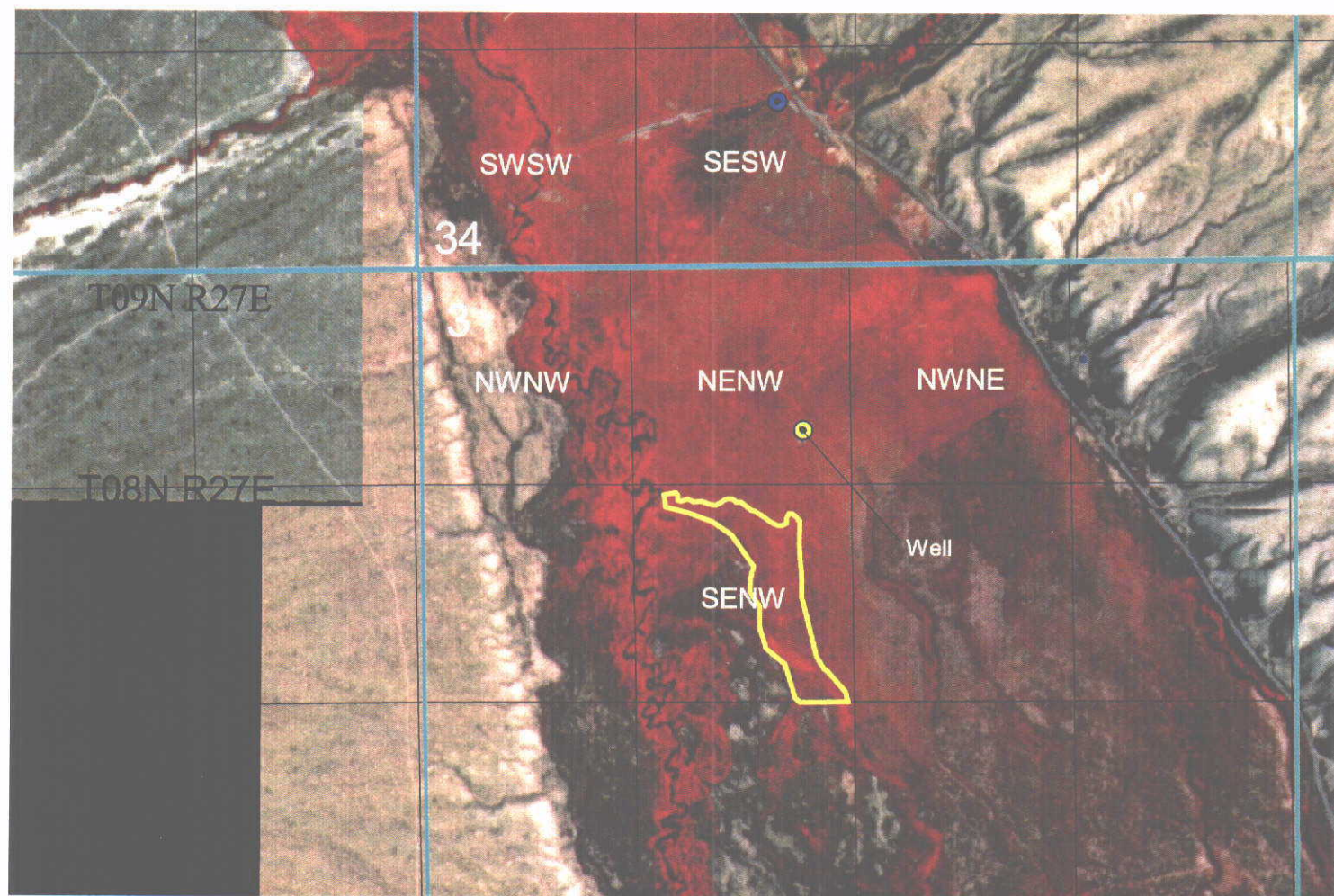




STATE OF IDAHO

Department of Water Resources

Water Right(s): 33-10997

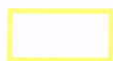


0 1320 2640 3960 Feet

LEGEND



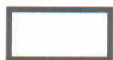
Point of Diversion



Place of Use

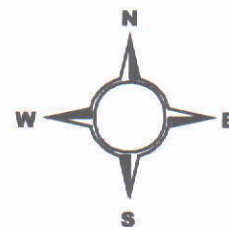


Section Line



Quarter-section line

Irrigated Acres = 9



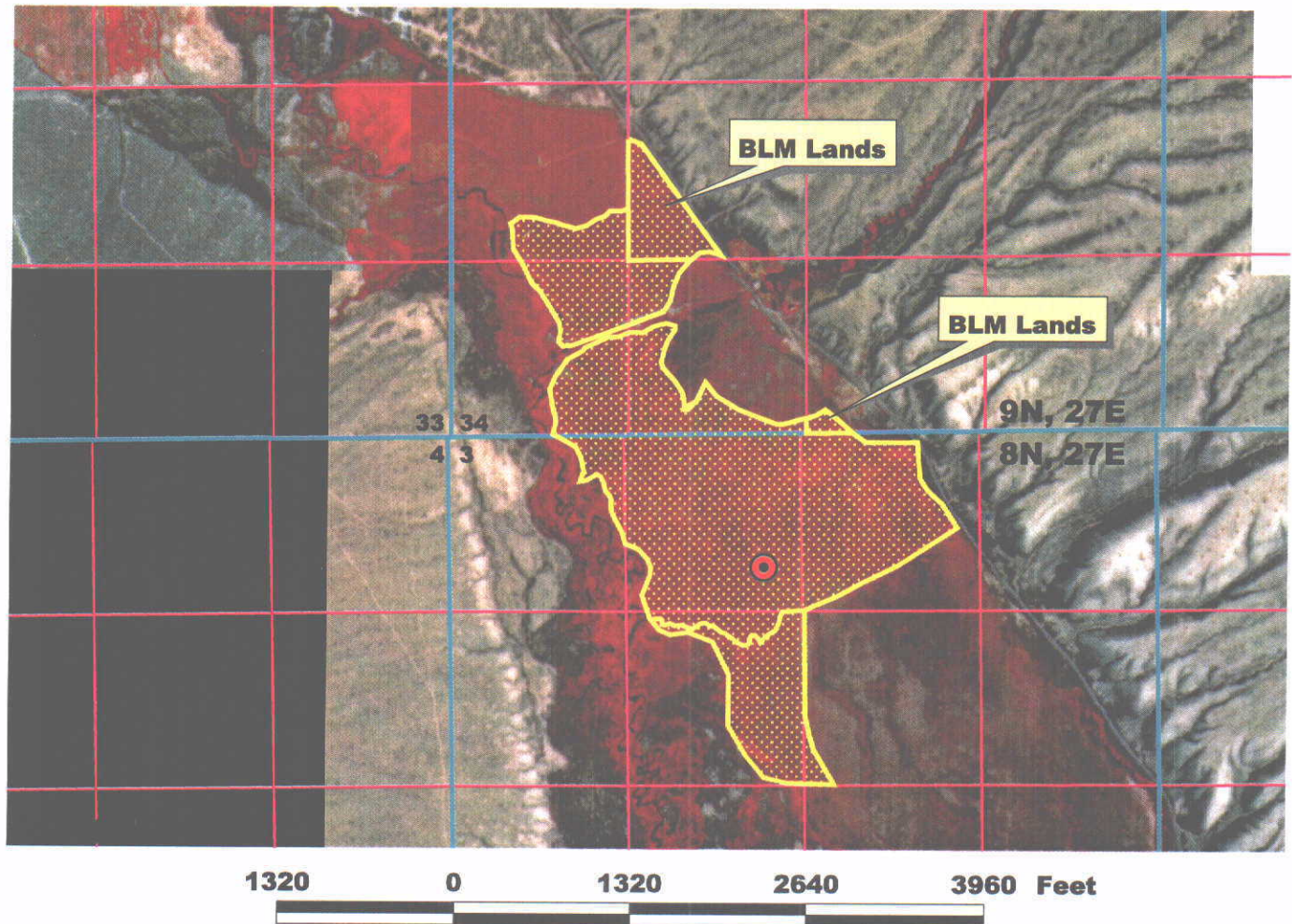
GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: December 2001



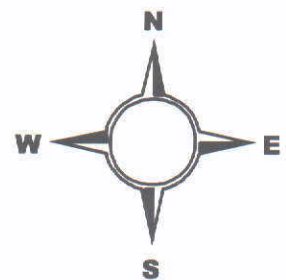
STATE OF IDAHO

Department of Water Resources
Eastern Region

WR No(s): 33-10997

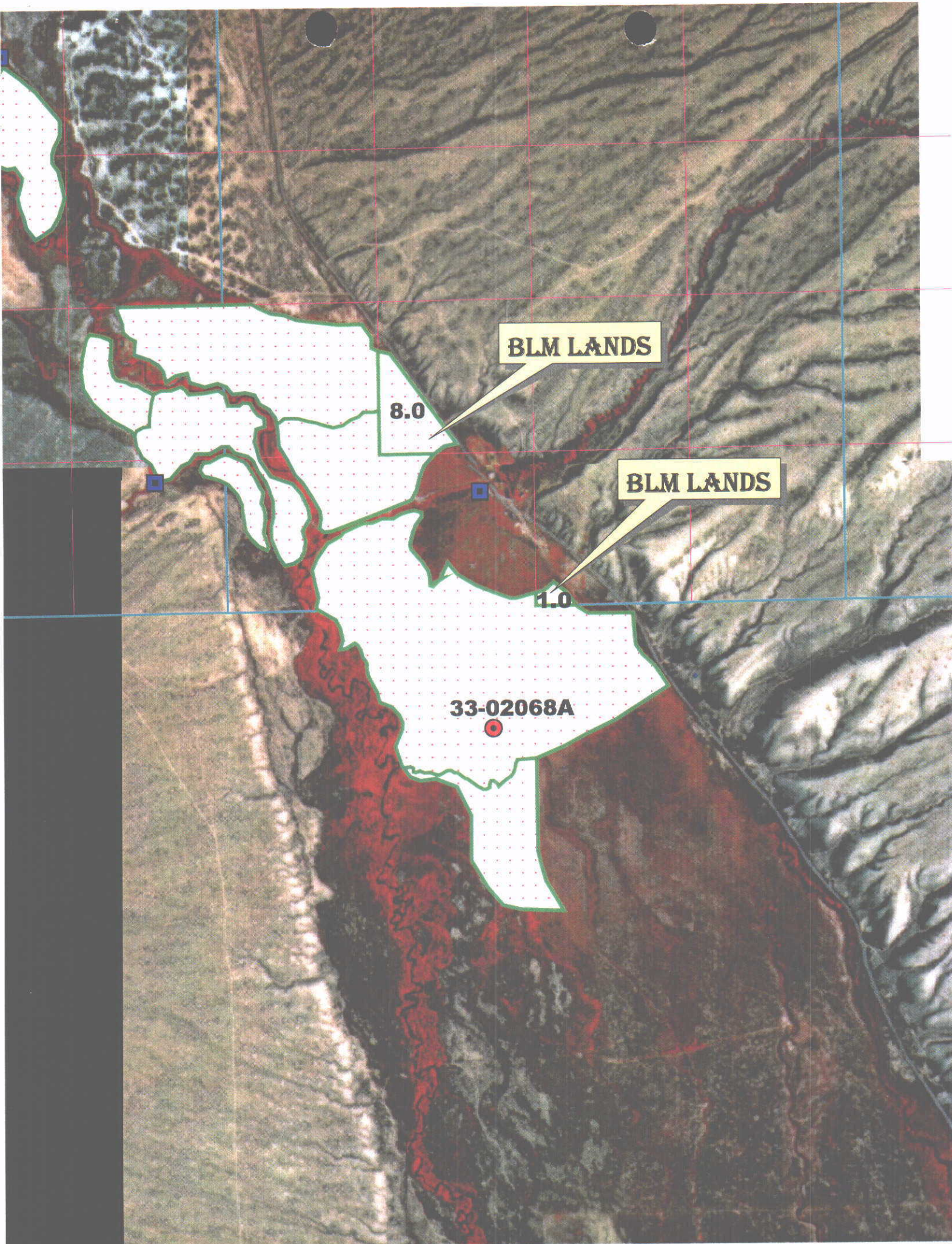


Total Irrigated Acres: 123



- Point of Diversion
- Place of Use
- Quarter Quarter
- Sections

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: C. Saxton
Date: May 2000



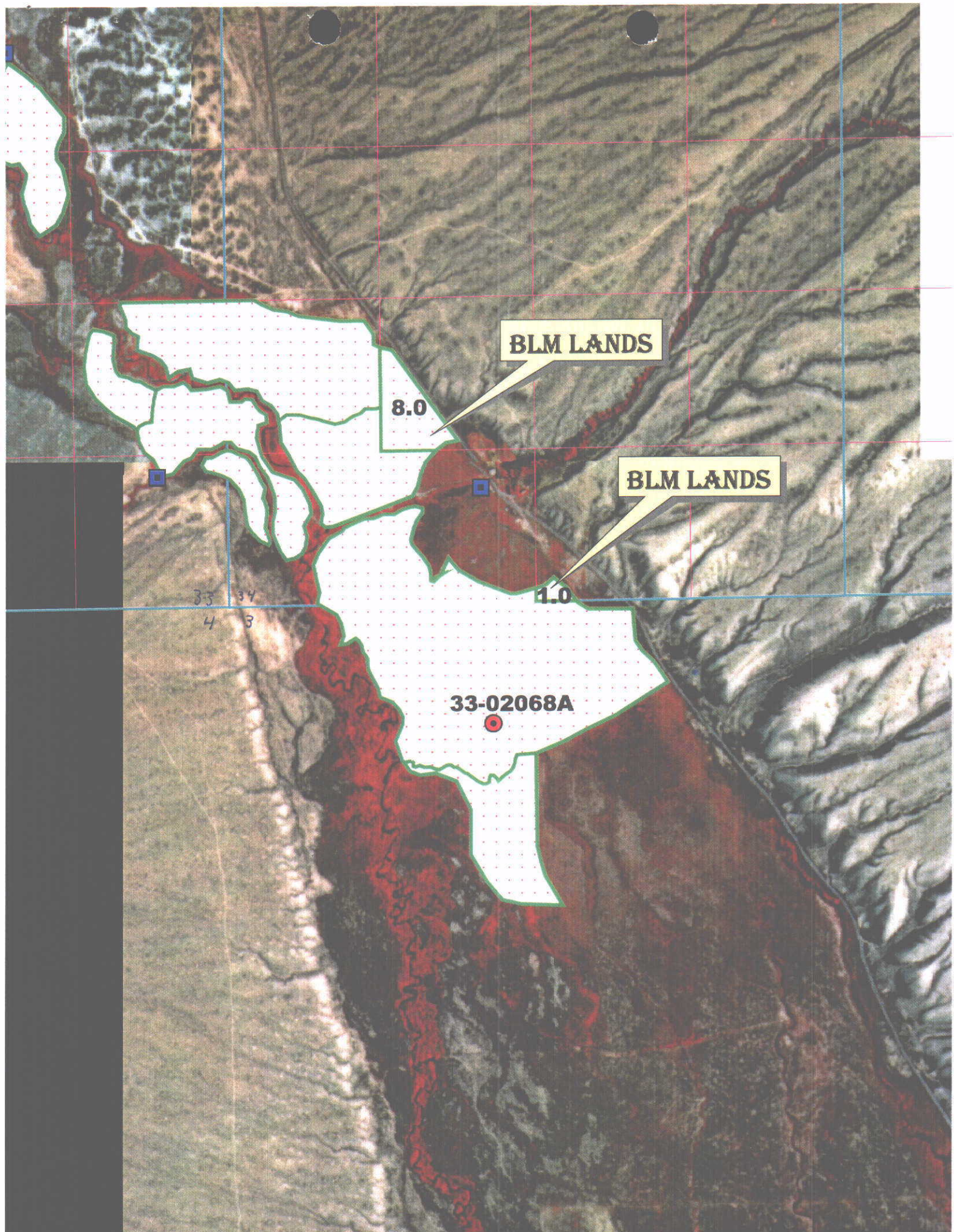
BLM LANDS

8.0

BLM LANDS

1.0

33-02068A





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 19, 2001

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

RE: Transfer #5797 for water right(s) 33-10997 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Sir:

On October 23, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5797, 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 Re SRBA
Case No. 39576

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **5797**

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 19, 2001

Ernest Carlson.

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Oct. 19, 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 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:

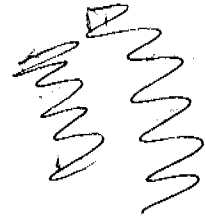
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

TRANSFER APPLICATION STAGE

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

1. 33-02068A
 2. 33-00035A
 3. 33-10997
- overlapping rights
NOH's



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

1. ~~33-00035A~~
 2. ~~33A~~
 3. ~~33A~~
 4. ~~33A~~
 5. ~~33A~~
 6. ~~33A~~
- NO OVERLAP

NAP sent
8/23/00

TRANSFER APPROVAL STAGE

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

NO SPLITS

~~REMARKS OF 32A AND 33A DO NOT INCLUDE~~
~~2068A, 35A AND 10997~~

*2) Any additional overlapping recommended rights

1. NO
2. NO
3. NO
4. NO
5. NO
6. NO

Potentialy some overlap

* To be completed by agent

move the 33 BLM to Private

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5797
WATER RIGHT NO. 33-10997

RECEIVED

OCT 26 2000

Department of Water Resources
Eastern District Office

This is to certify that: **PANCHERI INC**
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	* 0.17 CFS	31.5 AF *

SOURCE

GROUNDWATER

Priority: 04/15/1953

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (SENEW), Sec. 3, Township 08N, Range 27E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	27E	3	SENEW	9		9
Total number of acres irrigated:						9 *

CONDITIONS OF APPROVAL AND REMARKS

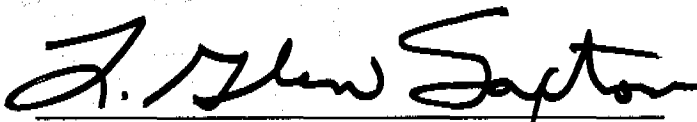
1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

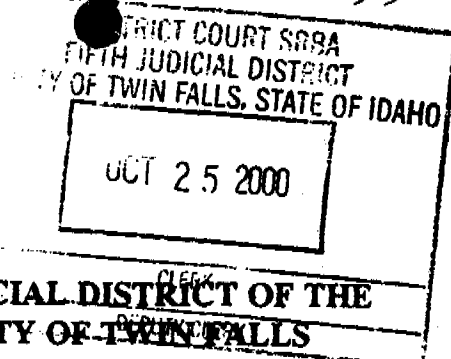
TRANSFER NO. 5797
WATER RIGHT NO. 33-10997

CONDITIONS OF APPROVAL AND REMARKS

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Right 33-10997 is an enlargement of Right 33-02068A.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
- * 8. Rights 33-00035A, 33-02068A and 33-10997 when combined shall not exceed a total diversion rate of 2.28 cfs, a total annual maximum diversion volume of 430.5 af at the field headgate, and the irrigation of 123.0 acres.
9. Rights 33-02068A and 33-02068B are also diverted through the point of diversion described above.

Dated this 23 day of October, 2000.


Chief, Water Allocation Bureau



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

In Re SRBA

Case No. 39576

Subcase(s): 33-00024 et al

Pancheri Inc

ORDER SETTING HEARING

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

- ☒ Status Conference
☐ Settlement Conference
☐ Scheduling Conference

Date: Dec 20, 2000 11am

Location: SRBA Court phone

DATED: 10/25/2000.

Brigitte Bilyeu
BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

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

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

Kent Foster

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

Deputy Clerk
Deputy Clerk



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-717

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 #5797 (33-10997) and overlapping rights
(33-00035A, 33-02068A) and Notice of Administrative Proceeding
(NAP)

Dear Mr. Foster:

On July 14, 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	)	Water Rights: 33-10997 &
	)	OVERLAPPING RIGHTS 33-00035A, 33-02068A
Case No. 39576	)	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 5797
 - ☐ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use

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

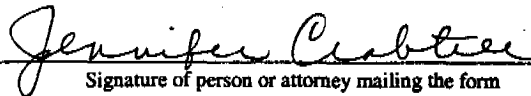
DATED: 14 Aug 2000


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

**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 33-10997

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

11. I object because:

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

E. REASONS SUPPORTING OBJECTION(S):

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

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

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

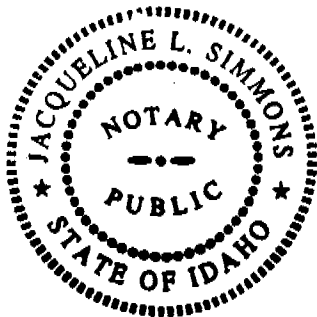
(Name of person filing objection)

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

Fredric W. Price
(Signature of person filing objection)

(Attorney signing in representative capacity)

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



Jacqueline L. Simmons

Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on April 7, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Pancheri, Inc.

Address: HC 65 Box 2104 Howe, ID. 83244

Name: c/o Jerry Pancheri, President

Address:

Name:

Address:

Name:

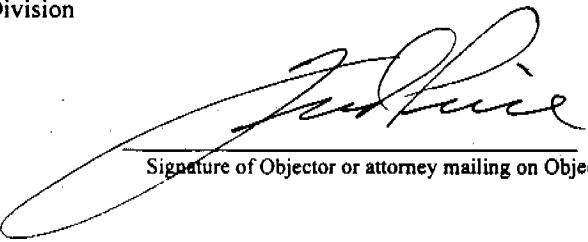
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 33-10997

NAME & ADDRESS: PANCHERI INC
L/O JERRY PANCHERI, PRES
HOWE ID 83244HC65 BOX 2104

SOURCE: GROUNDWATER

QUANTITY: 0.17 CFS

USE OF THIS RIGHT WITH RIGHT NO. 33-02068A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.28 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 430.5 AF.

PRIORITY DATE: 04/15/1953

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T08N R27E S03 LOT 3 (SENENW) Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-15 10-31	0.17 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County			
T08N R27E S03	NWNE 24	SWNE 1	NENW 38	NWNW 4	
	SENW 18				
T09N R27E S34	NESW 8	NWSW 6	SWSW 9	SESW 14	
	SWSE 1				
123 ACRES TOTAL					

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02068A AND 33-00035A.

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

H 5797

Issue:Places of use on BLM

→ Farming on public land is not authorized

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 33-10997 (CONT)

OTHER PROVISIONS: (CONT)

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 - BENEFICIAL USE
RIGHT NOS. 33-02068A AND 33-02068B ARE ALSO DIVERTED THROUGH
THE POINT OF DIVERSION DESCRIBED ABOVE.

RECEIVED

FEB 22 2000

Department of Water Resources
Eastern Region

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

In Re SRBA	)	SUBCASE NOS. 33-00044,
	)	33-00045, 33-00046, 33-00101A,
Case No. 39576	)	33-02068A, 33-02068B, 33-02108B,
	)	33-02117A 33-02117B, 33-02126B,
	)	33-10997, 33-10998, 33-10999
	)	
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDING

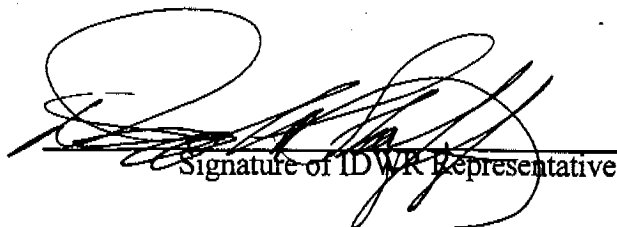
IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:
Pancheri, Inc.
C/O Jerry Pancheri, President
HC 65, Box 2104
Howe, ID 83244

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

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

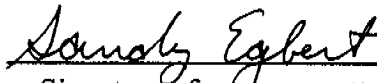
Dated: 2/15/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2-15, 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 or attorney of record:
Pancheri, Inc.
C/O Jerry Pancheri, President
HC 65 Box 2104
Howe, ID 83244
3. One Copy to:
Each party in the subcase or attorney of record:
Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P.O. box 50130
Idaho Falls, ID 83405
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-15-2000
PAGE: A-20

RIGHT NUMBER: 33-10997

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

SOURCE: GROUNDWATER

QUANTITY: 0.17 CFS

USE OF THIS RIGHT WITH RIGHT NO. 33-02068A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.28 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 430.5 AF.

PRIORITY DATE: 04/15/1953

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T08N R27E S03 LOT 3 (SENEW) Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-15 10-31	0.17 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T08N R27E S03	NWNE 24	SWNE 1	NENW 38	NWNW 4
		SENEW 18			
	T09N R27E S34	NESW 8	NWSW 6	SWSW 9	SESW 14
		SWSE 1			
	123 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02068A AND 33-00035A.

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

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

DATE: FEB-15-2000
PAGE: A-21

RIGHT NUMBER: 33-10997 (CONT)

OTHER PROVISIONS: (CONT)

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 - BENEFICIAL USE
RIGHT NOS. 33-02068A AND 33-02068B ARE ALSO DIVERTED THROUGH
THE POINT OF DIVERSION DESCRIBED ABOVE.



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 14, 2000

Pancheri, Inc.
c/o Jerry Pancheri, President
Howe, Idaho 83244-8719

Kent Foster
Holden, Kidwell, Hahn, and Crapo
PO Box 50130
Idaho Falls, Idaho 83402

Re: Adjudication Claim A33-10997

Dear Mr. Pancheri and Mr. Foster:

We have discovered an error I made in the recommendation for this water right. This right is actually a beneficial use claim, because the diversion and application to beneficial use occurred prior to 1963. However, I inadvertently coded the recommendation as an enlargement claim.

Because of this error, the recommendation has gone forward to the court with the condition "This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements..." This puts your water right at a significant disadvantage. I would like to correct the error, but unfortunately once the rights have been recommended to the court, the only way to change them is through the objection process.

You may wish to object to this condition. Enclosed for your convenience is a "Standard Form 1" objection, with instructions. Note that the original must be sent to the court, and copies to all the parties listed on the "Notice of Mailing."

If you decide to object, the element to object to is "Item 4, Priority Date." The wording of your disagreement should be something like "Enlargement Subordination language should not be attached to this beneficial use right with priority prior to 1963." In "Reasons Supporting Objections(s)" you could simply write "see attached," and attach a copy of this letter.

I apologize for the inconvenience this may cause you. Please feel free to call me or my supervisor, Ernie Carlsen, at (208) 525-7161 if you have questions.

Sincerely,

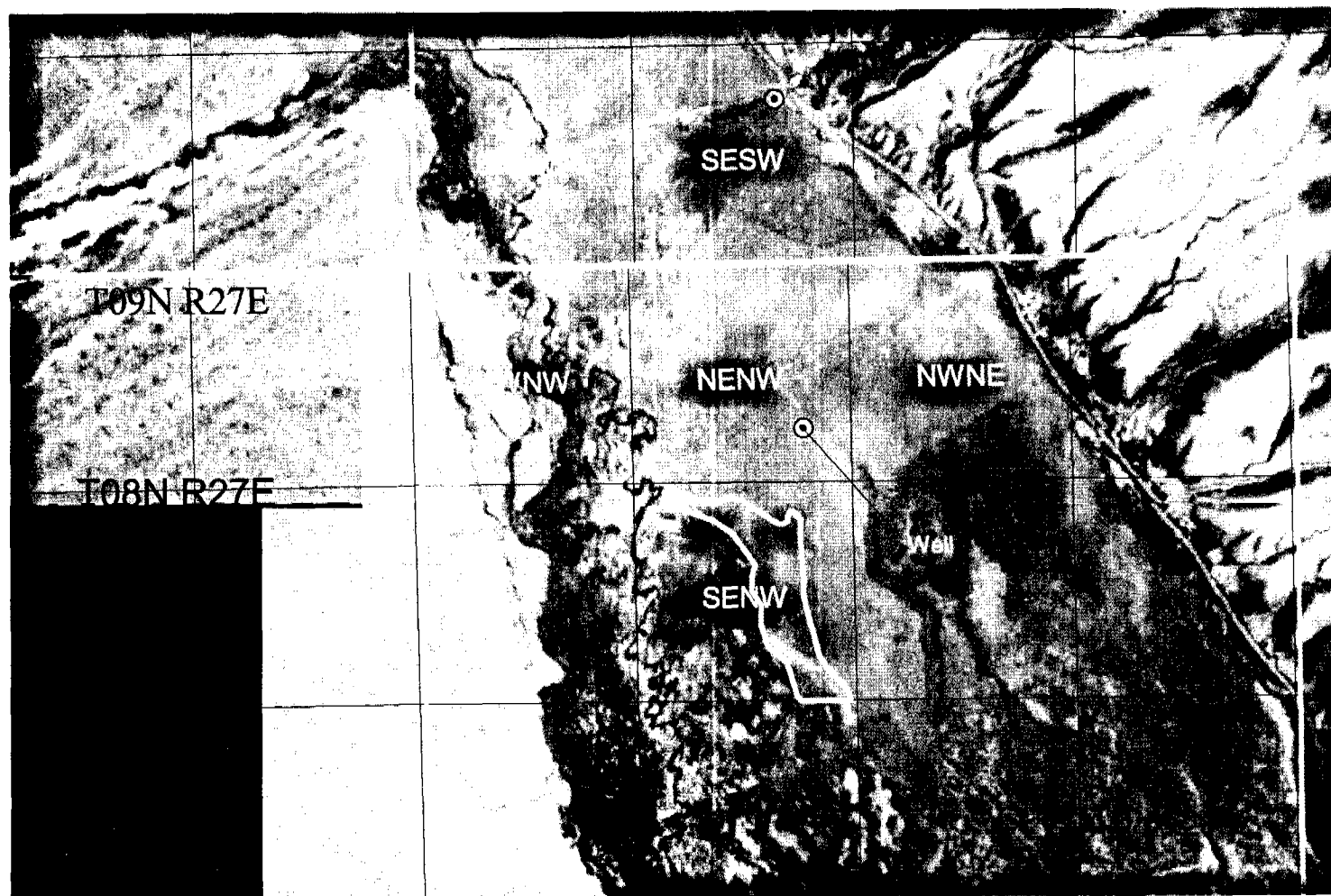
Bryce A. Contor



STATE OF IDAHO

Department of Water Resources

Water Right(s): 33-10997



0 1320 2640 3960 Feet

LEGEND



Point of Diversion



Place of Use

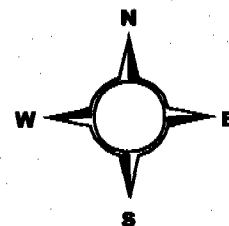


Section Line



Quarter-section line

Irrigated Acres = 9



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: December 2001

10/19/2001

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

RIGHT NUMBER: 33-10997

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.170 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 33-02068A AND 33-00035A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.28 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 430.5 AF.

PRIORITY DATE: 04/15/1953

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF
DIVERSION:

T08N R27E S3 SENENW Lot 3 Within BUTTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/15 10/31

QUANTITY
0.170 CFS

PLACE OF USE:

IRRIGATION Within BUTTE County
T08N R27E S03 SENW 9.0

9 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 33-02068A AND 33-00035A.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 - Beneficial Use

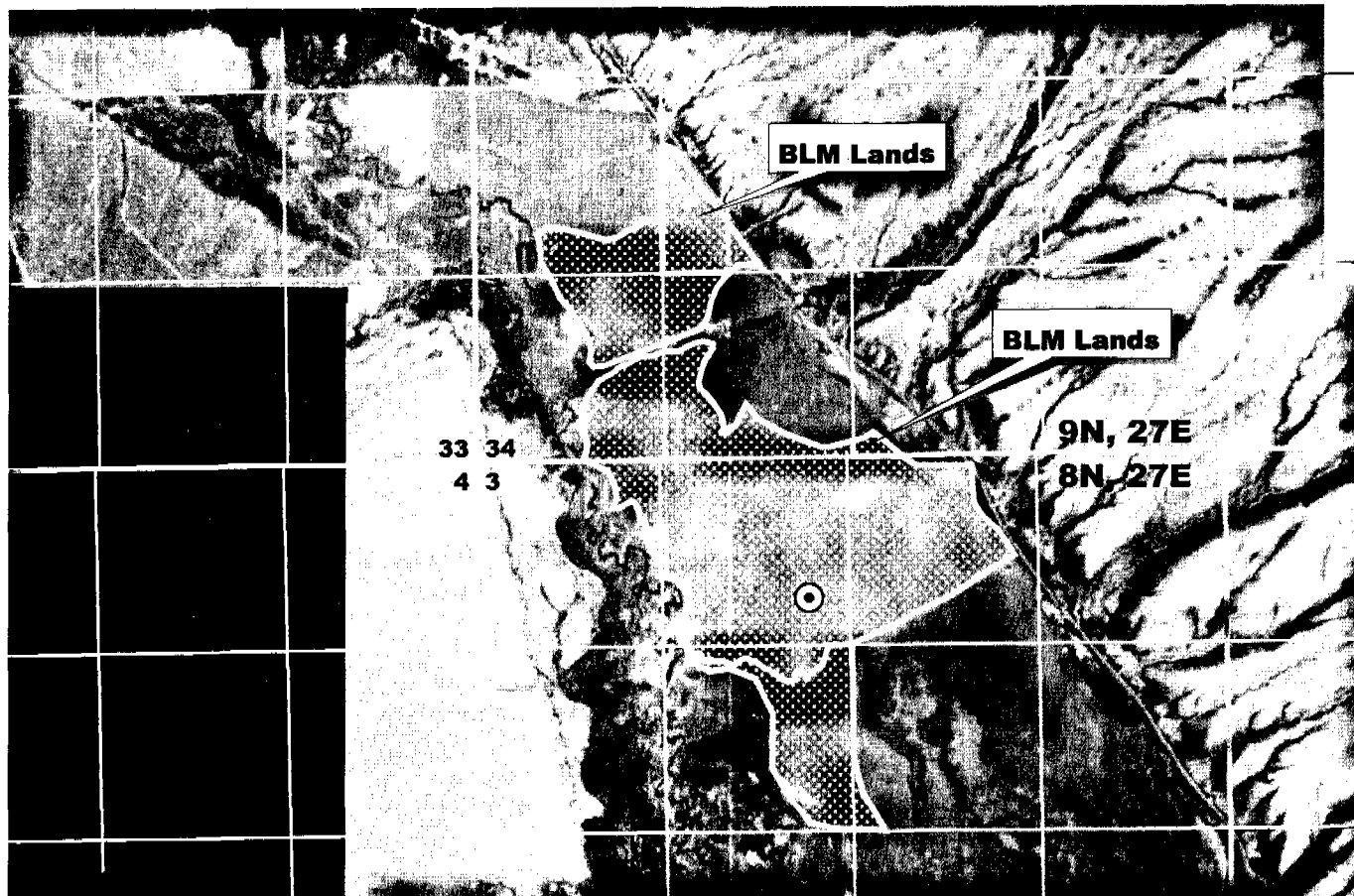
RIGHT NOS. 33-02068A AND 33-02068B ARE ALSO DIVERTED THROUGH THE POINT
OF DIVERSION DESCRIBED ABOVE.



STATE OF IDAHO

Department of Water Resources
Eastern Region

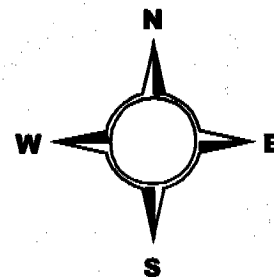
WR No(s): 33-10997



1320 0 1320 2640 3960 Feet

Total Irrigated Acres: 123

- Point of Diversion
-  Place of Use
-  Quarter Quarter
-  Sections



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: C. Saxton
Date: May 2000

AJ0743NP
(CD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/14/00 13:40:06
Page 1

Water Right Number - 33-10997

Prefix Translation:

WATER RIGHT

Old (D) Number -

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

*** A - ATTORNEY ***
HOLDEN KIDWELL HAHN & CRAPO

1 - ATTM KENT FOSTER
2 - PO BOX 50130
3 -
City- IDAHO FALLS
Phone - 208-523-0620

State- ID Zip- 83402

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

1 - JERRY PANCHERI PRES
2 - HC 65 BOX 2104
3 -
City- HOME
Phone - 208-767-3419

State- ID Zip- 83244

----- Priority Date ----- + ----- Region ----- + ----- Stage ----- + ----- Status ----- +
04/15/1953 15 EASTERN J - BENEFICIAL USE

----- Source ----- + ----- Tributary ----- +
GROUNDWATER

----- Twm Ring Sec Tract Lot RFlg County ----- Point of Diversion ----- +
08N 27E 3 SE NE NW 3 (23) BUTTE

----- Code ----- Description ----- Period From ----- Water Use ----- Diversion Rate ----- Diversion Volume ----- +
01 - IRRIGATION 04/15 10/31 0.170

----- Total Div. Rate ----- + ----- Total Div. Volume ----- + ----- Total Consumptive Use ----- + ----- KW Usage ----- +
0.170 0.0

Twm	Ring	Sec	Tract	Lot	Acres	Place of Use	Description	County
08N	27E	3	NW NE		24.0	01	IRRIGATION	(23) BUTTE
08N	27E	3	SW NE		1.0	01	IRRIGATION	(23) BUTTE
08N	27E	3	NE NW		38.0	01	IRRIGATION	(23) BUTTE
08N	27E	3	NW NW		4.0	01	IRRIGATION	(23) BUTTE
08N	27E	3	SE NW		18.0	01	IRRIGATION	(23) BUTTE
09N	27E	34	NE SW		8.0	01	IRRIGATION	(23) BUTTE
09N	27E	34	NW SW		6.0	01	IRRIGATION	(23) BUTTE
09N	27E	34	SW SW		9.0	01	IRRIGATION	(23) BUTTE
09N	27E	34	SE SW		14.0	01	IRRIGATION	(23) BUTTE
09N	27E	34	SW SE		1.0	01	IRRIGATION	(23) BUTTE

Total Acres: 123.0

----- Diversion Means ----- WELL PUMP TO HEADGATES AND DITCHES

DO NOT FILM

Water right number - 33-10997

Prefix Translation: WATER RIGHT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 33-02068A, 33-00035A

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

QNT USE OF THIS RIGHT WITH RIGHT NO. 33-02068A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.28 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 430.5 AF.

POU1

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02068A AND 33-00035A.

EXP RIGHT NOS. 33-02068A AND 33-02068B ARE ALSO DIVERTED THROUGH
THE POINT OF DIVERSION DESCRIBED ABOVE.

+ - - - - No Old Water Right Numbers Found

- - - - - Old Water Right Numbers - - - - -

+ - - - - Conditions of Approval - - - - -

OK THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

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.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - - Decree Date - - +
00/00/0000

+ - - - - Comments - - - - -
Date: 01/11/2000 User Id: ARUBERRY Subject: COPIED FROM REMARKS
THESE ARE CORNERS OF BLM LAND WHICH HAVE BEEN IRRIGATED
USE OF THIS RIGHT WITH RIGHT NO. 33-02068A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.28 CFS.
Date: 02/14/2000 User Id: SSHERMAN Subject: DATA ENTRY
ADDED CLAIMANT DELIVERY ADDRESS TO DATA ENTRY STANDARDS.

+ - - - - Audit Fields - - - +
02/14/00 SSHERMAN

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

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	-

DO NOT FILM

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/14/00 13:40:06
Page 3

Water right number - 33-10997

Prefix Translation: WATER RIGHT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +		
Claim Received Date - 01/11/2000	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - E025563	Water District -
	POU Ownership Flag - N	Federal/State Indicator - S
	Name Connector - AND/OR	Presumption Flag - E
		Notice of Error Flag -

DO NOT FILM

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: A33-10997
Date Received: 1/11/2000
Receipt No: E 025563
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JAN 14, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 L. 4-30-00
08N 27E 3 SE NE NW 3 BUTTE 0997

5. Description of diverting works:
WELL PUMP TO HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/31	0.170		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	27E	34	NE	SW		IRR	8.0
			SW	SE		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	9.0
					Total Acres	9.0

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-02068A, 33-00035A

14. Remarks:

THESE ARE CORNERS OF BLM LAND WHICH HAVE BEEN IRRIGATED
HISTORICALLY. TRANSFER IS REQUIRED TO MOVE ACRES OFF TO PRIVATE.
USE OF THIS RIGHT WITH RIGHT NO. 33-02068A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.28 CFS.

15. Basis of Claim: BENEFICIAL USE

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
Pancheri, Inc. Title
Organization, that I have signed the foregoing
document in the space below as attorney of
Pancheri, Inc. Title
Organization and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

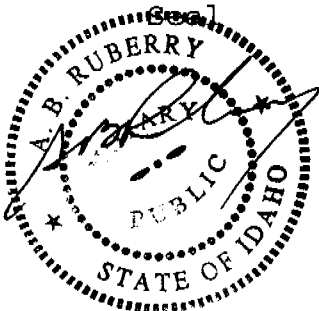
attorney
Title and Organization

1/19/00
Date

State of Idaho)
County of BENNETT) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of JANUARY 20 00

A. B. RUBERRY
Notary Public



Residing at EDMUND FAUS RD

My Commission Expires 9/23/03

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 A33-10997

Date Received _____

Receipt Number _____

BULANB...claim

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Original
Sent to
court.

1. Name of Claimant(s) Pancheri, Inc.
Mailing Address c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, Idaho Zip 83402
2. Date of Priority (Only (1) per claim) June 1, 1891
3. Source of water supply (a) Little Lost River (Badger Creek under 33-00035A)
which is tributary to (b) sinks
- 4.a. Location of existing point of diversion is: Township 9 North Range 27 East Section 33, NE 1/4 of NW
1/4 of NE 1/4, Govt. Lot _____, B.M., County of Butte

Additional points of diversion if any: Under 33-00035A: Township 9 North Range 27 East Section 34 NESESW

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

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____
1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, etc.)
the dates of any changes or enlargements in use, the dimensions of the diversion
of each well. Headgates and ditches

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs)

For irrigation purposes from 4/15/88 to 11-01 amount 5.06 cfs or

7. Total quantity claimed (a) 5.06 (cfs) and/or (b) _____ (ac

8. Total consumptive use claimed is _____ a

Save for FILE OF
A33-10997

9. Non-irrigation uses; describe fully. g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TIS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
0N	27E	34			8.5													3.7	12.2

Total number of acres irrigated 12.2

11. In which county(ies) are lands listed above as place of use located? Butte
12. Do you own the property listed above as place of use? Yes No x
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (x)

14. Remarks:

These are corners of BLM land which have been irrigated since the first use of water under these rights. An application for transfer is filed contemporaneously herewith to change the place of use from BLM lands to private lands.

15. Basis of Claim: Idaho Code §42-1426

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

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

Number of attachments _____

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

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ of _____, that
Title Organization

Last Name Pancheri Ident. Number _____

I have signed the foregoing document in the space below as _____
of _____ Title _____
Organization _____ and that the statements contained in the

foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____, 2000.

Notary Public _____
Residing at _____
My Commission Expires _____

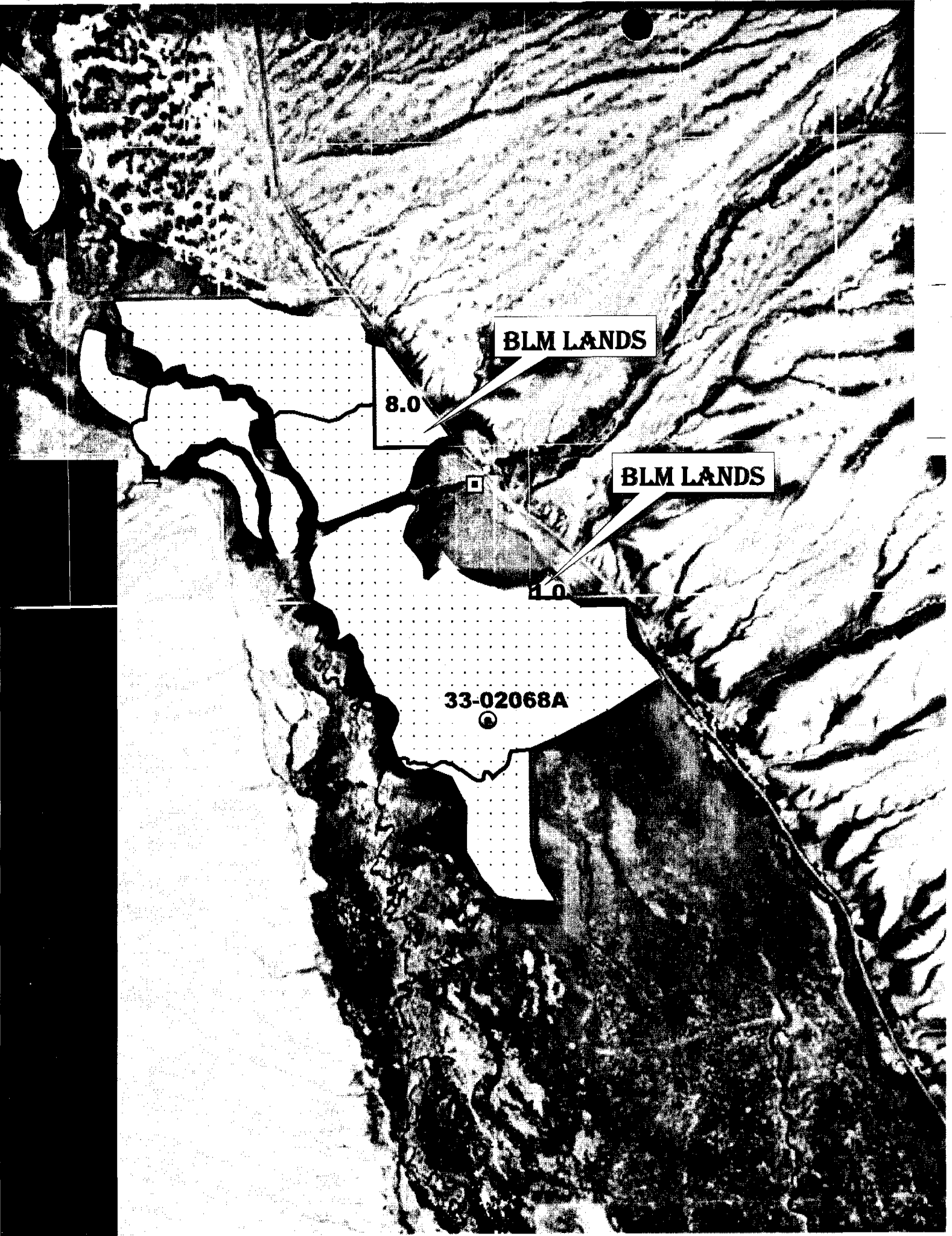
17. Notice of Appearance:

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

Signature _____
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date _____

G:\WPDATA\KWF\7548\3CLAIM.NTC.kmc

Last Name Pancheri Ident. Number _____



BLM LANDS

8.0

BLM LANDS

4.0

33-02068A

