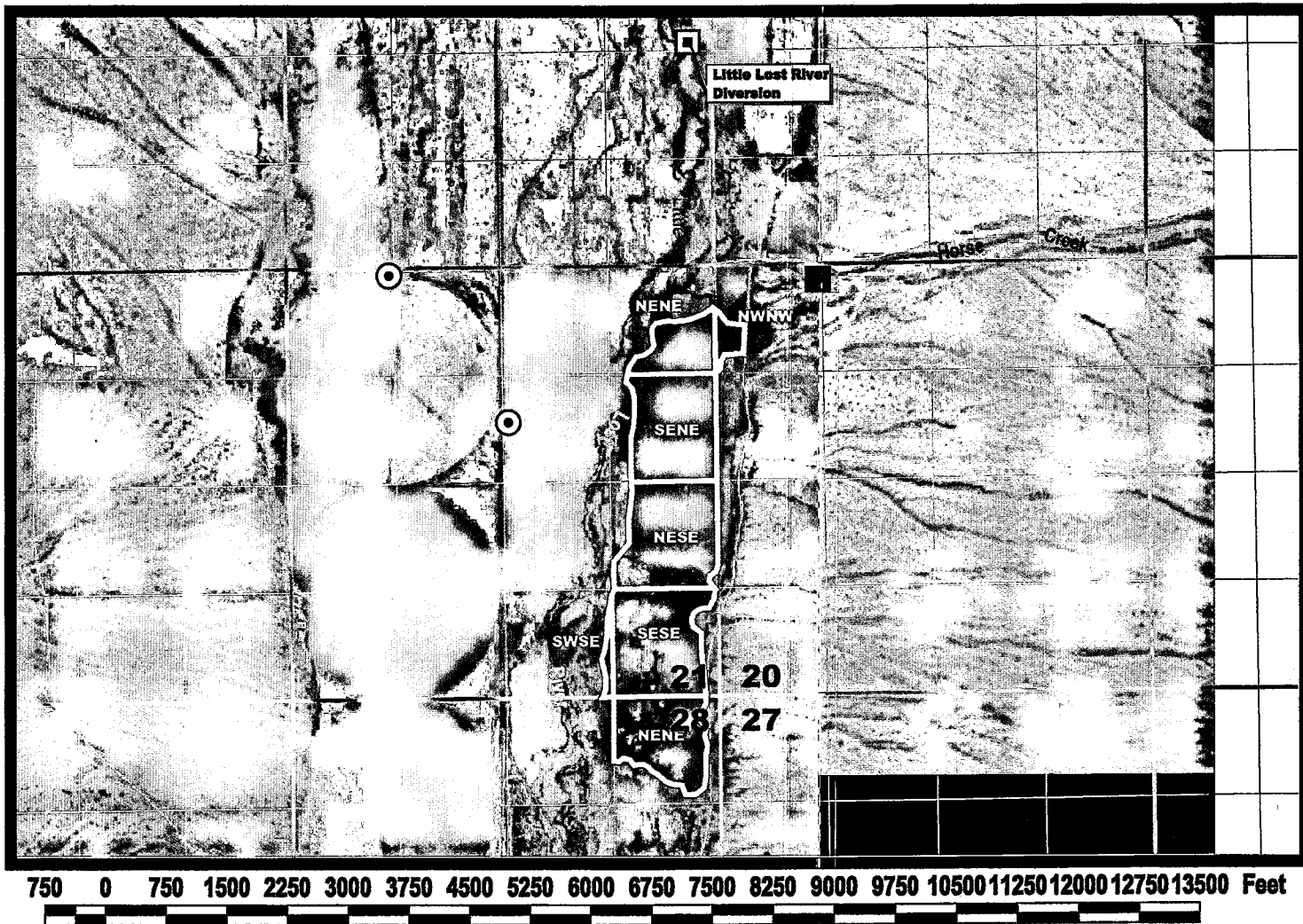
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Pancheri, Inc.

Water Right(s): 33-10070, 33-00090E



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use

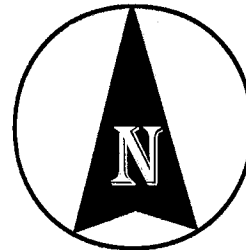


Section Line

Quarter-section line

**Place(s) of Use: T.9N., R.27E.
Sec. 21 (parts of) E2E2, SWSE
Sec. 22 (part of) NWNW,
Sec. 28 (part of) NENE**

**Point(s) of Diversion: T.9N., R.27E.
Sec. 16 SESENE (Little Lost River)**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 1989

10/30/2001

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

RIGHT NUMBER: 33-10070
NAME AND ADDRESS: PANCHERI INC
C/O JERRY PANCHERI PRES
HC 65 BOX 2104
HOWE ID 83244

SOURCE: WET CREEK

TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 1.500 CFS
507.50 AFY

THE QUANTITY OF WATER THAT MY BE DELIVERED AT THE POINT OF DIVERSIION DESCRIBED BELOW IS 1.43 CFS. THIS REDUCTION IN QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

USE OF THIS RIGHT WITH RIGHT NO. 33-90E IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 507.5 AF.

PRIORITY DATE: 05/25/1891

POINT OF
DIVERSION: T09N R27E S5 NENWNE Within BUTTE County

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER ~~DIVERTED UNDER THIS RIGHT FROM SAWMILL CREEK~~ INTO LITTLE LOST RIVER AT THE ~~POINT OF INJECTION DESCRIBED ABOVE ORIGINAL POINT OF DIVERSION IN~~ T10N, R27E, S18, NWSESW, AND DIVERTING AN APPROPRIATE AMOUNT FROM WET CREEK AT THE POINT OF DIVERSION DESCRIBED ABOVE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.500 CFS 507.50 AFY

PLACE OF USE: IRRIGATION Within BUTTE County

T09N R27E S16	SWNW	34.0	T09N R27E S16	SENW	34.0
T09N R27E S16	NESW	34.0	T09N R27E S16	NWSW	34.0
T09N R27E S16	SWSW	9.0			

145 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 33-00090E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-90E, 33-10070 AND 33-7202.

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.

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT FROM SAWMILL CREEK AT THE ORIGINAL POINT OF MEASUREMENT IN T10N R26E S12 NESW.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

10/30/2001

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00109, 33-00092D,
33-00092F.

10/26/2001

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

RIGHT NUMBER: 33-10070

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

SOURCE: WET CREEK

TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 1.500 CFS
507.50 AFY

THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT OF DIVERSION DESCRIBED BELOW IS 1.43 CFS. THIS REDUCTION IN QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

USE OF THIS RIGHT WITH RIGHT NO. 33-90E IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 507.5 AF.

PRIORITY DATE: 05/25/1891

POINT OF
DIVERSION:

T09N R27E S5 NENWNE Within BUTTE County

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO LITTLE LOST RIVER AT THE POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN APPROPRIATE AMOUNT FROM WET CREEK AT THE POINT OF DIVERSION DESCRIBED ABOVE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.500 CFS <u>507.50 AFY</u>

PLACE OF USE: IRRIGATION Within BUTTE County

<u>T09N R27E S16</u>	<u>SWNW</u>	<u>34.0</u>	<u>T09N R27E S16</u>	<u>SENW</u>	<u>34.0</u>
<u>T09N R27E S16</u>	<u>NESW</u>	<u>34.0</u>	<u>T09N R27E S16</u>	<u>NWSW</u>	<u>34.0</u>
<u>T09N R27E S16</u>	<u>SWSW</u>	<u>9.0</u>			

145 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 33-00090E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-90E, 33-10070 AND 33-7202.

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.

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT FROM SAWMILL CREEK AT THE ORIGINAL POINT OF MEASUREMENT IN T10N R26E S12 NESW.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

10/26/2001

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00109, 33-00092D,
33-00092F.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)DATE: 01/19/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PANCHERI INC	05/25/1891	IRRIGATION	04-01 11-01	1,500 CFS	
TOTAL DIVERSION:					1,500 CFS	

Water Source: SALMILL CREEK Tributary to: LITTLE LOST RIVER Stage: DECREE

Point(s) of Diversion: T11N R26E S10 NWNE LEMHI County
Point(s) of Injection: T10N R27E S18 NWSEW BUTTE County
Point(s) of Re-diversion: T09N R27E S16 SESENE BUTTE County

Place of Use Legal Description for: IRRIGATION

		NE		NW		SW		SE		SUM												
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09N	27E	21	:	13	:	32	:	:	:	:	:	35	:	02	:	34	:	:	:	:	:	116.0
09N	27E	22	:	:	:	:	:	04	:	:	:	:	:	:	:	:	:	:	:	:	:	4.0
09N	27E	28	:	25	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	25.0
TOTAL ACRES																		145.0				

POU County: BUTTE

Other Rights: 33-00090E, 33-00108, 33-00110

Conditions of Approval:

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

Remarks: QNT

THE QUANTITY OF WATER THAT MAY BE DIVERTED AT THE POINT(S) OF DIVERSION DESCRIBED ABOVE IS 1.43 CFS. THIS REDUCTION IN QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

EXP

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00109, 33-00092D, 33-00092F.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 33

Field Inspection Flag: C
Presumption Flag: C

AJ0749NP
No. R33-10070

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

DATE: 01/19/00
PAGE: 2

Comments:

Date: 08/19/1999 User-ID: ARUBERRY Subject: QUITCLAIM DEED
OAR QUITCLAIM DEEDED HIS INTERESTS TO PANCHERI, INC. IN 1994.

Date: 08/19/1999 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
TRANSFER 404, 423, 450.
THIS NOTICES COMBINES .25CFS OF DECREEED RIGHT 33-00092D WITH
.50CFS OF DECREEED RIGHT 33-00109. SEE ATTACHED NOTICE
DESCRIBING 1/2 INTEREST IN "BRABEC PLACE" WATER. THIS NOTICE
IS FOR 1/2 OF WATER UNDER THE ABOVE MENTIONED DECREEED RIGHTS.

Date: 11/22/1999 User-ID: AJU10-EC Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 11/24/1999 User-ID: BCONTOR Subject: OWNERSHIP
POU NOT OWNED BY CLAIMANT - SEE FILE.

Audit: 01/19/00 BCONTOR

Water Right Number - A33-10070 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

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

*** A - ATTORNEY ***
FOSTER

KENT W

1 - PO BOX 50130
2 -
3 -

City- IDAHO FALLS State- ID Zip- 83405
Phone - 208-523-0620

*** C - CURRENT OWNER ***
PANCHERI INC

1 - C/O JERRY PANCHERI, PRESIDENT
2 -
3 -

City- HOME State- ID Zip- 83244
Phone - 208-767-3419

*** O - ORIGINAL OWNER ***
OAR

CONNIE

1 - HC 65 BOX 3165
2 -
3 -

City- HOME State- ID Zip- 83244
Phone - 208-000-0000

JACK

1 - HC 65 BOX 3165
2 -
3 -

City- HOME State- ID Zip- 83244
Phone - 208-000-0000

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/25/1891 15 EASTERN D - DECREED

+ - - Source - - - + + - - Tributary - - - +
SAWMILL CREEK LITTLE LOST RIVER

+ - - Point of Diversion - - - + + - - County - - - +
Point of Diversion BUTTE

09N 27E 16 SE SE NE (23) BUTTE

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

01 - IRRIGATION 04/01 11/01 1.500

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
1.500 1.500 0.0

+ - - Place of Use - - - + + - - County - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	27E	21	NE NE	13.0	01	IRRIGATION	BUTTE	(23)
09N	27E	21	SE NE	32.0	01	IRRIGATION	BUTTE	(23)
09N	27E	21	NE SE	35.0	01	IRRIGATION	BUTTE	(23)
09N	27E	21	SW SE	2.0	01	IRRIGATION	BUTTE	(23)
09N	27E	21	SE SE	34.0	01	IRRIGATION	BUTTE	(23)
09N	27E	22	NW NW	4.0	01	IRRIGATION	BUTTE	(23)

Water right number - A33-10070

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	27E	28	NE NE	01	25.0	01	IRRIGATION	(23) BUTTE
Total Acres:					145.0			

+ - - - - Diversion Means - HEADGATE IN RIVER TO DITCHES. FLOOD IRRIGATION

+ - - - - Non-Irrigation Use - NONE

+ - - - - Other Rights for Same Use - PORITON OF 33-00090E, 33-00110 AND 33-00108

+ - - - - Remarks

GEN TRANSFER 404, 423, 450.
THIS NOTICES COMBINES DECREED RIGHT 33-00092D WITH
DECREED RIGHT 33-00109. SEE NOTICE
DESCRIBING 1/2 INTEREST IN "BRABEC PLACE" WATER WITH ORIGINAL
CLAIM.
CHANGE OF OWNERSHIP 8/23/1999 PER QUITCLAIM DEED. CLAIM
AMENDED TO REFLECT FULL PORTION OF ABOVE DESCRIBED RIGHTS, POI
ADJUSTED PER GIS. BCNTOR.

No Old Water Right Numbers Found

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
BLAINE COUNTY INVESTMENT CO.	ROBERT G. MAYS, ET. AL.	03/04/1927

Comments
No Comments Found

Audit Fields
00/00/0

Court Report Filing	Field Inspection Made	Civil Case Number
Objection Filed Date	Field Inspection Flag	Old Case Number
Response Filed Date	Verified Date	Old Judicial District
Claim Received Date	Last Amended Date	Temporary Right
	Receipt Number	Water District
	POI Ownership Flag	Federal/State Indicator
	Name Connector	Presumption Flag
		Notice of Error 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: A33-10070
Date Received: 1/16/1990
Receipt No: E011733
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: MAY 25, 1891

3. Source: SAWMILL CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	27E	16	SE	SE	NE		BUTTE

5. Description of diverting works:
HEADGATE IN RIVER TO 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	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	27E	21	NE	NE		IRR	13.0
			SE	NE		IRR	32.0
			NE	SE		IRR	35.0
			SW	SE		IRR	2.0

*Original
sent to
court.
4-20-00*

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	27E	21	SE	SE		IRR	34.0
						Section Acres	116.0
		22	NW	NW		IRR	4.0
						Section Acres	4.0
		28	NE	NE		IRR	25.0
						Section Acres	25.0
						Total Acres	145.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? ~~YES~~ NO

13. Other Water Rights Used:

PORITON OF 33-00090E, 33-00110 AND 33-00108

14. Remarks:

TRANSFER 404, 423, 450.
 THIS NOTICES COMBINES DECREEED RIGHT 33-00092D WITH
 DECREEED RIGHT 33-00109. SEE NOTICE
 DESCRIBING 1/2 INTEREST IN "BRABEC PLACE" WATER WITH ORIGINAL
 CLAIM.
 CHANGE OF OWNERSHIP 8/23/1999 PER QUITCLAIM DEED. CLAIM
 AMENDED TO REFLECT FULL PORTION OF ABOVE DESCRIBED RIGHTS, POU
 ADJUSTED PER GIS. BCONTOR.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: 3/ 4/1927

BLAINE COUNTY INVESTMENT CO.
 Decree Plaintiff

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

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am ATTORNEY of
Title

PANCHERI INC., that I have signed the foregoing
Organization

document in the space below as ATTORNEY of
Title

PANCHERI INC. and that the statements contained in the
Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

ATTORNEY FOR PANCHERI, INC.
Title and Organization

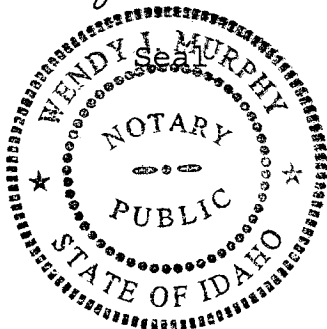
8/23/99
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23RD day

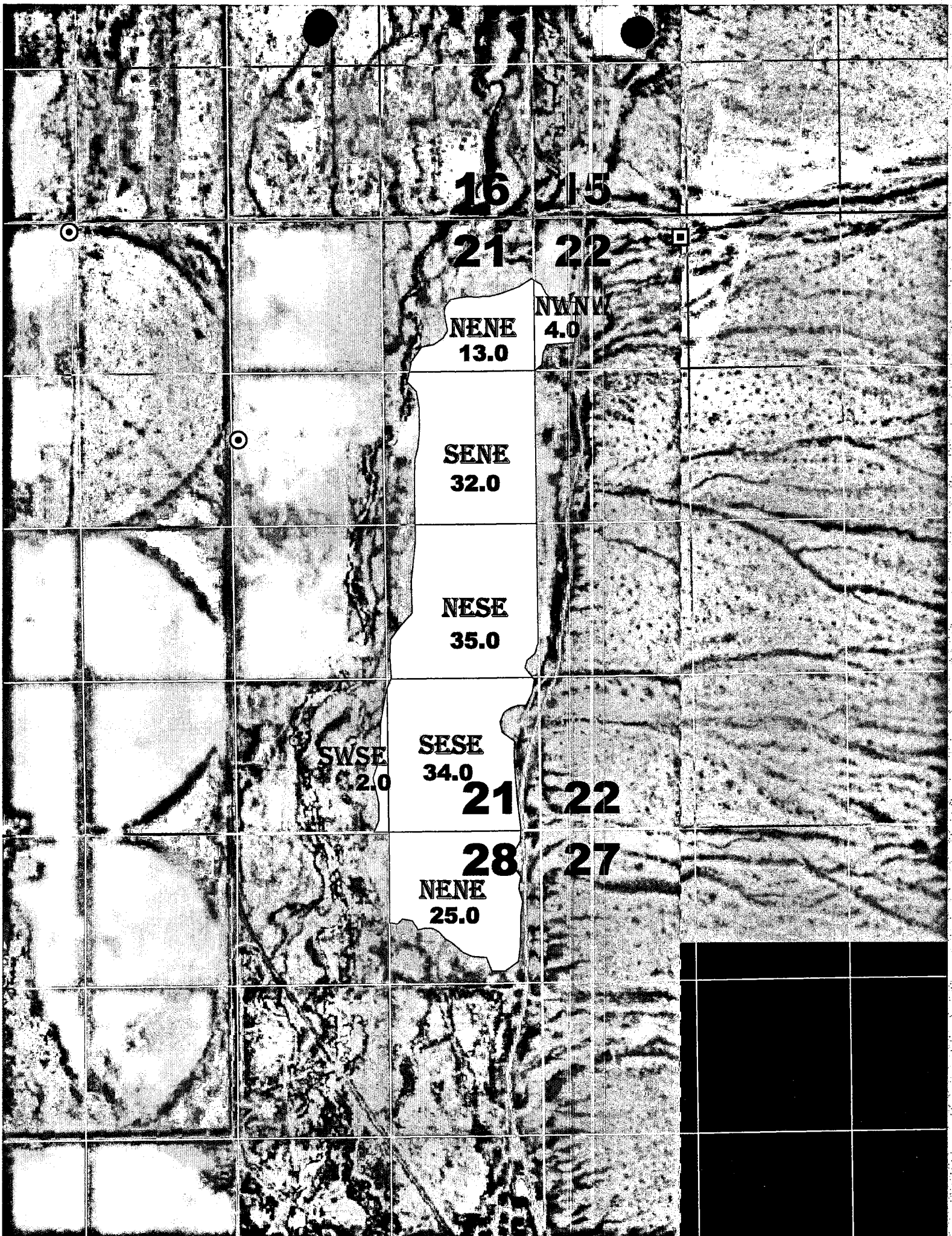
of August 19 99

Wendy J. Murphy
Notary Public



Residing at Idaho Falls

My Commission Expires 6/23/00



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

RENUMBERED TO A33-10070

Ident. Number: ~~A33-00109~~

Date Received:

Receipt No: X777777

Received By: *sw*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPLIT RIGHT

Address:

N/A, ID

00000

OR

Name: COMBINED RIGHT

Address:

N/A, ID

00000

*Original
Sent to
Court.*

4-20-00

A3300109



2. Date of Priority: MAY 25, 1891

3. Source: SAW MILL CREEK
SPLIT RIGHT
COMBINED RIGHT

Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot
65N	45E	36		

County
SUBSCRIPTION

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			1.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A33-00109

Page

1

Date: 12/27/89

MICROFILMED

NOV 18 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	27E	21	NE		NE		IRR	
			SE		NE		IRR	
			NE		SE		IRR	
			SW		SE		IRR	
			SE		SE		IRR	
		22	NW		NW		IRR	
		28	NE		NE		IRR	
			NW		NE		IRR	

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:
33-0108/0110

14. Remarks:

P/D NOT GIVEN.

**** THIS RIGHT HAS BEEN SPLIT AND COMBINED WITH OTHER RIGHTS.
- 0.50CFS WAS COMBINED WITH A 0.25CFS PORTION OF 33-00092D
UNDER NOTICE A33-10070 FOR JACK OAR. ESV 12/26/89

15. Basis of Claim:

NO FEE IF RECEIVED

BY 2/5/90 *r.o.*

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: A33-10070

Date Received: 12/26/1989

Receipt No: E011733

Received By: SV
P.M. 1/12/90

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK OAR
Address: HC 65 BOX 3165
HOWE, ID

83244

OR
Name: CONNIE OAR
Address: HC 65 BOX 3165
HOWE, ID

83244

2. Date of Priority: MAY 25, 1891

3. Source: SAWMILL CREEK

Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	27E	16	SE	SE	NE		BUTTE

5. Description of diverting works:
HEADGATE IN RIVER TO 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	0.750		

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

A.F.A.

8. Total consumptive use is 362.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

*Original
Sent to
Court.
4-20-00*

A33-10070

Page 1

Date: 12/26/89

MICROFILMED
NOV 18 1992

RECEIVED

JAN 16 1990

RECEIVED

JAN - 6 1990

Department of Water Resources
Eastern District Office



10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
09N	27E	21	NE	NE		IRR	10.0
			SE	NE		IRR	25.0
			NE	SE		IRR	34.0
			SW	SE		IRR	2.0
			SE	SE		IRR	36.0
						Section Acres	107.0
		22	NW	NW		IRR	3.0
						Section Acres	3.0
		28	NE	NE		IRR	35.0
						Section Acres	35.0
						Total Acres	145.0

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:

PORITON OF 33-00090E, 33-00110 AND 33-00108

14. Remarks:

TRANSFER 404, 423, 450.

THIS NOTICES COMBINES .25CFS OF DECREED RIGHT 33-00092D WITH
.50CFS OF DECREED RIGHT 33-00109. SEE ATTACHED NOTICE
DESCRIBING 1/2 INTEREST IN "BRABEC PLACE" WATER. THIS NOTICE
IS FOR 1/2 OF WATER UNDER THE ABOVE MENTIONED DECREED RIGHTS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/04/1927

BLAINE COUNTY INVESTMENT CO.

Decree Plaintiff

vs

ROBERT G. MAYS, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not 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): Jack Orr Date: Dec. 26, 1989
Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of December 1989

[Signature]
Notary Public

Seal

Residing at Shelbourn, Ill.

My Commission Expires 22 Aug 1994

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

