



PHOTO 1.

STEVE GARRISON DOING
A POLYSONIC MEASUREMENT
OF THE INFLOW TO THE
Hydropower PLANT.

Result: 3.54 cfs

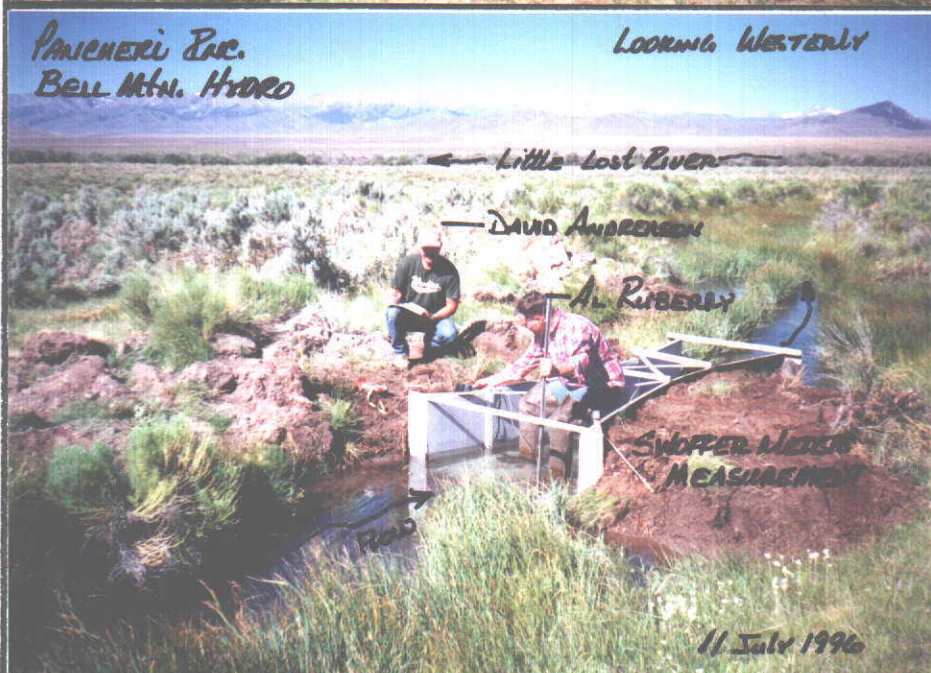


PHOTO 2.

AL RUBERRY DOING A
SWOFFER METER MEASURE-
MENT OF THE Hydropower
PLANT DISCHARGE.

Result: 3.52 cfs

DAVID ANDERSON - DIST. 33
WATERMASTER.

NOTE: ONCE THIS DISCHARGE WATERS ENTER
THE LITTLE Lost RIVER IT BECOMES
DEVELOPED WATER. ALSO, THERE IS A
DECREED RIGHT ON THIS WATER (SEE
A33-00065). PANCHERI, INC. TAKES THIS
DOWN RIVER FOR IRRIGATION USE AT/NEAR
HOWE. ID, CHARGED A 25% LOSS FOR CONVEYANCE,
33-00065, BELL MTN. CREEK, 6.4 cfs
TRANSFER No. 851.
HYDRO POWER WATER RIGHT No. 33-07087 (Permit)

PHOTO ____.

PHOTO DATE: 7/11/1996
PHOTO BY: A. Ruberry; S. Garrison



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

PIPELINE AND INTAKE WERE INSTALLED OCT. 1995.

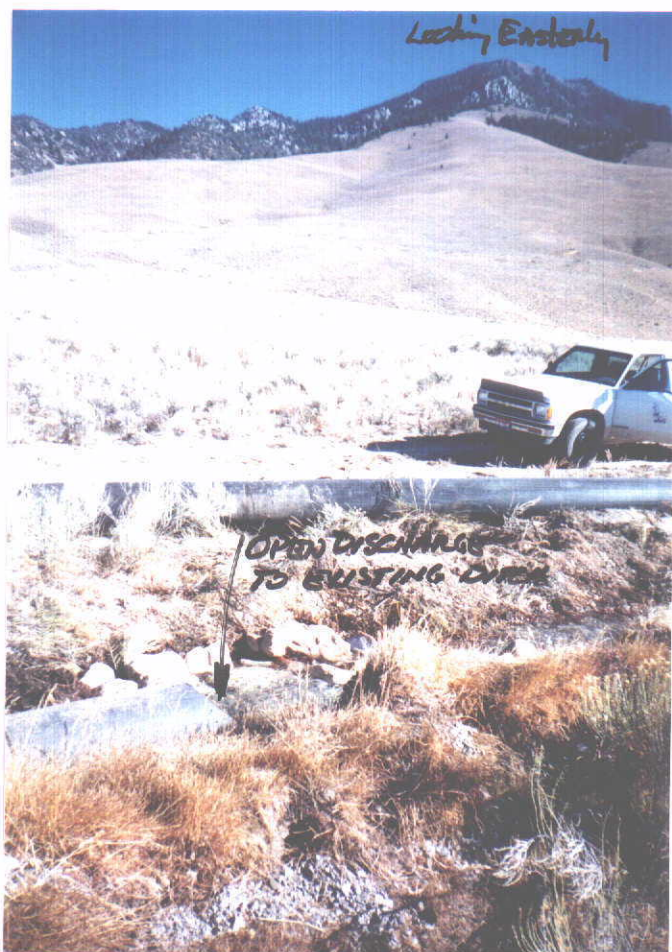


Photo 2d. SHOWS OPEN DISCHARGE OF NEW PIPELINE TO EXISTING DITCH AT SENESW SEC. 30 T. 11N., R. 27E.

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

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

PAGE 2a.

PHOTOS BY: A. RUTHERY 31 Oct. 1995

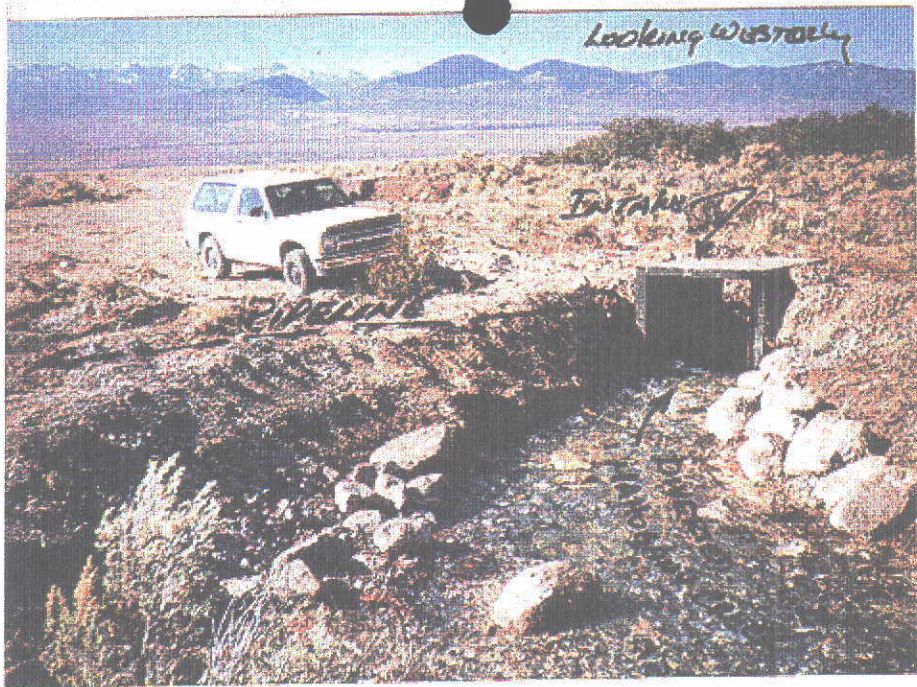


Photo 2c. NEW MAHOGANY CK
INTAKE TO NEW PIPELINE. THIS
IS NOT THE ACTUAL POINT OF
DIVERSION, ALTHOUGH, THE TWO
MAY HAVE THE SAME LEGAL.

PIPELINE AND INTAKE WERE
INSTALLED OCT. 1995.



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

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

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

PAGE 2a.

PHOTOS BY: A. RUISERLY 31 Oct. 1995

Looking SW from MAHOGANY CR.



Photo 3. Installation of Pipeline
at MAHOGANY CR to GET PAST
A STEEP ROCK SECTION OF DITCH.
POINT OF DIVERSION TO HYDROPLAN
DITCH. NESENW SEC.30 T.11N., R.27

DITCH CLEANING NEAR MAGPIE SPRINGS.



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

Looking Easterly
31 Oct. 95 ABR

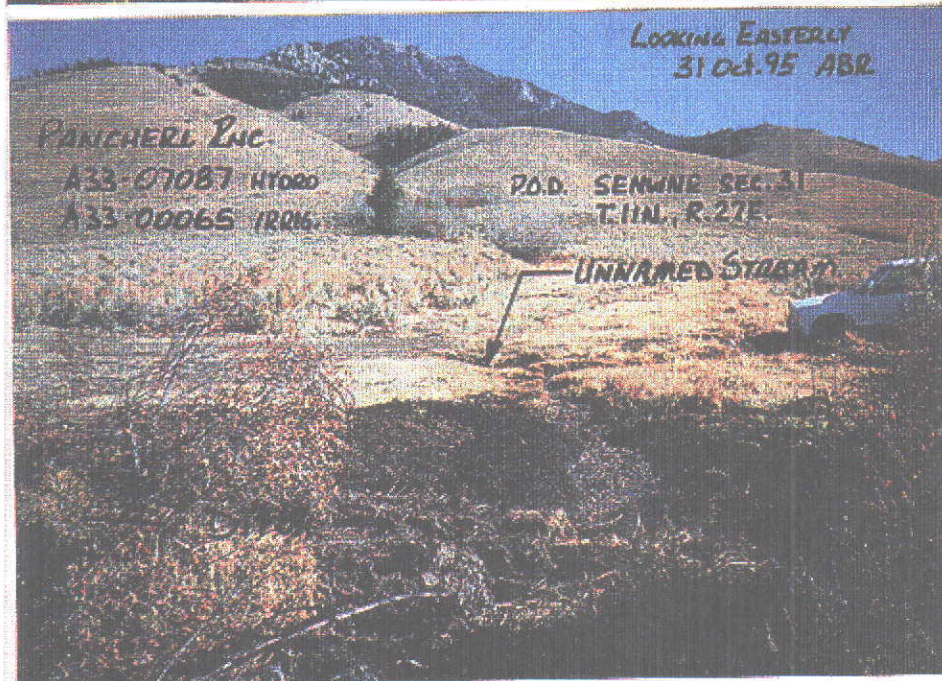


Photo 4. UNNAMED STREAM LOCATED
BETWEEN MAHOGANY CREEK AND
MAGPIE SPRINGS (UNNAMED STREAM
IN Photo 5). CLAIM AMENDED TO
INCLUDE THIS STREAM AND DELETE
THE ONE SHOWN AT SENESE SEC.31
T.11N., R.27E.

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



A33-07087
A33-00065

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

PAGE 2.

Photos BY: A. RUBERRY 2 Oct. 199:

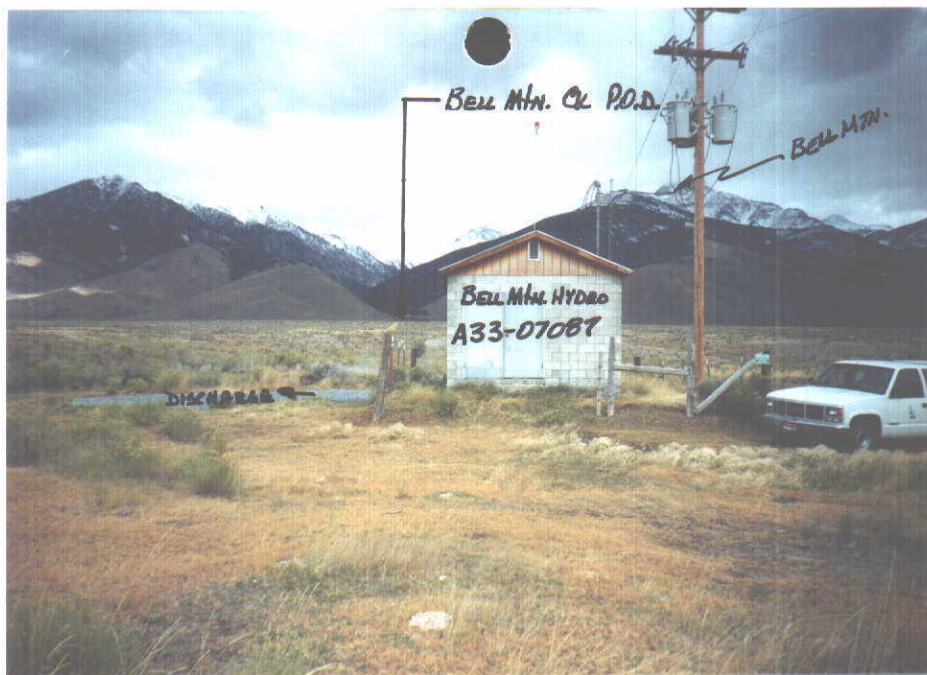


Photo 9a. BELL MTN HYDROPLANT

SW1SW1SW SEC. 7 T.10N., R.27E.



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

NOTE DISCHARGE.



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

SW1SE1SE SEC. 12 T.10N., R.26E.

A33-00065

A 33-07087

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

PAGE 4.

PHOTOS BY: A. RUBERRY 2 OCT. 1995

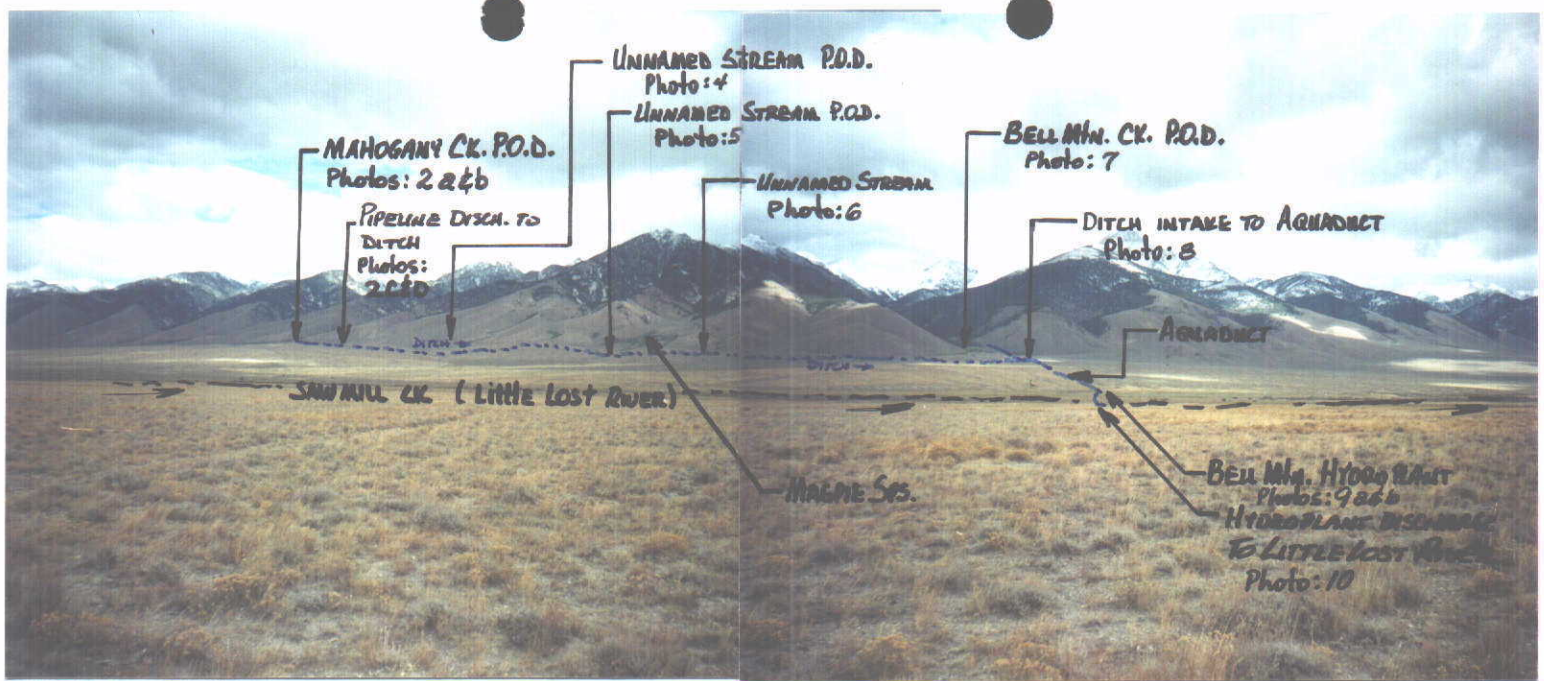
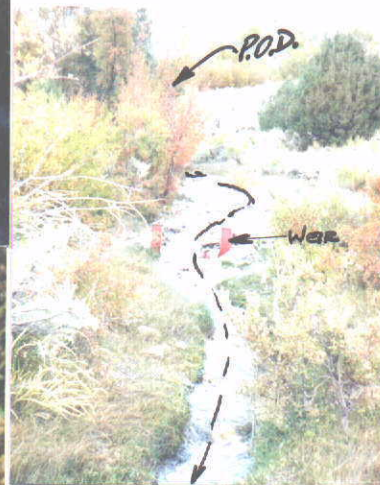


Photo 1. ABOVE - OVERVIEW OF BELL Mtn. HYDRO SYSTEM.

Photo 2a. LEFT - LOOKING UPSTREAM AT THE MAHOGANY CK DIVERSION.

P.O.D. NESE NW SEC. 30 T.11N. R.27E.



LOOKING UP AT MAHOGANY CK WEIR



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

A33-00065
A33-07089

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

PAGE 1.

PHOTOS BY: A. RUMBERY OCT. 2, 1995

Looking SW from MAHOGANY CR.



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

DITCH CLEANING NEAR MAGGIE SPRINGS.



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

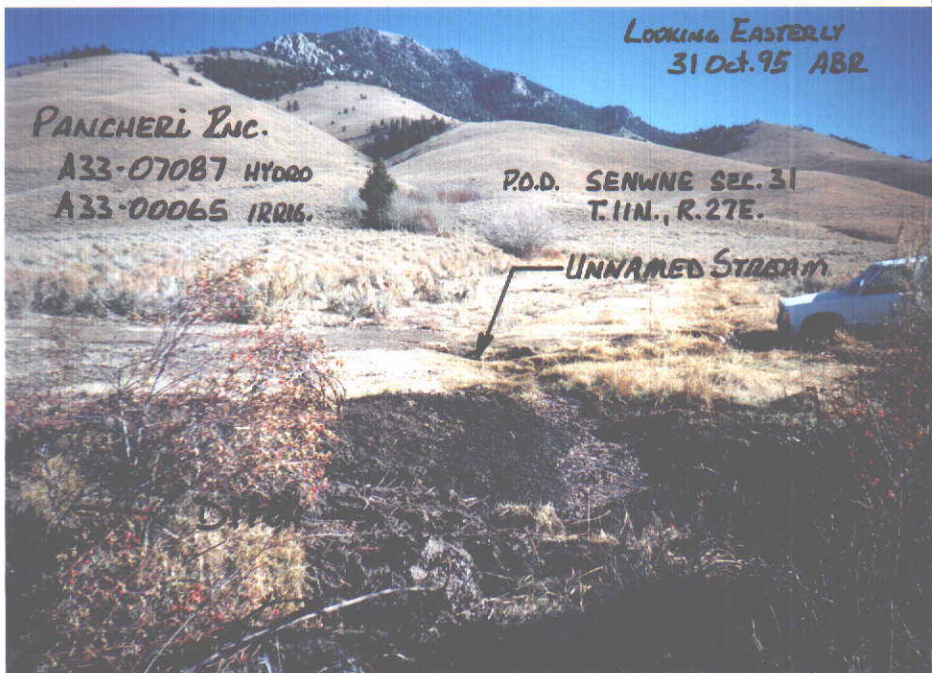


Photo 4. UNNAMED STREAM LOCATED
BETWEEN MAHOGANY CREEK AND
MAGGIE SPRINGS (UNNAMED STREAM
IN Photo 5). CLAIM AMENDED TO
INCLUDE THIS STREAM AND DELETE
THE ONE SHOWN AT SENESE SEC.31
T.11N., R.27E.



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

A33-07087
A33-00065

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

PAGE 2.

Photos BY: A. RUBERRY 2 Oct. 1995



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



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

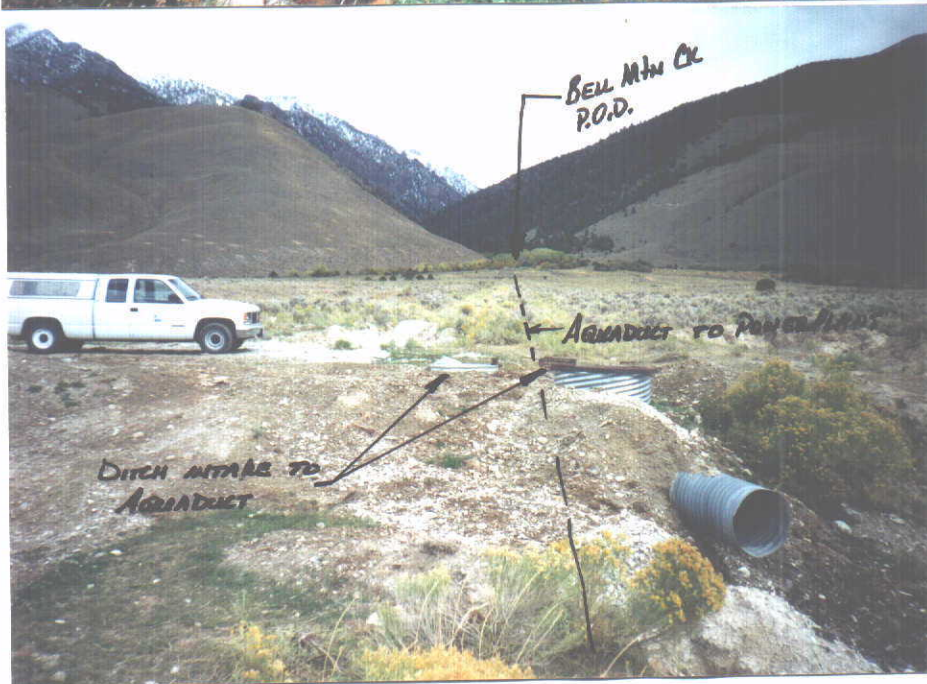


Photo 8. DITCH INTAKE TO AQUADUCT.
BELL MTN. CK IN BACKGROUND.
NESESW SEC. 5 T.10N., R.27E.

A33-00065
A33-07087

PANCHERI INC.
BELL MTN HYDROSYSTEM
AND IRRIG RIGHTS (DECEED)
PAGE 3.

PHOTOS BY: A. RUBERRY 2 OCT. 1995



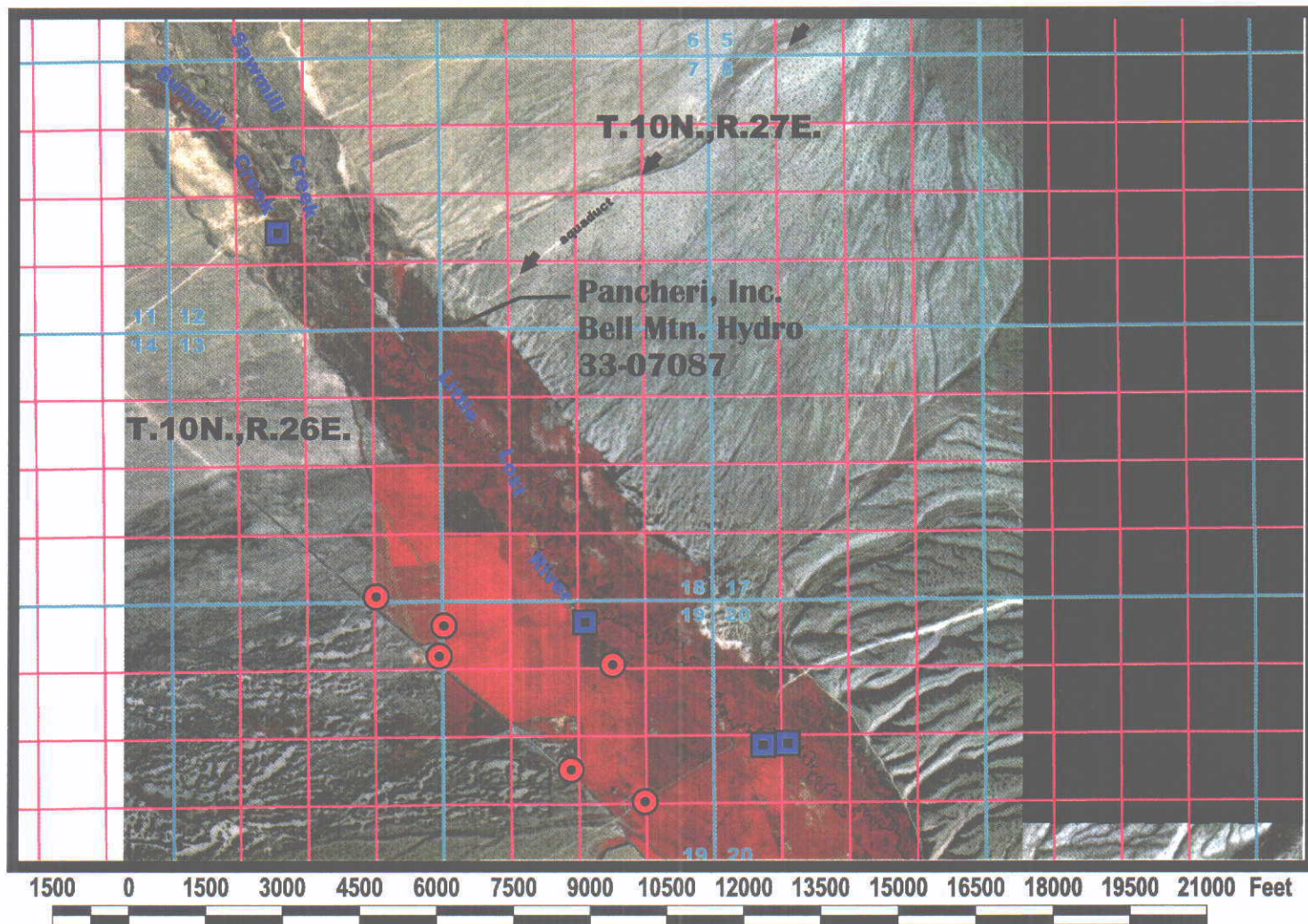
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Pancheri, Inc.

Water Right(s): 33-07087 ~~(permit)~~ LICENSE



LEGEND



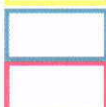
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line

Quarter-section line

Place(s) of Use: T.10N., R.27E.

Sec. 7 SWSWSW

Power Generation

Point(s) of Diversion: T.10N., R.27E.

Sec. 5 SESENE, NENWNW,

T.11N., R.27E.

Sec. 30 NESENW,

Sec. 31 NESESE, SENWNE



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

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 Right: 33-7087

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion
 - ☐ Period of use
 - ☐ Split of water right
 - ☐ Other
 - ☐ Place of use
 - ☐ Nature of use
 - ☐ Change in ownership

☒ AMENDED LICENSE

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

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

DATED: Nov 5, 2002

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Nov 5, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

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

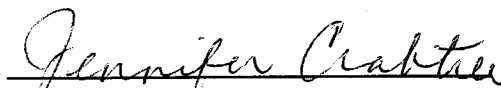
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Pancheri Inc.
c/o Holden Kidwell Hahn & Crapo
P.O. Box 50130
Idaho Falls, ID 83405

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

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


Signature of person mailing this document

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 33-07087

Priority: January 8, 1981

Maximum Diversion Rate: 7.00 CFS
Maximum Diversion Volume: 5,070.0 AF

It is hereby certified that PANCHERI INC
C/O JERRY PANCHERI PRES
1494 HWY 22
HOWE ID 83244 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 8, 1981; and has
submitted Proof of Beneficial Use on July 15, 1983. An examination indicates that the works have a
diversion capacity of 10.1 cfs of water from:

SOURCE

BELL MOUNTAIN CREEK
MAHOGANY CREEK
UNNAMED STREAM

Tributary: SINKS
SINKS
SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	1/01 to 12/31	7.00 CFS	5,070.0 AF

LOCATION OF POINT(S) OF DIVERSION:

MAHOGANY CREEK	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 30, Twp 11N, Rge 27E, B.M. BUTTE County
UNNAMED STREAM	L4 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 5, Twp 10N, Rge 27E, B.M. BUTTE County
BELL MOUNTAIN CREEK	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 5, Twp 10N, Rge 27E, B.M. BUTTE County
UNNAMED STREAM	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 31, Twp 11N, Rge 27E, B.M. BUTTE County
UNNAMED STREAM	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 31, Twp 11N, Rge 27E, B.M. BUTTE County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 27E 18						X											
						L1											

CONDITIONS OF APPROVAL

- R22 1. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

RECEIVED

OCT 21 2002

Department of Water Resources
Eastern Region

RECEIVED

OCT 21 2002

Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 33-07087

CONDITIONS OF APPROVAL continued

- 025 2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- R04 3. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
- R01 4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- 004 5. The issuance of this right does not grant any right-of-way or easement across the land of another.
- 027 6. Use of water under this right shall be non-consumptive.
- X42 7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2013. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
- EO4 8. Rights 33-00065 and 33-07087 when combined shall not exceed a total diversion rate of 7.00 cfs.
- F05 9. Right 33-00065 is also diverted through the points of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 16th day of OCTOBER, 2002.

Acting for


KARL J. DREHER
Director

11 April 2000

Forward to Little Lost River adjudication

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
AL BULLY 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.

33-00033
00087
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.

33-00035
33-7087

T6N R28E S2 SESWSW

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

33-00051 Thru
33-00060

T6N R 28E S11 SESENW

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

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

T7N R28E S21 NWNWSW

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

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

Rocky Ross

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

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

T8N R28E S31 SWNWSE

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

T6NR29E S31 NWSWNW

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

33-02128
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:

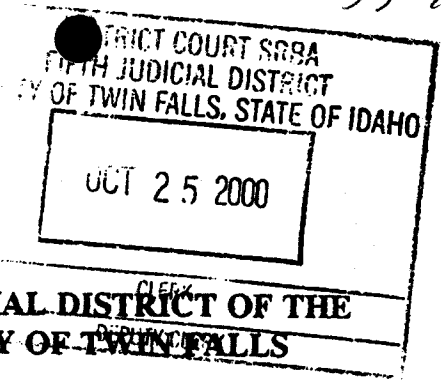
R33-00023B
R33-00030
R33-00043
R33-00077
R33-10070
R33-10073
R33-10084
R33-10086

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

Deputy Clerk
Deputy Clerk

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

A. Subcase 33-07087

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

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

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

Name: Pancheri, Inc.

Address: HC 65 Box 2104 Howe, ID. 83244

Name: c/o Jerry Pancheri, President

Address:

Name:

Address:

Name:

Address:

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

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be: See attached

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

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

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

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

F.

VERIFICATION (Must be Completed)

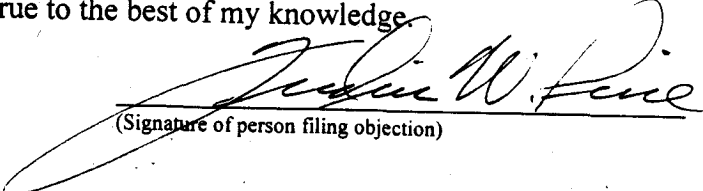
State of Idaho)

) ss.

County of Ada)

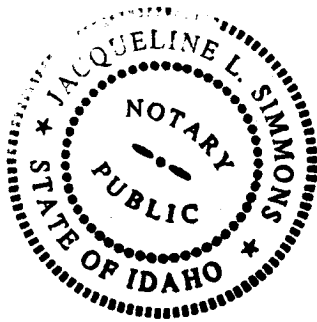
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

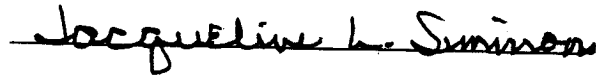
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

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





Jacqueline L. Simmons

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:

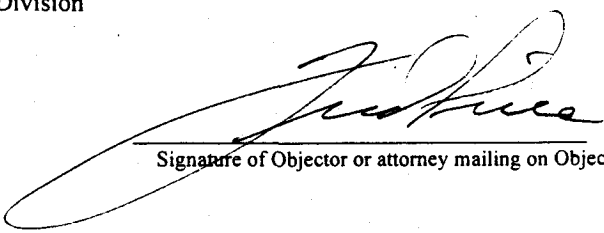
Address:

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

RIGHTS FROM: SOURCE: MAHOGANY CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 33-07087

NAME & ADDRESS: PANCHERI INC
C/O JERRY PANCHERI PRES
HC 65 BOX 2104
HOWE ID 83244SOURCE: MAHOGANY CREEK TRIBUTARY: SINKS
UNNAMED STREAM SINKS
UNNAMED STREAM SINKS
UNNAMED STREAM SINKS
BELL MOUNTAIN CREEK SINKSQUANTITY: 7.00 CFS
5070.0 AFYUSE OF THIS RIGHT WITH RIGHT NO. 33-00065 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.0 CFS.

PRIORITY DATE: 01/08/1981

POINT OF DIVERSION: T10N R27E S05 SESENE Within BUTTE County
LOT 4 (NENWNW)
T11N R27E S30 NESENW
S31 SENWNE
NESESE → SHOULD BE SESENEPURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
POWER 01-01 12-31 7.00 CFS
5070.0 AFYPLACE OF USE: POWER Within BUTTE County
T10N R27E S07 Lot 4 (SWSW)

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 - LICENSE

AJ5856NP

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

DATE: JAN-29-2000
PAGE: A-593

RIGHTS FROM: SOURCE: MAHOGANY CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 33-07087 (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT NO. 33-00065 IS ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE.

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Pancho, Inc

CLAIM IDENT. NO.

A33-07087

DATE RECEIVED

2/11/90

CK #

AMOUNT \$

YES

NO

Required
Info?

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

Claim checked by: DCDate: 2/15/90

Claim must be returned to claimant:

☐ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by: DC

Sent to claimant by:

Date:

Date: 2/15/90

Checked by:

Date:

MICROFILMED

Comments:

NOV 18 1992

WATER RIGHT NO. 33-07087

Priority: January 8, 1981

Maximum Diversion Rate: 7.00 CFS

Maximum Diversion Volume: 5070.0 AF

This is to certify, that PANCHERI INC

HOWE ID 83244

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 8, 1981; and has submitted Proof of Beneficial Use on July 15, 1983. An examination indicates that the works have a diversion capacity of 10.100 cfs of water from:

BELL MOUNTAIN CREEK

tributary to **SINKS**

MAHOGANY CREEK

tributary to **SINKS**

UNNAMED STREAMS

tributary to **SINKS**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	7.00 CFS	5070.0 AF

LOCATION OF POINT(S) OF DIVERSION:

	SESENE , Sec. 5, Township 10N, Range 27E
Lot 4(NENWNW),	Sec. 5, Township 10N, Range 27E
	NESENW , Sec. 30, Township 11N, Range 27E
	SENWNE , Sec. 31, Township 11N, Range 27E
	NESESE , Sec. 31, Township 11N, Range 27E
	BUTTE County

PLACE OF USE: POWER

TWN RGE SEC

10N 27E 7 Lot 4(SWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

WATER RIGHT NO. 33-07087

CONDITIONS OF APPROVAL AND REMARKS

5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Use of water under this right shall be non-consumptive.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2013. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
8. Rights 33-00065 and 33-07087 when combined shall not exceed a total diversion rate of 7.00 cfs.
9. Right 33-00065 is also diverted through the points of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license 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. Signed and sealed this _____ day of _____, 20____.

KARL J. DREHER, Director

A33-07087
PANCHERI, INC.
% JERRY PANCHERI, PRES.
HOWE

PERMIT - ACP

R

ID 83244



A3307087

BELL MTS HYDRO

ALSO SEE A33-00065

☒ COPY LIC. EXAM - SENT TO BOISE
AMENDMENT(S) REQ'D.

- ① HOW DOES THIS (DO THESE) SOURCES
BECOME TRIBUTARY - ORIGINAL DRAINAGE
IS CLEAR - "NOW-TRIBUTARY".
- ② SOURCES : Δ NAMES TO UNNAMED STREAM
ADD THE OTHER / DELETE ONE.



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 _____

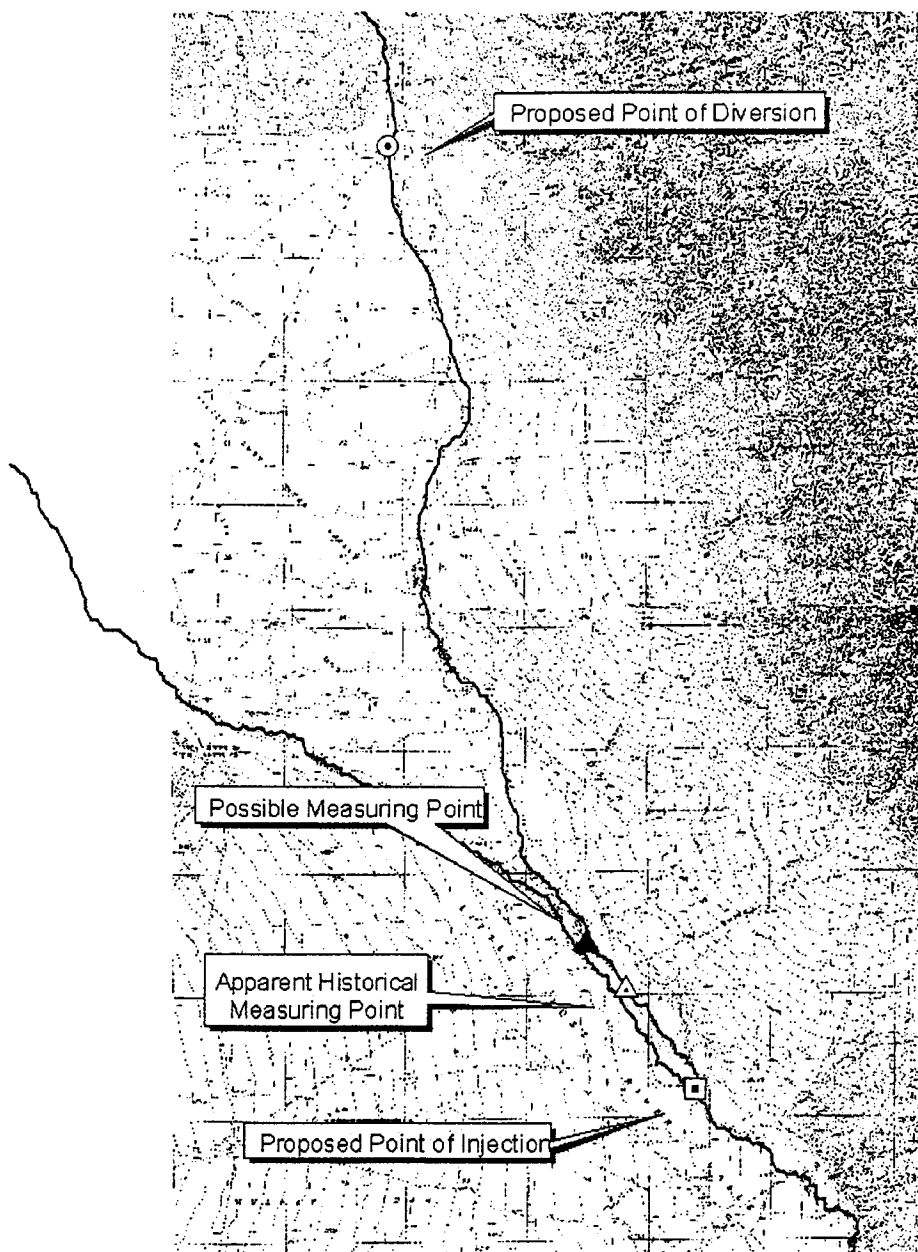
I disagree. I propose instead: (describe below and mark maps)

Signature _____ Date _____

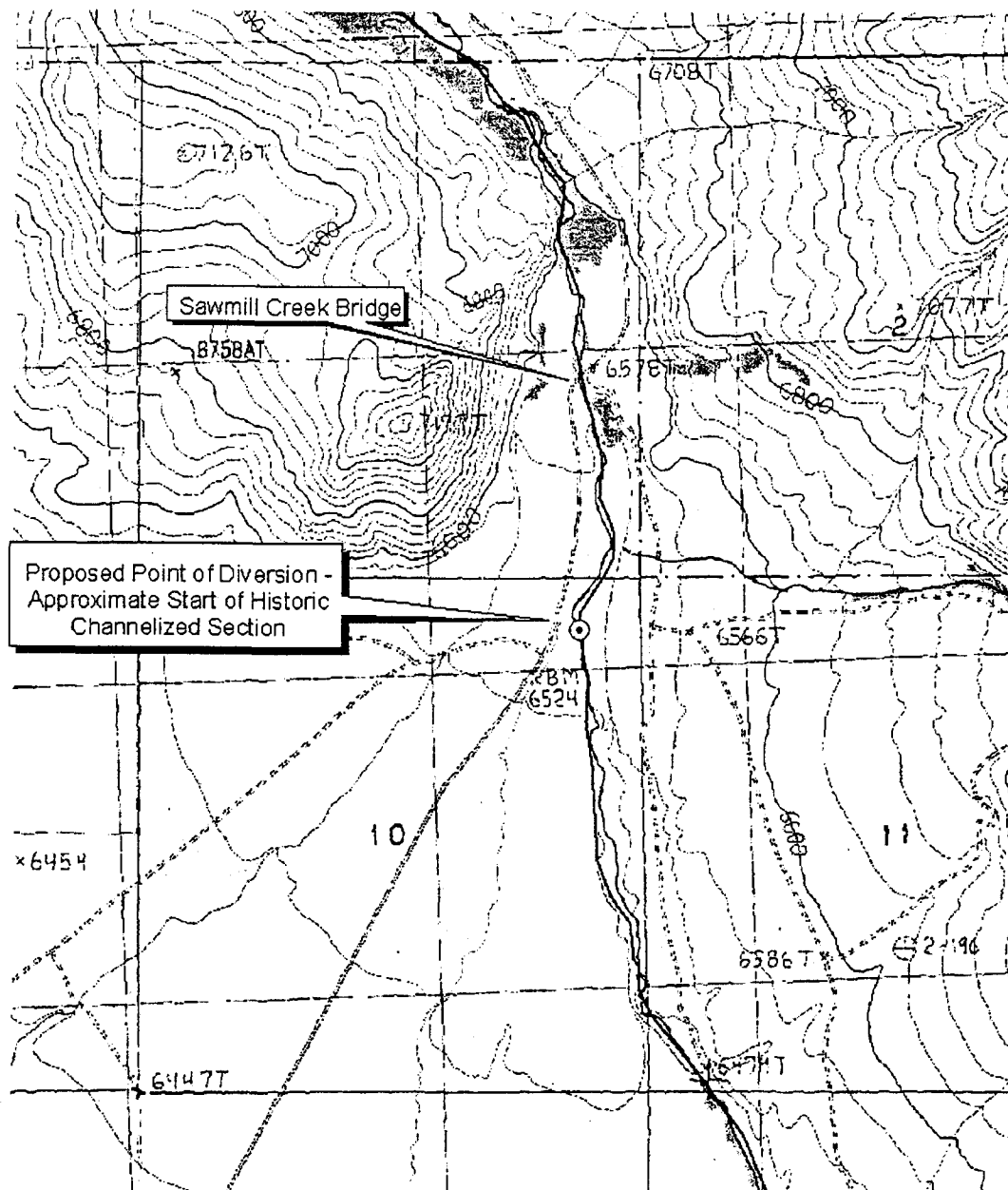
Please feel free to attach additional comments. Please return to:

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

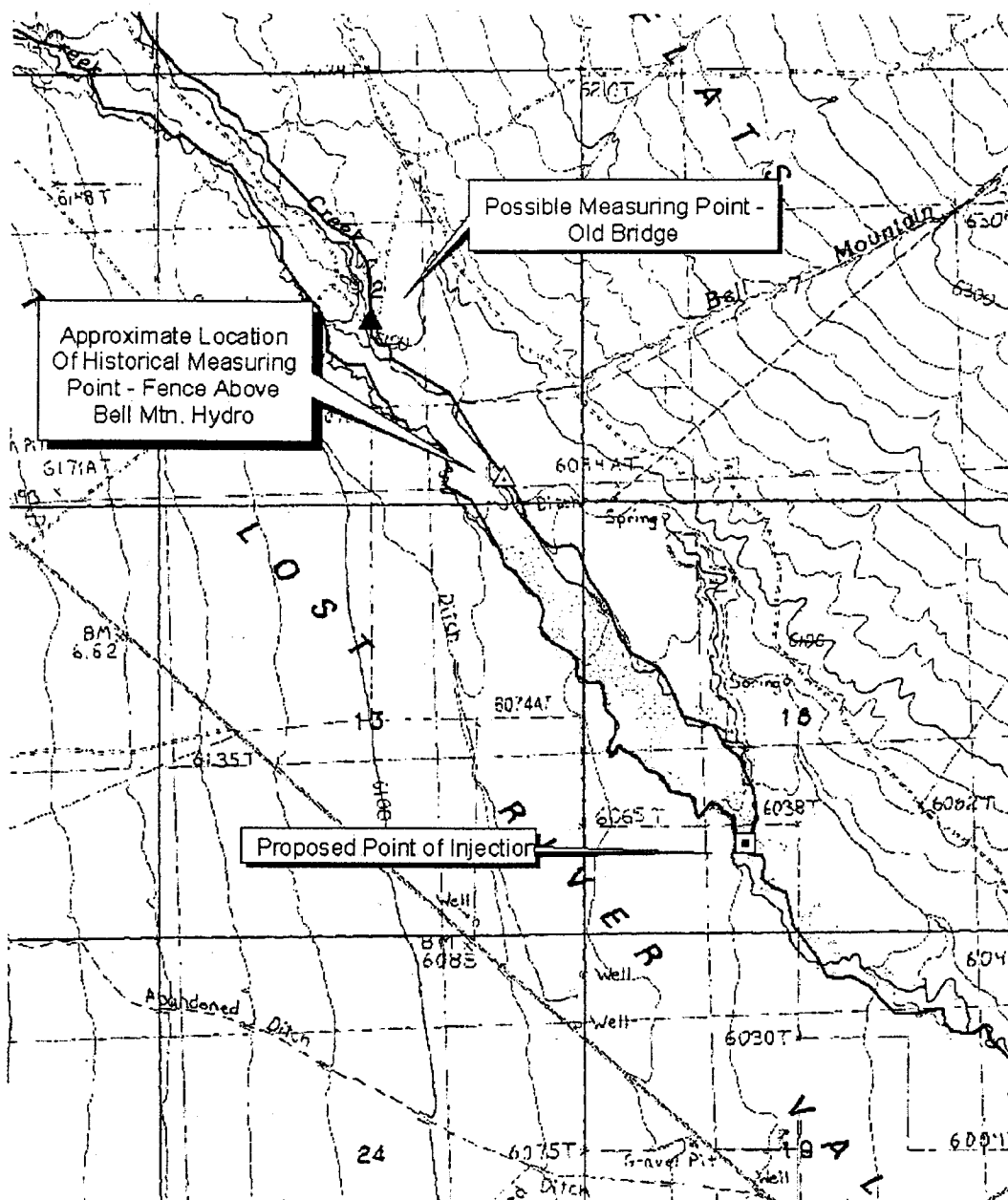
Idaho Department of Water Resources Sawmill Creek Proposal



Idaho Department of Water Resources
Sawmill Creek Proposal



Idaho Department of Water Resources
Sawmill Creek Proposal



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: 33-07087

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: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

DEC 13 1999

Department of Water Resources
Eastern Region

December 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Permit No. 33-07087

Pancheri Inc.
Howe, ID 83244

Dear Mr. Pancheri:

We have withheld issuing a license on the above referenced permit awaiting information concerning the amount of power you have produced from your power plant on Bell Mountain Creek. Our records do not contain enough information to identify how much volume your plant needs and the power records would be a big help to identify how much annual volume to license. We have reviewed the water district records that show how much water was measured at the "Hartmann" diversion which I believe is where the watermaster measures the water after it has gone through your plant but I don't know if that measurement would actually cover all of the water you have diverted for power production. The power produced records would probably be a better source to derive the annual volume from if you could send them to me.

I'm sorry if this causes you some inconvenience but we want to issue the license as accurately as possible. Please let me know if there is a problem in submitting your records. I would like to finalize this license before the Snake River Basin Adjudication (SRBA) Court receives the director's report for your area.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

Ruberry, Allen

From: Walker, Kay
Sent: Tuesday, November 16, 1999 10:19 AM
To: Ruberry, Allen
Subject: Pancheri's hydro permit

Hi, Allen. We have gotten the licensing amendment back from Pancheri and the file went to Shelley for review (prior to going to Norm) and he had questions...

If you are listing the sources for 33-00065 as Bell Mountain Creek, Mahogany Creek, and unnamed streams, why aren't you showing the points of diversion for those sources on your recommendation? Shelley believes that these points should be shown since that is where the water is coming from.

Shelley is also concerned that I have not addressed the use of the water for 33-00065 in the proposed license. I have a memo in the file that says you will handle that in your recommendations but he thinks it needs to be attached to this license also. Do you have any input that might change his mind in regard to this? I will be adding a remark stating when both rights are combined, they cannot exceed 7.0 cfs - this is to avoid having the right holder think he can divert 7.0 for this right and then an additional 6.4 for the decreed right.

I am going to call Mr. Pancheri to see if he has any records on the amount of power produced. Using those, along with water district records, I am going to try to come up with a reasonable volume. Hopefully we'll be able to get this one finished up soon. Kay

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 33-07087

Date of Priority: January 8, 1981

Maximum Diversion Rate: 7.00 CFS

Maximum Diversion Volume: 5070.0 AF

Comes now PANCHERI INC
HOWE ID 83244

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 33-07087, and requests that the permit be changed as follows:

Source: BELL MOUNTAIN CREEK tributary to SINKS
Source: MAHOGANY CREEK tributary to SINKS
Source: UNNAMED STREAMS tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	7.00 CFS	5070.0 AF

LOCATION OF POINT(S) OF DIVERSION:

	SESENE , Sec. 5, Township 10N, Range 27E
Lot 4 (NENWNW)	, Sec. 5, Township 10N, Range 27E
	NESENW , Sec. 30, Township 11N, Range 27E
	SENWNE , Sec. 31, Township 11N, Range 27E
	NESESE , Sec. 31, Township 11N, Range 27E
	BUTTE County

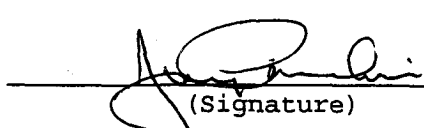
PLACE OF USE: POWER

TWN RGE SEC

10N 27E 7 Lot 4 (SWSW)

Permit holder asserts that no one will be injured by such change and that such change
will be made at permit holder's own risk.

Signed at Tahlequah Falls, this 8 day of Nov 99, 19 .


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07087

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 33-07087 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Use of water under this right shall be non-consumptive.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2013. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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

KARL J. DREHER, Director

Ruberry, Allen

From: Walker, Kay
Sent: Friday, October 22, 1999 4:45 PM
To: Ruberry, Allen
Subject: Permit 33-07087 - Pancheri

Hi, Allen! I am working on Pancheri's power permit 33-07087 and see that you have recommended many changes from original field exam. Do you happen to have a map that shows the p/d's you have recommended in the SRBA? I have a profile of the "r" record and lots of pictures but would really like to have a map with the changes you have recommended. I am intending on preparing the license as you have done your "r" record but would like to have something in the file to back up my recommendation. Let me know if you have some documentation. Also, I noticed that you have recommended all tributaries as "sinks". I also see you have shown a point of injection and point of diversion from Little Lost River - if this is the case then maybe the water district control is applicable? As you can tell I'm very confused with this one. Hopefully, I can get it done before your final report. Any information you can provide will be helpful. Thanks! Kay @ 327-7944

→ Yes

→ AS DEVELOPED WATER
SEE TX 851, 1955

→ SEE
A33-00065
ALSO, PANCHERI

Ultimate. Yes
PURPOSE OF DANCE.

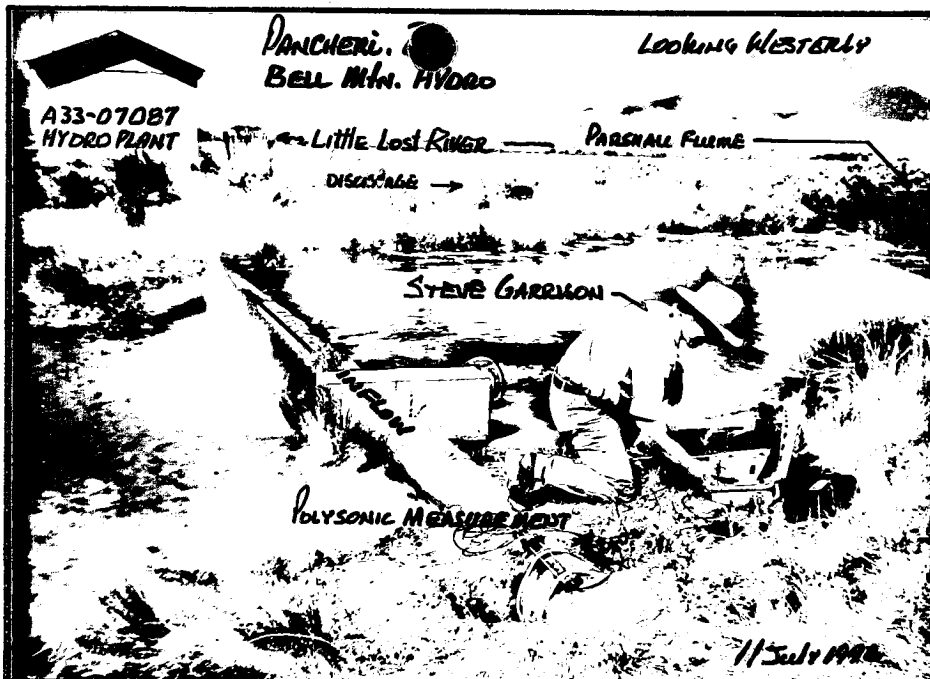


PHOTO 1.

STEVE GARRISON DOING
A POLYSONIC MEASUREMENT
OF THE INFLOW TO THE
Hydropower PLANT.

Result: 3.54 cfs

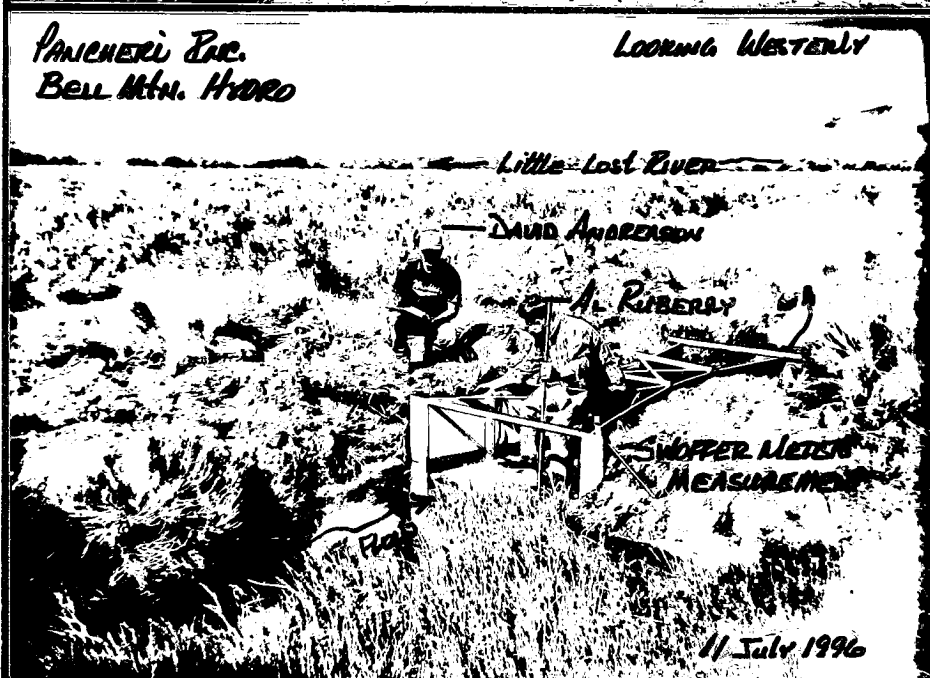


PHOTO 2.

AL RUBERRY DOING A
SHOOPER METER MEASURE-
MENT OF THE Hydropower
PLANT DISCHARGE.

Result: 3.52 cfs

DAVID ANDERSON - DIST. 33
WATERMASTER.

NOTE: Once this DISCHARGE WATERS ENTER
THE Little Lost RIVER IT BECOMES
DEVELOPED WATER. ALSO, THERE IS A
DECREED RIGHT ON THIS WATER (SEE
A33-00065). PANCHERI, Inc. TAKES THIS
DOWN RIVER FOR IRRIGATION USE AT/NEAR
HOWIE, ID, CHARGED A 25% LOSS FOR CONVEYANCE,
33-00065, BELL Mtn. CRUSH, 6.4 cfs
TRANSFER No. 851.
HYDRO POWER WATER RIGHT No. 33-07087 (Permit)

PHOTO ____.

PHOTO DATE: 7/11/1996
PHOTO BY: A. Ruberry, S. Garrison



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

3 NOVEMBER 1995

PANCHERI INC
JERRY PANCHERI PRES
HOWE ID 83244

RE: WATER RIGHT NO. 33-07087 (Bell Mtn. Hydro)

Dear Jerry:

Regarding your inquiry today concerning the letter you received dated October 4, 1995, from Shelley Keen, IDWR state office, which made reference to a fee due of \$50.00 for an amendment to the above referenced water right.

As I have instructed you during our conversation, please disregard the 14 day fee period. I have, this date, contacted Mr. Keen to inform him of our conversation. He and I are working on the elements of the water right so it will be represented by the License in correct form. As I mentioned to you, we are making amendments to include the unnamed stream between Mahogany Creek and Magpie Springs and certain other details of the right which we feel can be made more correct.

You will receive other correspondence from Mr. Keen regarding the(se) amendment(s). In the meantime, please disregard the October 4 letter.

Thank you for your inquiry, should you have additional questions regarding your water rights please do not hesitate to contact me.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File
Kent Foster, Atty. (w/enclosure)
Shelley Keen, IDWR

Enclosures: Above Referenced October 4, 1995 letter (copy)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 4, 1995

PANCHERI INC
HOWE ID 83244

RE: WATER RIGHT NO. 33-07087

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 30 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

33-0065

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(Licensing Purposes)
RIGHT NO. 33-07087

Date of Priority: _____

Maximum Diversion Rate: 7.00 CFS
Maximum Diversion Volume: 5067.8 AF

Comes now _____ LANCHER INC
HOWE, ID 83244

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 33-07087 and requests that the permit be changed as follows:

Source: BELL MOUNTAIN CREEK	tributary to SAW MILL CREEK
Source: MAHOGANY CREEK	tributary to SAW MILL CREEK
Source: MAGPIE SPRINGS <i>Unimproved Stream (2)</i>	tributary to SAW MILL CREEK
Source: SPRINGS <i>Unimproved Stream</i>	tributary to SAW MILL CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	to 12/31	7.00 CFS	5067.8 AF

LOCATION OF POINT(S) OF DIVERSION:

✓	SESENE	, Sec. 5, Township 10N, Range 27E
✓	NENWINW	, Sec. 5, Township 10N, Range 27E
✓	NESENW	, Sec. 30, Township 11N, Range 27E
	SENESE	, Sec. 31, Township 11N, Range 27E
✓	NESESE	, Sec. 31, Township 11N, Range 27E

BUTTE County

PLACE OF USE: POWER

T. _____ C. _____
SWSW

Permit holder asserts that no one will be injured by such change and that such change
will be made at permit holder's expense.

Signed at _____, this _____ day of _____, 19 _____

(Signature)



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

PIPELINE AND INTAKE WERE
INSTALLED OCT. 1995.



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

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

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

PAGE 2a.

PHOTOS BY: A. RUBENRY 31 Oct. 1995

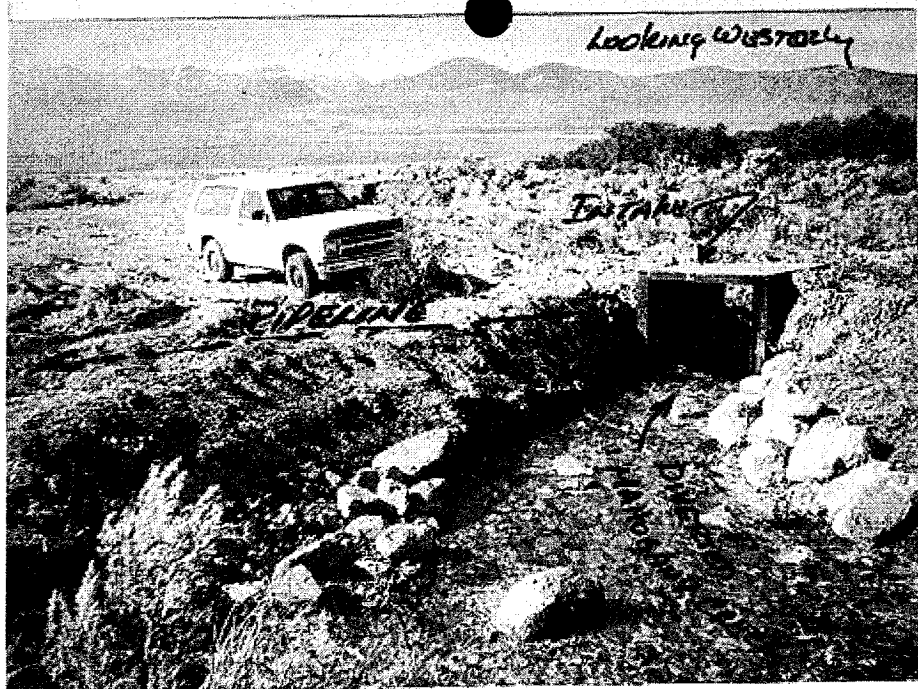


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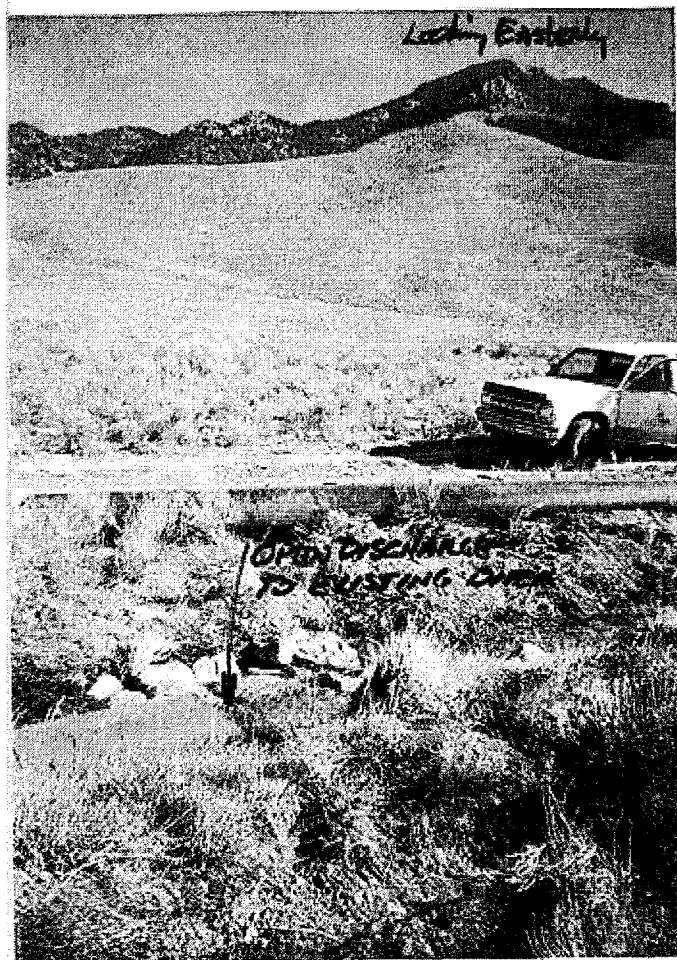


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PANCHETTI, INC.
BELL MTN HYDRO SYSTEM
AND DECREED IRRIGATION RIGHTS

PAGE 2a.

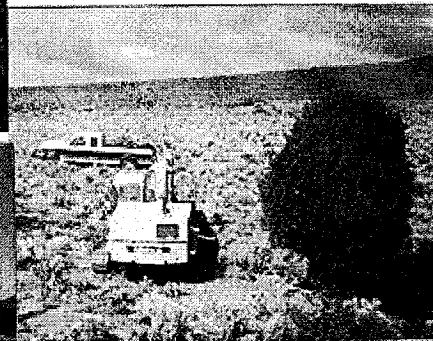
Photos By: A. RUISERLY 31 Oct. 1995

Looking SW from MAHOGANY CR.



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

DITCH CLEANING NEAR MAGPIE SPRINGS.



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

LOOKING EASTWARD
31 Oct. 95 ABR

PANCHERI INC.

A33-07087 HYDRO

A33-00065 IRRIG.

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

UNNAMED STREAM

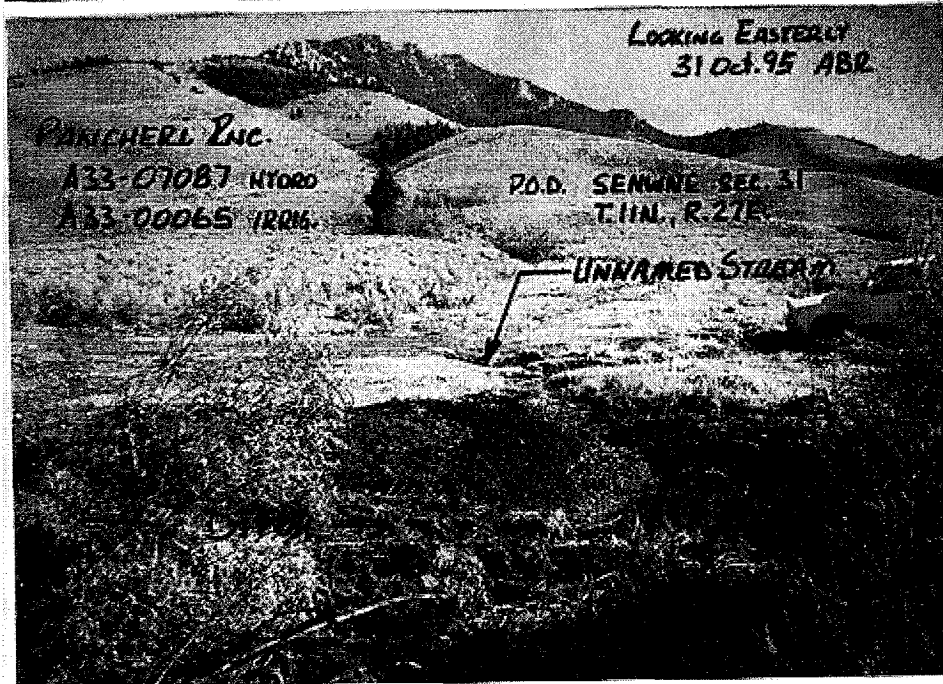


Photo 4. UNNAMED STREAM LOCATED
BETWEEN MAHOGANY CREEK AND
MAGPIE SPRINGS (UNNAMED STREAM
IN Photo 5). CLAIM AMENDED TO
INCLUDE THIS STREAM AND DELETE
THE ONE SHOWN AT SENESE SEC.31
T.11N., R.27E.

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

MAGPIE SPRINGS AREA



A33-07087
A33-00065

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

PAGE 2.

Photos BY: A. RUBENY 2 Oct. 1995

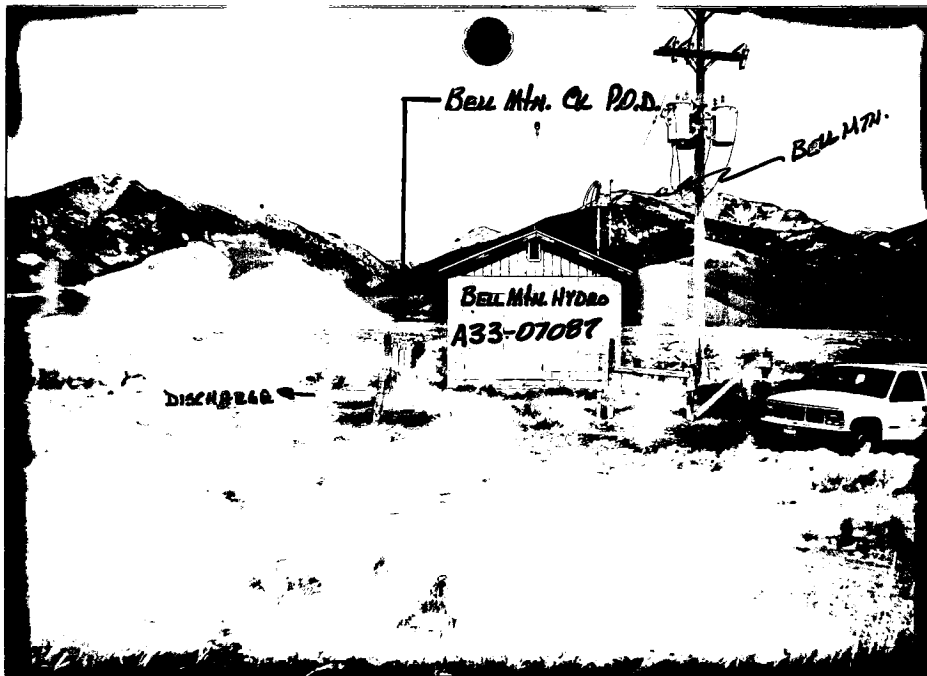


Photo 9a. BELL MTN HYDROPLANT

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



Photo 9b. View of Bell Mtn. Hydroplant Looking Southeasterly.

NOTE DISCHARGE.



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

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

A33-00065
A 33-07087

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

PAGE 4.

PHOTOS BY: A. RUBERRY 20 OCT. 1995

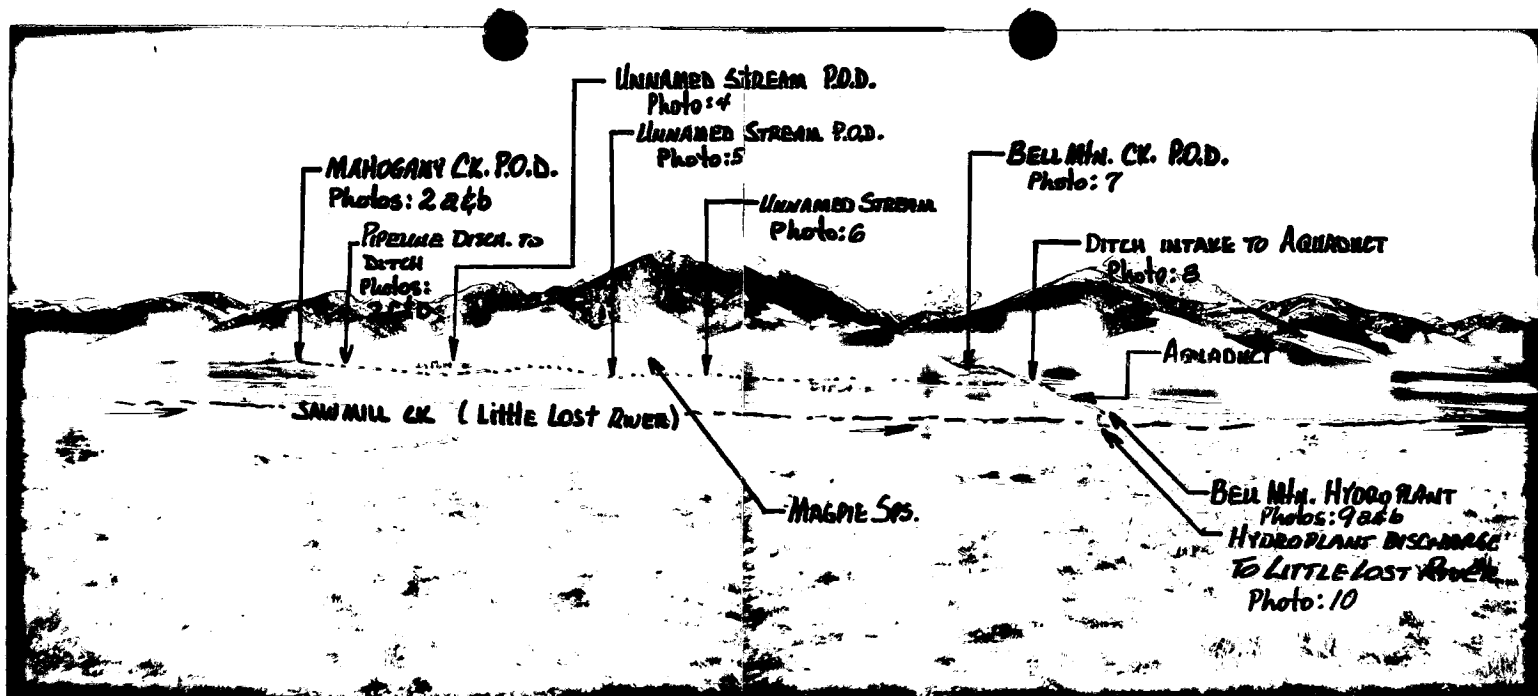


Photo 1. ABOVE - OVERVIEW OF BELL Mtn. HYDRO SYSTEM.

Photo 2a. LEFT - LOOKING UPSTREAM AT THE MAHOGANY CK DIVERSION.

P.O.D. NESE NW SEC. 30 T.11N. R.27E.



LOOKING UP AT MAHOGANY CK WEIR

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

A33-00065
A33-07087

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

PAGE 1.

PHOTOS BY: A. RUBY OCT. 2, 1995

Looking SW from MANDAGANY CR.

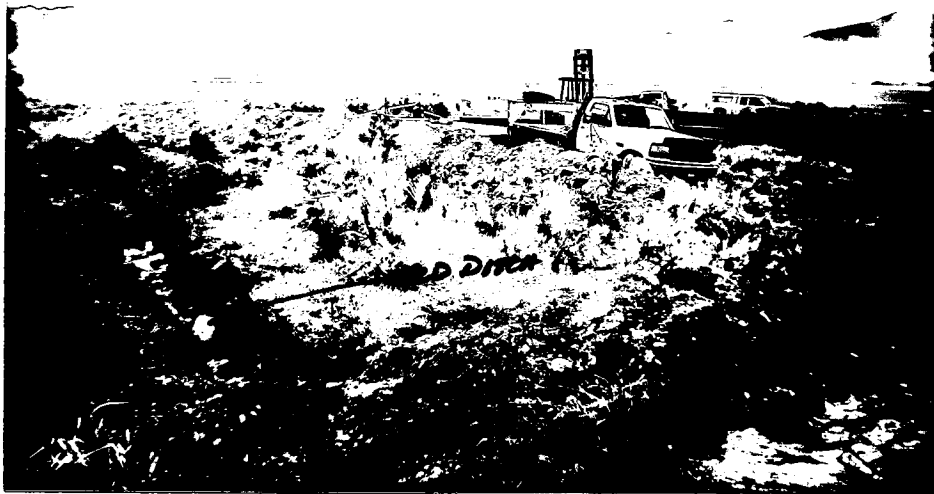
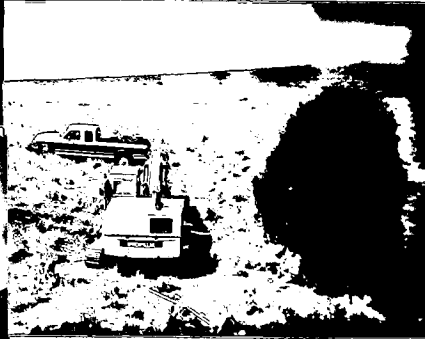


Photo 3. INSTALLATION OF PIPELINE
AT MANDAGANY CR TO GET PAST
A STEEP ROCK SECTION OF DITCH.
POINT OF DIVERSION TO HYDROPLANT
DITCH. NESENE SEC.30 T.11N., R.27E.

DITCH CLEANING NEAR MAGPIE SPRINGS.



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



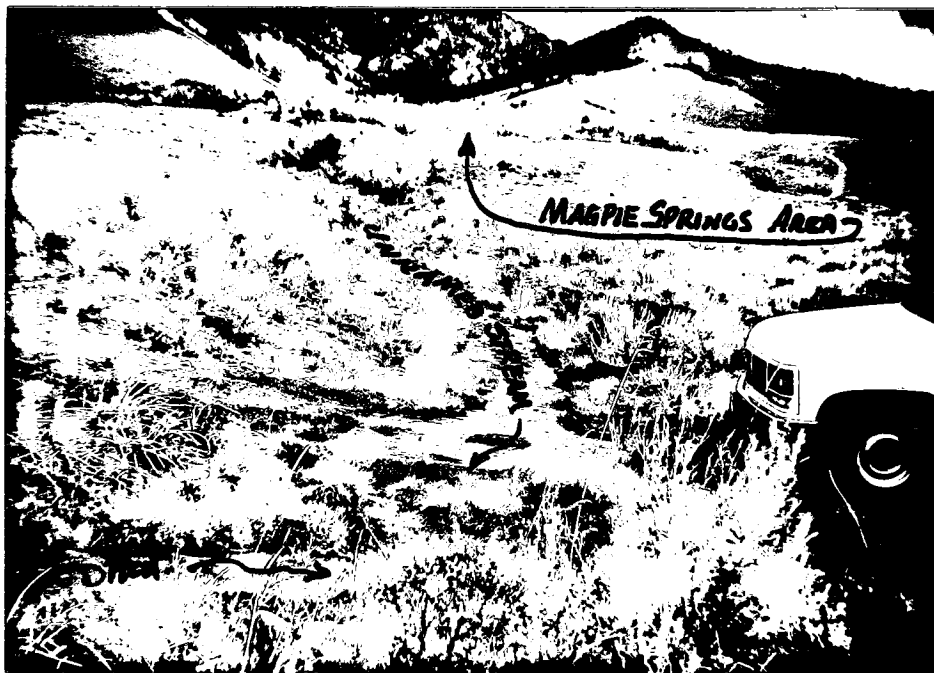
LOOKING EASTERLY
31 OCT. 95 ABR

PANCHERI INC.
A33-07087 HYDRO
A33-00065 IRRIG.

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

UNNAMED STREAM

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



MAGPIE SPRINGS AREA

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

A33-07087
A33-00065

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

PAGE 2.

PHOTOS BY: A. RUBERRY 2 OCT. 1995

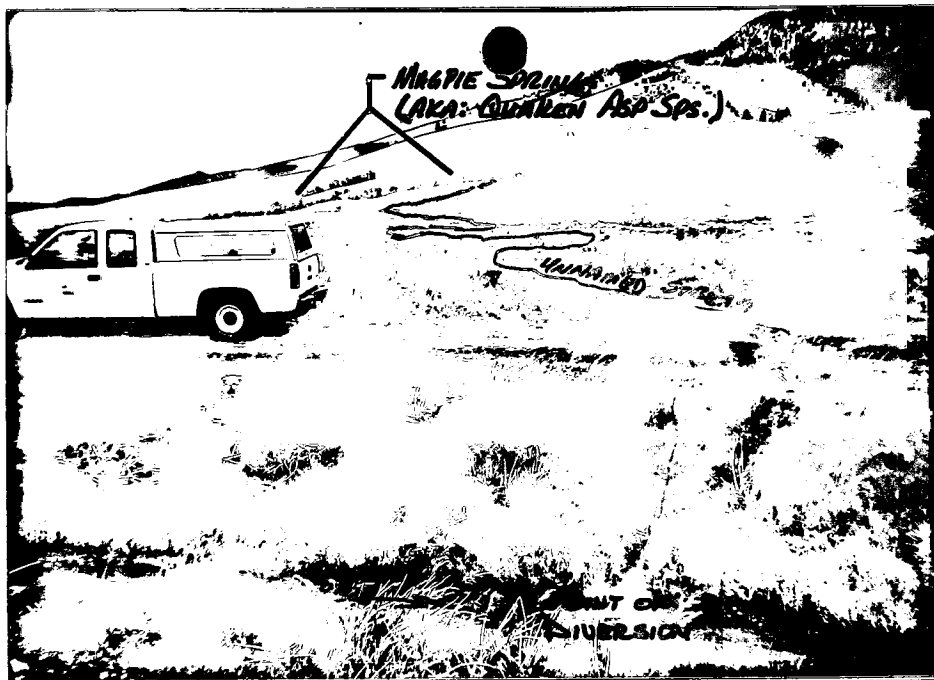


Photo 6. POINT OF DIVERSION OF
THIRD UNNAMED STREAM (SECOND
FROM MAGPIE SPRINGS).
NENWNW SEC. 5 T. 10N, R. 27E.

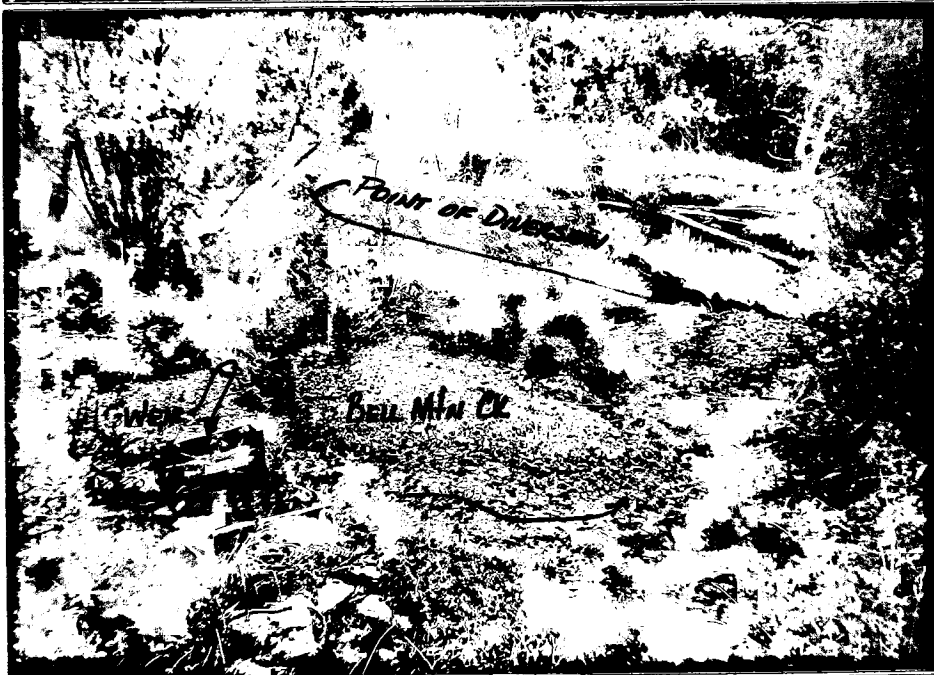


Photo 7. POINT OF DIVERSION OF
BELL Mtn. CK TO HYDROPLANT
AQUADUCT.
SESENE SEC. 5 T. 10N, R. 27E.

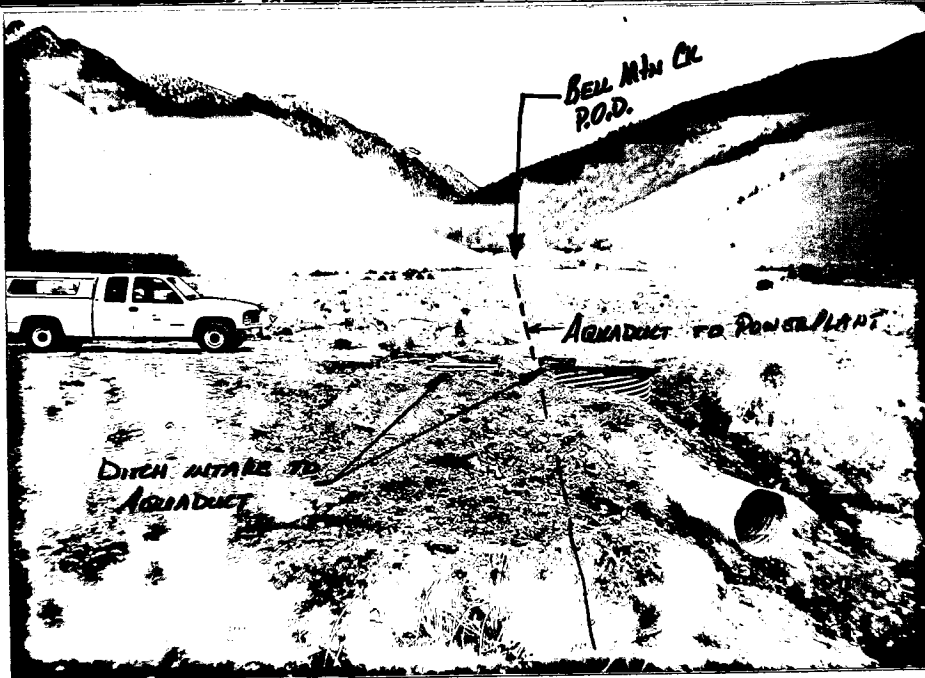


Photo 8. DITCH INTAKE TO AQUADUCT.
BELL Mtn. CK IN BACKGROUND.
NESESW SEC. 5 T. 10N, R. 27E.

A33-00065
A33-07087

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

PHOTOS BY: A. RUBERRY 2 Oct. 1995

MEMORANDUM

8 AUGUST 1995

TO: THE FILES OF PANCHERI, INC.

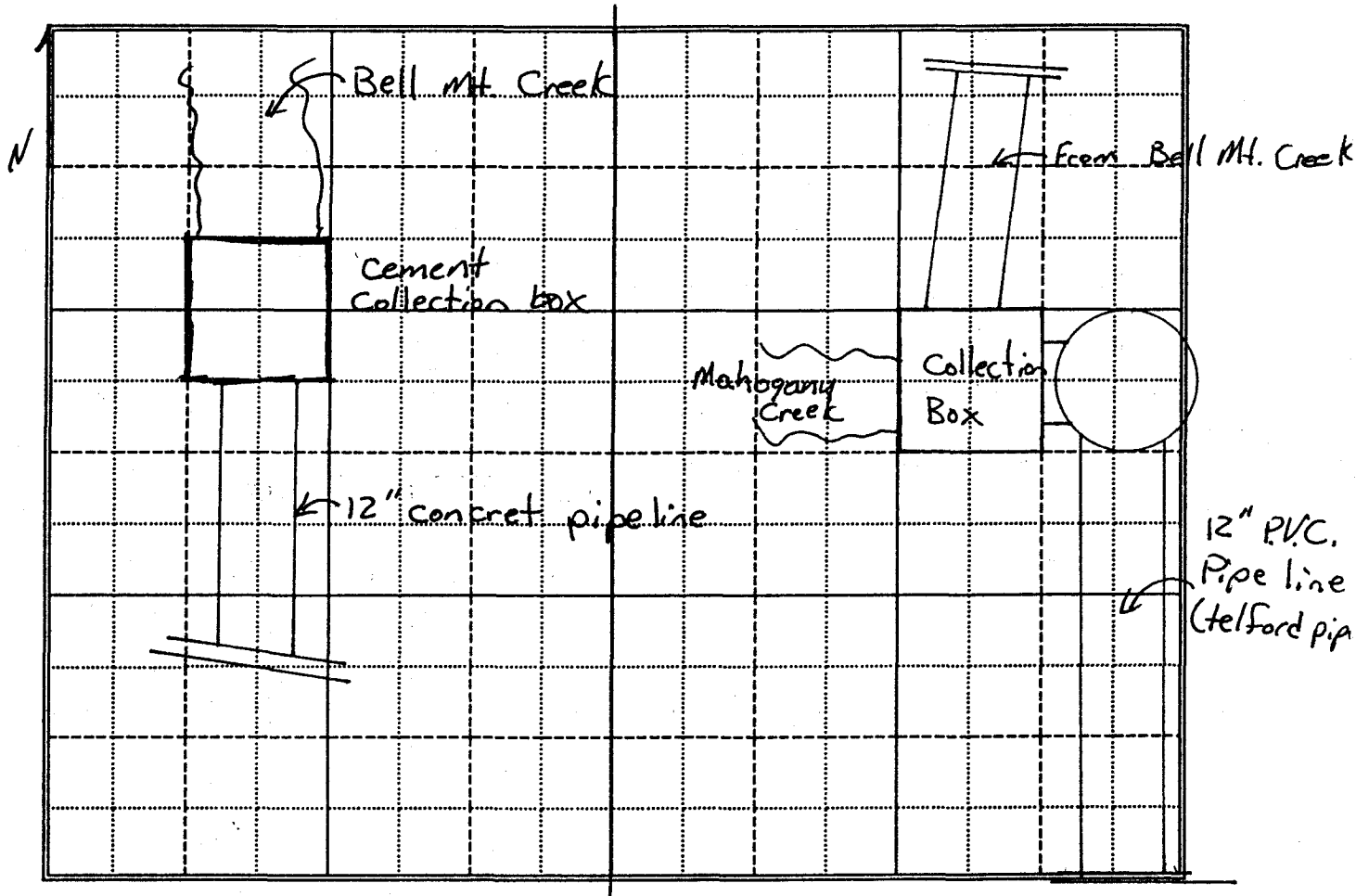
FROM: A. RUBERRY

SUBJECT: REVIEW OF PANCHERI, INC. SRBA WATER RIGHT CLAIMS

TODAY I CONTACTED KENT FOSTER, ATTORNEY FOR PANCHERI, INC., TO INQUIRE AS TO HOW HE WOULD LIKE TO ARRANGE FOR DEPARTMENTAL REVIEW OF THE PANCHERI, INC. SRBA CLAIMS. HE RESPONDED BY SAYING THAT HE DID NOT WANT TO GO TO THE FIELD IF IT COULD BE AVOIDED. I SUGGESTED THAT HE CONTACT JERRY PANCHERI TO SEE IF RORI PANCHERI WOULD ACCOMPANY DURING THE REVIEWS SINCE JERRY HAD, AT ONE-TIME, REFERRED TO RORI AS HIS "WATER RIGHTS EXPERT". KENT SAID HE WOULD CONTACT PANCHERI'S AND MAKE SOME KIND OF ARRANGEMENT FOR THURSDAY 10 AUGUST 1995, AND CALL ME TO LET ME KNOW OF THE SCHEDULE. I HAD TOLD KENT THAT WE COULD BE AT JERRY'S HOME BETWEEN 8:00-8:30 a.m. ON THE 10TH.

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4. N.A.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: see attached Manning equations

"Springs + Mahogany creek dump into French ditch then into a pipeline.

E. NARRATIVE/REMARKS/COMMENTS

Bell Mountain Creek is diverted into 12" concrete pipeline to collection box where Mahogany creek is diverted into same collection box to 12" P.V.C. Pipeline known as the telford pipeline to power plant discharged to sawmill creek.

(Capacity of telford pipeline was measured to be 11.3 cfs)

Measuring device condition should be waived in favor of system capacity.

* Mannings Equation for Round Pipe is;

$$Q = \frac{0.463}{n} D^{2.667} S^{0.50}$$

n = Roughness coefficient

D = Diameter of pipe in ft.

S = Slope

$$Q = \frac{0.463}{0.009} 0.98^{2.667} \sqrt{0.0433}$$

$$Q = 51.44 \times 0.947 \times 0.208$$

$$Q = 10.1 \text{ cfs}$$

This assumes Free flow but there is a power plant on the bottom of the pipeline which slows the velocity.

Hub

Have conditions of permit approval been met? ☐ yes ☐ no

F. FLOW CALCULATIONSX Additional Computation Sheets Attached

Measured Method:

Bell Mt. Creek Max. Flow is 17.96 cfs
Mahogany Creek Max. Flow is 3.89 cfs
telford pipeline max flow is 11.3 cfs

G. VOLUME CALCULATIONS

N.A.

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Power	1-1	12-31	7.00 cfs	
Totals:			7.00	

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Gary Bass Date _____Reviewer A. C. Jones Date 5-3-94

SEAL

33-07087

Capacity of pipe line

MANNING EQUATION CHANNEL CAPACITY RESULTS

08-13-1992

File Number: 33-7087

Claimant: panchari inc.

Channel measured: telford pipeline

Date of measurement: 8-12-92

Measurement location:

Measurement taken from collection box down stream 400'.

Calculation prepared by: Dexter

Comments about the measurement:

The results of the calculation are: 0.89
The channel cross section is ~~3.24~~ ft-sq.
The wetted perimeter is ~~8.24~~ ft.
The hydraulic radius is ~~0.22~~ ft.
The slope is 0.0433
The roughness coefficient is 0.0090 P.V.C.
The flow velocity is 12.699 ft/sec.
The rate of flow is 11.3 cfs.

See corrected value in "remarks" - HWJ
5-2-94

#33-07087

MANNING EQUATION CHANNEL CAPACITY RESULTS 08-13-1992

File Number: 33-7087
Claimant: pancheri inc.
Channel measured: Bell Mt. Creek
Date of measurement: 8-12-92
Measurement location:

Bell Mt. Creek was measured from the collection box Northeast 100' upstream.
Calculation prepared by: Gary Buss
Comments about the measurement:
The heavy brush and trees prevented me from measuring a greater distance.

The results of the calculation are:

The length of the channel measured is 100 feet.
The upstream and downstream rod readings are 1.28 and 5.36 feet.
The channel cross section is 4.33 ft-sq.
The wetted perimeter is 7.58 feet.
The hydraulic radius is 0.57 feet.
The slope is 0.0408
The roughness coefficient is 0.0500
The flow velocity is 4.145 ft/sec.
The rate of flow is 17.96 cfs.

CROSS SECTION NUMBER 1

For File Number 33-7087 for the Bell Mt. Creek

Number	Rod Reading	Water Depth	Distance
1	4.20	0.00	4.00
2	4.54	0.34	4.92
3	4.96	0.76	6.00
4	4.98	0.78	7.25
5	4.98	0.78	8.58
6	4.82	0.62	10.58
7	4.20	0.00	11.17

The area for this cross section is 4.33 square feet
and the wetted perimeter is 7.58 feet.

#33-07087

MANNING EQUATION CHANNEL CAPACITY RESULTS 08-13-1992

File Number: 33-7087
Claimant: pancheri inc.
Channel measured: Mahogany Creek
Date of measurement: 8-12-92
Measurement location:

Measurements have been taken on Mahogany Creek from the collection box
extending Northwest 400' upstream.

Calculation prepared by: Gary Buss
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 400 feet.
The upstream and downstream rod readings are 7.32 and 8.58 feet.
The channel cross section is 3.22 ft-sq.
The wetted perimeter is 5.23 feet.
The hydraulic radius is 0.61 feet.
The slope is 0.0031
The roughness coefficient is 0.0500
The flow velocity is 1.209 ft/sec.
The rate of flow is 3.89 cfs.

CROSS SECTION NUMBER 1

For File Number 33-7087 for the Mahogany Creek

Number	Rod Reading	Water Depth	Distance
1	7.48	0.00	4.83
2	8.44	0.96	6.00
3	8.46	0.98	6.75
4	8.38	0.90	7.67
5	8.18	0.70	8.67
6	7.48	0.00	9.42

The area for this cross section is 3.22 square feet
and the wetted perimeter is 5.23 feet.

MODE SELECT
INPUT

MODE SELECT
DATA SET

DATA SET MODE
? PRINTER

PRINTER USE
? YES

MODE SELECT
INPUT

OUTER DIAMETER
8.0370 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.1480 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1440 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.682 IN U

MODE SELECT
TO CHECK

0297.2 MMSEC
100.48 % T0

ZERO MODE
AUT ZERO

00-00 00:0000 *R
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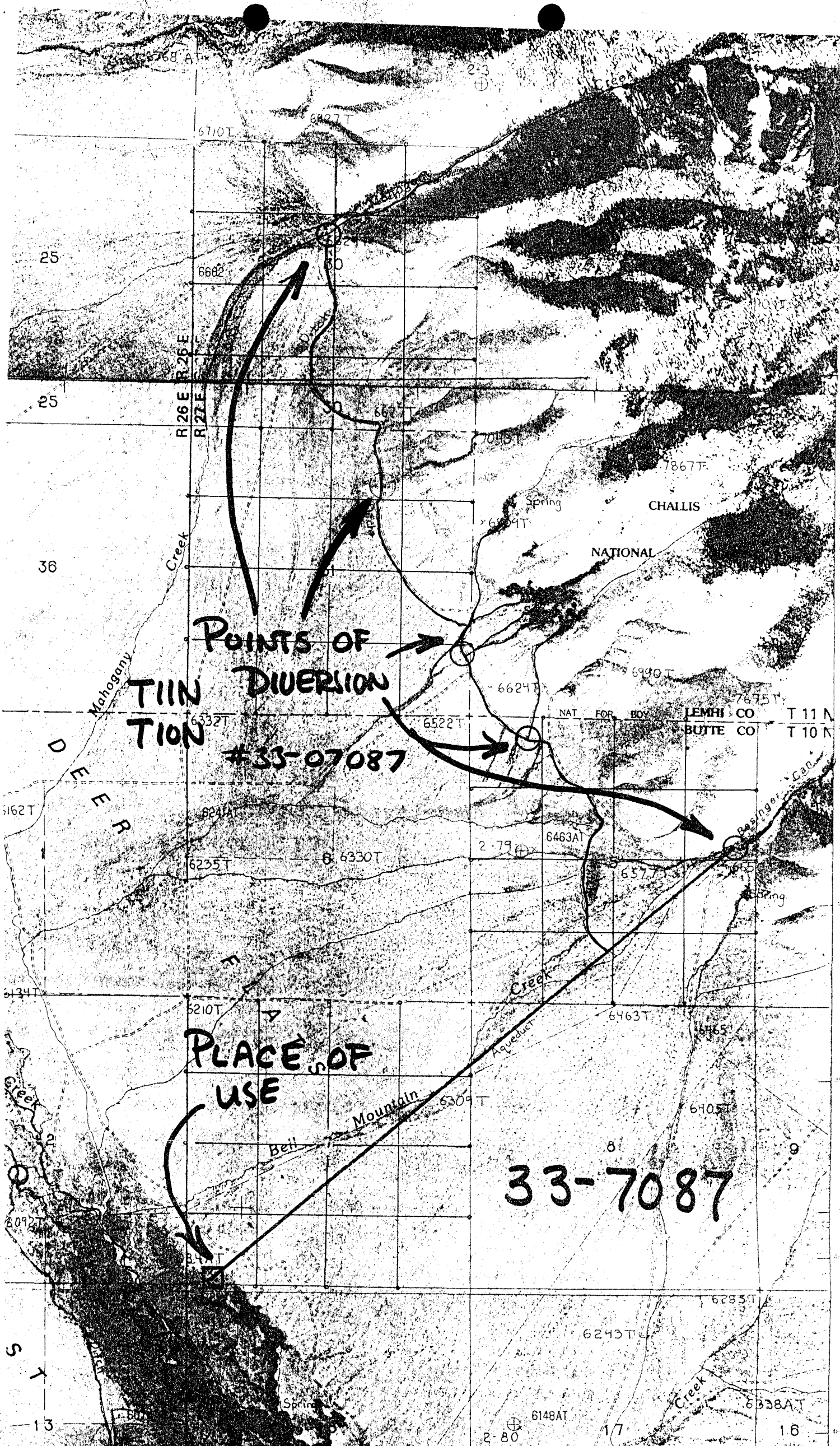
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00-00 00:0000 *R
+694.772E 06PM

00-00 00:0000 *R
+692.795E 06PM

33-7087
at power plant

33-7087



POINTS OF
DIVERSION
#33-07087

PLACE OF
USE

33-7087

WR0743NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

10/10/95 08:59:57
Page 1

Water Right Number - 33-07087

Prefix Translation: WATER RIGHT

Old (D) Number -

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

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

- 1 -
2 -
3 -
City- HOME
Phone -

State- ID Zip- 83244

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/08/1981 15 EASTERN P - PERMIT

+ - - - - Source - - - - + + - - - - - Tributary - - - - -
BELL MOUNTAIN CREEK SAW MILL CREEK
MAHOGANY CREEK - *See 30 T.14N. R. 27E.* SAW MILL CREEK
MAGPIE SPRINGS SAW MILL CREEK
SPRINGS SAW MILL CREEK

+ - - - - Point of Diversion - - - - - Diversion Name - - - - - Diversion Rate - - - - - Diversion No. - - - - -

Twn Rng Sec Tract Lot Rflg County (23) BUTTE
10N 27E 4 SW NW (23) BUTTE
5 SE SW

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - -
28 - POWER 01/01 12/31 7.000

+ - - Total Div. Rate - + - - - Total Div. Volume - + - - - Total Div. Capacity - +
7.000

+ - - - - Place of Use - - - - - Description - - - - - County - - - - -
Twn Rng Sec Tract Lot Acres Code 28 POWER (23) BUTTE
10N 27E 7 SW SW

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -
001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

004 - The issuance of this right in no way grants any right-of-way
- or easement across the land of another.

DO NOT FILM

WATER RIGHT

- Conditions of Approval

- | + | - | - | - | Decree Plaintiff | - | - | + | + | - | - | - | Decree Defendant | - | - | + | + | - | Decree Date | - | + |
|---|---|---|---|------------------|---|---|---|---|---|---|---|------------------|---|---|---|---|---|-------------|---|---|
|---|---|---|---|------------------|---|---|---|---|---|---|---|------------------|---|---|---|---|---|-------------|---|---|

+ + + + + Comments + + + + +

+ - - Audit Fields - 09/22/87 05/22/88 CONVERT 08/21/92 WILSON 05/24/94 KEISER 09/28/95 BCHAPMAN

[illegible]

Water Rights Dates and Flags Area

Proof Due Date	- 03/01/1988	Field Exam Made	- 08/12/1992	Field Exam Fee	- R
Approved/Denied	- 03/17/1983	Protested Date	- 00/00/0000	Suan Falls	- 2
Proof Made Date	- 07/15/1983	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 05/24/1994	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 33
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:07
10/04/95

33
CLAIM NUMBER: A33-07087

PAGE: 1
GENERAL INFORMATION

LAST: PANCHERI INC
ADDRESS: Z JERRY PANCHERI PRES
CITY: HOME
PHONE NUMBER: 208-767-3419

FIRST: ID ZIP: 83244
STATE:

OWNER CODE: C

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

FIRST: KENT W
ID ZIP: 83405
STATE:

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

DATABASE
Y
FIELD
EXAMINER
Y() N()

APPLICANT HAS FILED FOR EASEMENT TO CROSS RLM WITH PIPELINE.
CONFORMED ATTORNEY MAILING ADDRESS DHS

Pipelines construction in Oct 95 at
Mandant's ck.

CONTACT PERSON: Mr. R. R. R.

DATE OF FIELD EXAM: 1/1/

ACCOMPANIED BY: Mr. J. J. J.

RELATIONSHIP TO CLAIMANT: Owner

DIRECTIONS TO PROPERTY / NOTES:

PHONE NUMBER: () - - -

TIME: : A () P ()

PHONE NUMBER: () - - -

APPOINTMENT MADE: Y () N ()

Field Exam 20495 with Photos

A. CLAIM: # A33-07087 PRIORITY DATE: 01-08-1981 STAGE: P

B. WR RECORD: # 33-07087 PRIORITY DATE: 01-08-1981 STAGE: P

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

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

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

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

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

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES: LICENSING FIELD EXAM WAS CONDUCTED 8-12-92, BY GARY BUSH. PERMIT/LICENSE EXAM IS NOW IN
Being Awaiting Licensee But Questions Regarding Sources, Tributary Names, Locations Have
CAUSED USED FOR AMENDMENTS.
PRIORITY DATE CLAIMED MATCHES WR RECORD.

RECOMMENDED PRIORITY DATE:

01 - 08 - 1981 As claimed

REVIEWED BY ARL

DATE 24 Oct 95

A. CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A33-07087	10N	27E	4	SW	SW	NW	NW			BUTTE		
A33-07087	10N	27E	5	SE	SE	SE	SE			BUTTE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX
A33-00101
NONE

SOURCE: SAWMILL CREEK

No!

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
33-07087	10N	27E	4	SW	SW	NW	NW			BUTTE		
33-07087	10N	27E	5	SE	SE	SE	SE			BUTTE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
NONE

NONE

NONE

NONE

SOURCE: BELL MOUNTAIN CREEK

MAHOGANY CREEK

MAGPIE SPRINGS

TRIB: SAW MILL CREEK

SAW MILL CREEK

SAW MILL CREEK

SAW MILL CREEK

These fields are from the same source as the Springs - 2 channels
Saw P.O.D.'s. Below

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

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

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

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

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

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

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

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

Multiple Sources

Multiple Sources

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 8-12-92) G. Buss

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 2-24-95) NAME OF EXAMINER AB. R. Buss

Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: POINTS OF DIVERSION AS CLAIMED DO NOT REFLECT THE SYSTEM. SEE PHOTOS (4 PAGES). LICENSING FIELD EXAM LISTS FIVE POD'S. NEEDS ADDITIONAL REVIEW w/ AMENDMENTS.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()							TREASURARY TO:	
							DIVISION NO.	
TWP.	AGE.	SEC.	1/4	1/4	1/4	POD	SOURCE	DIVISION NAME
10N	27E	30	SW	SE	NW	FLAG		
LIN	27E	30	SW	SE	NW		MARGARET CREEK	SINKS
LIN	27E	31	SW	SE	NE		UNNAMED STREAM	SINKS
LIN	27E	31	SW	SE	SE		UNNAMED STREAM	SINKS
10N	27E	5	SW	SE	NW	4	UNNAMED STREAM	SINKS
10N	27E	5	SW	SE	NE		BELL MEADOW CREEK	SINKS
10N	26E	13	SW	SE	NE	I	AQUADUCT (UNNAMED WATER)	SINKS

SOURCE:

DATE: 24 Oct 95

REVIEWED BY: AB. R. Buss

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

SEE PHOTO LAYOUT AND SKETCH (COPY) ON Pg. 7.

NOT PART OF

A33-07087-

NOTES ONLY

A. CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A33-07087 POWER	FROM 01-01 TO 12-31	7.000 CFS	
TOTAL DIVERSION RATE/VOLUME		7.000 CFS	

B. NR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
33-07087 POWER	FROM 01-01 TO 12-31	7.000 CFS	
TOTAL DIVERSION RATE/VOLUME		7.000 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

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

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐) *OK*F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐) *POWER GEN.*G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

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

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

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

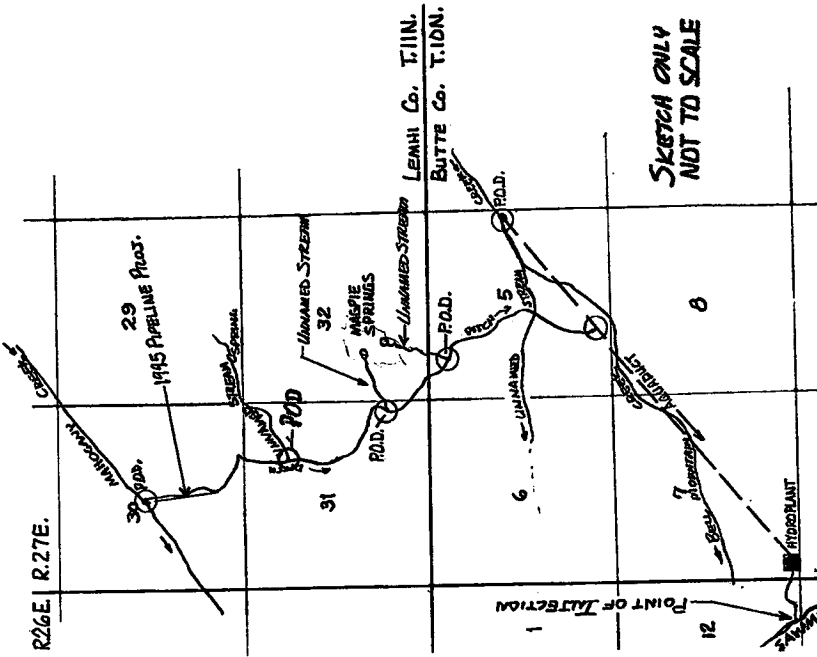
I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐) *See Exam 8/12/92**Gr. Buss*J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

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

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

See Exam Notes
For Capacity & Diversion
DATA

NOTES: This claim and location (Permit) requires several amendments for: Sources, Tributary, P.O.D. Locations and
COUNTY OF P.O.D.'s



G02- P0I - Sammie cr As DEVELOPED WATER
 P0R - Little lost Riv. for 33-00065

AJ CLAIM TOTAL DIVERSION RATE: 7.000 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 7.000 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

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

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

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

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

FLOW MEASUREMENT

MEASUREMENT METHOD

NA - ~~SEE Lic. Field Exam~~

, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

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

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

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

TOTAL DIVERSION VOLUME AE/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AE/A

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

TOTAL CONSUMPTIVE USE AE/A

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

1b. CALCULATIONS

NOTES:
SUB Lic. Field Exam

NOTES:

*Aqueduct (Toward Pines) was measured at 11.3 cfs.
Permitted for 7.0 cfs., claimed as 7.0 cfs., recommended as 7.0 cfs. For Power Generation.*

WR RECORD CONDITIONS/REMARKS:

- ~~001~~ - A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
- ~~004~~ - The issuance of this right in no way grants any right-of-way or easement across the land of another.
- ~~005~~ - Use of water under this right is subject to control by the watermaster of State Water District No. 33.
- ~~008A~~ - This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this

- 178 - Right - Use of water under this right is subordinated to future
- diversion of water either upstream or downstream for irrigation
- or other consumptive beneficial uses. Public Utilities Commission
- This right does not constitute Idaho Public Utilities Commission
- or Federal Energy Regulatory Commission approval that may be
- required.
179 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AE/A	REC. CONS. USE
POWER <i>OK</i>	01-01 <i>OK</i> 12-31	DATABASE 7.000 <i>OK</i>	DATABASE EXAMINER	DATABASE EXAMINER 0.0
TOTAL FOR THIS RIGHT		<i>7.000 OK</i>		0.0

NON-IRRIGATION USES CLAIMED: WATER USED FOR ELECTRIC POWER GENERATION

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

REVIEWED BY: *[Signature]* DATE: *24 Oct 95*

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()

NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-07087

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
7.000

EXAMINER
200

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-
-

-
-

-
-

-
-

-
-

33-07087
A33-07087

7.000
7.000

Added up for 7.000
Amounts,

TOTAL CFS

7.000

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

This Right is not split - Champo N-Em As Permitted

AUTHENTICATION:

SIGNATURE:

Handwritten Signature

DATE: 24 Oct 95

NAME OF FIELD EXAMINER:

Handwritten Name

TITLE:

Handwritten Title

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☒ ORTHOPHOTOQUAD	DATE OF PHOTO	1975 Mont	IDWR ID NO.	44-0241-32	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED		IDWR ID NO.		Y() N()
☐ NAPP	DATE OF PHOTO		IDWR ID NO.		Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO				Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO				Y() N()
☐ BLM OR USES AERIAL PHOTO	DATE OF PHOTO				Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY				Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED				Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP				Y() N()
☐ OTHER	DATE				Y() N()
☐ OTHER	DATE				Y() N()
☐ OTHER	DATE				Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION PAGES

NOTES

☒ LICENSING FIELD EXAM	DATE OF FIELD EXAM	8-12-92	NO. OF PAGES	11	Gr. Buss
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED				
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED				
☒ SYSTEM DESCRIPTION	DATE DRAWN	SAR 8-7			
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN	2 Oct 95		4	
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED				
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED				
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED				
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED	SAR 8-7			
☐ OTHER	DATE				
☐ OTHER	DATE				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:07
10/04/95

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A33-07087

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WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		2004/07/15 ASB	N				
POINT OF DIV				Y				
SOURCE	Y			Y				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:57:04
10/04/95
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PROFILE REPORT

CLAIM NUMBER: A33-07087

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PANCHERI INC	01/08/1981	POWER	01-01 12-31	7.00 CFS	OK

Water Source: ~~SHAWHILL CREEK~~ **Nutter Sources → DEVELOPED WATER** tributary to: ~~SHAWHILL CREEK~~ **SANMAY CK** **SENT FOR LIC. NEOS AMMONS.**

Point(s) of Diversion: TION K27E ~~S4E~~ **SEE LIST BELOW** **LEMMING COUNTY BUTTE COUNTY**

Place of use Legal Description for: POWER

	NE	NENE	NUNE	SENE	SE	SW
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
10N 27E 7						

PCU County: BUTTE

Non-Irrigation Uses: WATER USED FOR ELECTRIC POWER GENERATION

Other Rights: ~~APPLICANT OWNS IRRIGATION RIGHTS THROUGH SAME PIPELINE~~

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
- 004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.
- 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 33.
- 006 - This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
- 007 - Use of water under this right is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.
- 008 - This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- 009 - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Remarks:

APPLICANT HAS FILED FOR EASEMENT TO CROSS ELM WITH PIPELINE. OK
CONFERMED ATTORNEY MAILING ADDRESS DMS

P.O.D.

10N 27E 30	NESENU	LEMMING	MANHATTAN CK
10N 27E 31	SESENU	LEMMING	UNNAMED STREAM
10N 27E 31	NESESE	LEMMING	UNNAMED STREAM
10N 27E 5	NESENU	BUTTE	UNNAMED STREAM
10N 27E 5	SESENU	BUTTE	SELMAN CK
10N 26E 12	SWSESE (I)	BUTTE	AGUASANT 12 DEVELOPED WATER

PERMIT REQ'D AMMONS FOR LICENSING
RE: WATER KUSH

02:57:04
10/04/95
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A33-07087

PAGE: 16
PROFILE REPORT CONTINUED

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



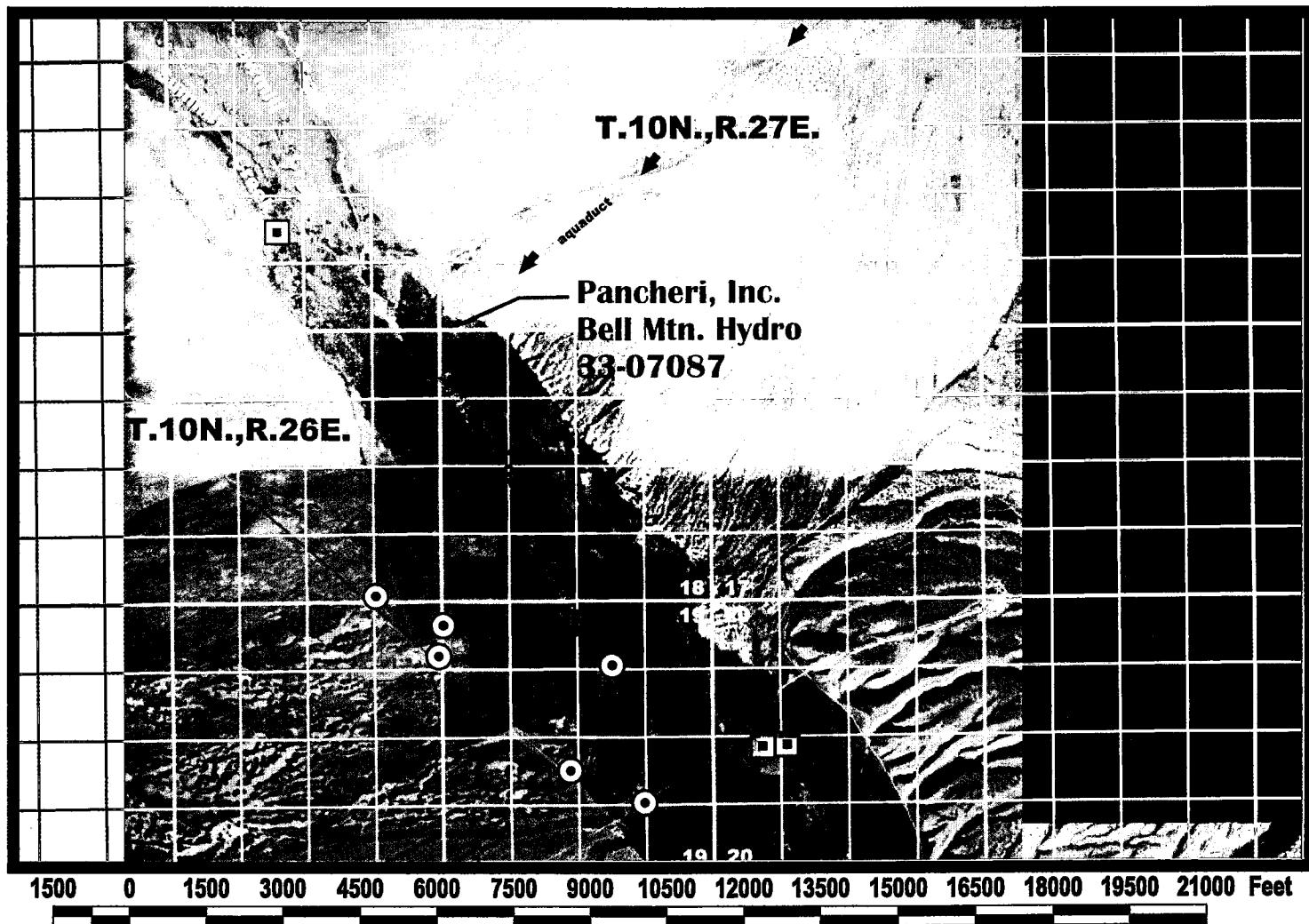
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Pancheri, Inc.

Water Right(s): 33-07087 (~~permit~~) LICENSE



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line

Quarter-section line

Place(s) of Use: T.10N., R.27E.

Sec. 7 SWSWSW

Power Generation

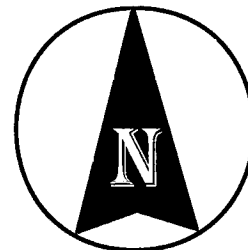
Point(s) of Diversion: T.10N., R.27E.

Sec. 5 SESENE, NENWNW,

T.11N., R.27E.

Sec. 30 NESENW,

Sec. 31 NESESE, SENWNE



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

11/05/2002

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

RIGHT NUMBER: 33-7087
NAME AND ADDRESS: PANCHERI INC
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

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

QUANTITY: 7.000 CFS
5,070.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.00 CFS. COMBINED RIGHT NOS.: 33-65 AND 33-7087.

PRIORITY DATE: 01/08/1981

THE RIGHTS FOR THE USE OF WATER UNDER THIS RIGHT SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR THE USE OF WATER OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO THAT ARE INITIATED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT AND SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIM AGAINST ANY FUTURE RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT.

POINT OF DIVERSION:

T10N R27E S5 SESENE Within BUTTE County
T10N R27E S5 NENWNW Lot 4 Within BUTTE County
T11N R27E S30 NESENW Within BUTTE County
T11N R27E S31 SENWNE Within BUTTE County
T11N R27E S31 ~~SENESE~~ NESESE Within BUTTE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	7.000 CFS 5,070.00 AFY

PLACE OF USE:

POWER Within BUTTE County
T10N R27E ~~S7~~ Lot 4 ~~SWSW~~ S18 Lot 1 NWNW

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: License

11/05/2002

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

THIS RIGHT DOES NOT GRANT ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER.

THIS RIGHT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES COMMISSION OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL THAT MAY BE REQUIRED.

USE OF WATER UNDER THIS RIGHT SHALL BE NON-CONSUMPTIVE.

RIGHT NO. 33-00065 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.

A MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 33, LITTLE LOST RIVER.

THE DIVERSION AND USE OF WATER FOR HYDROPOWER PURPOSES UNDER THIS RIGHT IS SUBJECT TO REVIEW BY THE DIRECTOR ON OR AFTER MARCH 1, 2013. UPON APPROPRIATE FINDINGS RELATIVE TO THE INTEREST OF THE PUBLIC, THE DIRECTOR MAY CANCEL ALL OR ANY PART OF THE USE AUTHORIZED HEREIN AND MAY REVISE, DELETE OR ADD CONDITIONS UNDER WHICH THE RIGHT MAY BE EXERCISED.

11/15/2000

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

RIGHT NUMBER: 33-7087

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

SOURCE: BELL MOUNTAIN CREEK
MAHOGANY CREEK
UNNAMED STREAM

TRIBUTARY: SINKS
SINKS
SINKS

QUANTITY: 7 CFS
5070 AFY

USE OF THIS RIGHT WITH RIGHT NO. 33-00065 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.0 CFS

PRIORITY DATE: 01/08/1981

POINT OF DIVERSION:	T10N R27E S5	SESENE	Within BUTTE County
	T10N R27E S5 LOT 4	NENWNW	Within BUTTE County
	T11N R27E S30	NESENW	Within BUTTE County
	T11N R27E S31	SENWNE	Within BUTTE County
	T11N R27E S31	SENESE	Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1-01 12-31	7.00 CFS
		5,070.0 AFY

PLACE OF USE:

POWER Within BUTTE County
T10N R27E S7 LOT 4 SWSW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM -

RIGHT NO. 33-00065 IS ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE

DATE: 01/12/00
PAGE: 1

1

Stage: LICENSE

BUTTE County
BUTTE County
BUTTE County

T10N R27E S05
T11N R27E S30
S31

Point(s) of Diversion:

Place of use Legal Description for: POWER

[illegible]

POW County: BUTTE

Conditions of Approval:

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

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 33-00065 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.0 CFS.

EXP RIGHT NO. 33-00065 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.

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

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

AJ0749NP
No. R33-07087

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

DATE: 01/12/00
PAGE: 2

Comments: Date: 10/25/1999 User-ID: ARUBERRY Subject: DEVELOPED WATER, 33-00065.
THIS DEVELOPED WATER (TX#851, 1955) IS INJECTED INTO SAWMILL
CREEK AND REDIRECTED IN THE LOWER VALLEY, OUT OF SEQUENCE AND
AHEAD OF OTHER PRIORITIES AS RIGHT 33-00065.

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.

Audit: 01/12/00 ARUBERRY

AJ0749NP
No. R33-07087

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

DATE: 11/24/99
PAGE: 2

Comments: Date: 10/25/1999 User-ID: ARUBERRY Subject: DEVELOPED WATER, 33-00065.
THIS DEVELOPED WATER (TX#851, 1955) IS INJECTED INTO SAWMILL
CREEK AND REDIVERTED IN THE LOWER VALLEY, OUT OF SEQUENCE AND
AHEAD OF OTHER PRIORITIES AS RIGHT 33-00065.

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.

Audit: 00/00/0

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: A33-07087
Date Received: 1/15/1990
Receipt No: E011683
Received By: _____

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 08, 1981

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	27E	4	SW	NW			BUTTE
		5	SE	NW			BUTTE

5. Description of diverting works:
TELFORD PIPELINE TO POWER PLANT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	7.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
WATER USED FOR ELECTRIC POWER GENERATION
GENERATING CAPACITY 160.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	27E	7	SW	SW		POWER	

A33-07087

Page 1

Date: 02/15/90

MICROFILMED

NOV 18 1992

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

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:

APPLICANT OWNS IRRIGATION RIGHTS THROUGH SAME PIPELINE

14. Remarks:

APPLICANT HAS FILED FOR EASEMENT TO CROSS BLM WITH PIPELINE.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 039576
Ident. Number A33-7087
Date Received 1/11/90
Receipt Number EO11683

A3307087

RECEIVED

JAN 11 1990

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWOriginal
Sent to
court.
4-20-00Department of Water Resources
Eastern District Office1. Name of Claimant(s) Pancheri, Inc. Phone (208) 767-3419
% Jerry Pancheri, PresidentMailing Address Howe, Idaho Zip 832442. Date of Priority (Only (1) per claim) January 8, 19813. Source of water supply (a) Sawmill Creekwhich is tributary to (b) Little Lost River

4.a. Location of existing

point of diversion is: Township 10N. Range 27E. Section 4 ,
1/4 of SW 1/4 of NW , Govt. Lot, B.M., County of ButteAdditional points of diversion if any: T.10N, R.27E, S.5, SE1/4 NW1/4

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

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

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NOV 18 1992

6. Water is claimed for the following purposes:

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

For Power purposes from 01/01 to 12/31 amount 7.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is none acre feet per annum.

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

10. Description of place of use:

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

TWP:RNG:SEC:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:	TL
:	:	:	NE 'NW 'SW 'SE	:	NE 'NW 'SW 'SE	:	NE 'NW 'SW 'SE	:	:
10N:27E: 7:	:	:	:	:	:	:	P	:	:
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:

Total number of acres irrigated N/A

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 X No _____
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.
Applicant diverts water for irrigation purposes through the same pipeline under various irrigation water rights. or None ()

14. Remarks:

Nameplate rating on generator is 160 kw.

MICROFILMED

Last Name Pancheri, Inc. Ident. Number 33-7087 NOV 18 1992

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

If applicable provide IDWR Water Right Number 33-7087
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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

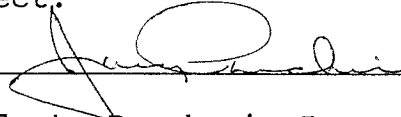
Signature of Claimant(s) _____ Date _____
_____ Date _____

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

foregoing document in the space below as President
Title

of said corporation and that the statements contained in the
Organization

foregoing document are true and correct.

Signature of Authorized Agent 

Title and Organization President, Pancheri, Inc. Date 1/8/90

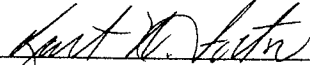
State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8TH day of January, 1990.

Notary Public 
Residing at Idaho Falls, Idaho
My Commission Expires 11/10/92

17. Notice of Appearance:

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

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

Last Name Pancheri, Inc. Ident. Number 33-7087 NOV 18 1992

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